

SENATE BILL No. 538

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning elections; relating to municipal elections; establishing
2 a commencement date for candidate nomination filings for such elected
3 offices; amending K.S.A. 25-205 and 25-21a01 and repealing the
4 existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 25-205 is hereby amended to read as follows: 25-
8 205. (a) Except as otherwise provided in this section, the names of
9 candidates for national, state, county and township offices shall be printed
10 upon the official primary ballot when each shall have qualified to become
11 a candidate by one of the following methods and none other: (1) They
12 shall have had filed in their behalf, not later than 12 noon, June 1, prior to
13 such primary election, or if such date falls on Saturday, Sunday or a
14 holiday, then before 12 noon of the next following day that is not a
15 Saturday, Sunday or a holiday, nomination petitions, as provided for in this
16 act; or (2) they shall have filed not later than the time for filing nomination
17 petitions, as above provided, with the proper officer a declaration of
18 intention to become a candidate, accompanied by the fee required by law.
19 Such declaration shall be prescribed by the secretary of state.

20 (b) Nomination petitions shall be in substantially the following form:
21 I, the undersigned, an elector of the county of _____, and
22 state of Kansas, and a duly registered voter, and a member of
23 _____ party, hereby nominate _____, who resides in
24 the township of _____ (or at number _____ on
25 _____ street, city of _____), in the county of
26 _____ and state of Kansas, as a candidate for the office of (here
27 specify the office) _____, to be voted for at the primary
28 election to be held on the first Tuesday in August in _____, as
29 representing the principles of such party; and I further declare that I intend
30 to support the candidate herein named and that I have not signed and will
31 not sign any nomination petition for any other person, for such office at
32 such primary election.

33 (HEADING)

34 Name of	Street Number	Name of	Date of
35 Signers.	or Rural Route	City.	Signing.
36		(as registered).	

1 All nomination petitions shall have substantially the foregoing form,
2 written or printed at the top thereof. No signature shall be counted unless it
3 is upon a sheet having such written or printed form at the top thereof.

4 (c) Each signer of a nomination petition shall sign but one such
5 petition for the same office, and shall declare that such person intends to
6 support the candidate therein named, and shall add to such person's
7 signature and residence, if in a city, by street and number (if any); or,
8 otherwise by post-office address. No signature shall be counted unless the
9 place of residence of the signer is clearly indicated and the date of signing
10 given as herein required and if ditto marks are used to indicate address
11 they shall be continuous and clearly made. Such sheets shall not be cut or
12 pasted together.

13 (d) All signers of each separate nomination petition shall reside in the
14 same county and election district of the office sought. The affidavit
15 described in this paragraph of a petition circulator as defined in K.S.A. 25-
16 3608, and amendments thereto, or of the candidate shall be appended to
17 each petition and shall contain, at the end of each set of documents carried
18 by each circulator, a verification, signed by the circulator or the candidate,
19 to the effect that such circulator or the candidate personally witnessed the
20 signing of the petition by each person whose name appears thereon.

21 (e) Except as otherwise provided in subsection (g), nomination
22 petitions shall be signed:

23 (1) If for a state officer elected on a statewide basis or for the office
24 of United States senator, by voters equal in number to not less than 1% of
25 the total of the current voter registration of the party designated in the state
26 as compiled by the office of the secretary of state;

27 (2) if for a state or national officer elected on less than a statewide
28 basis, by voters equal in number to not less than 2% of the total of the
29 current voter registration of the party designated in such district as
30 compiled by the office of the secretary of state, except that for the office of
31 district magistrate judge, by not less than 2% of the total of the current
32 voter registration of the party designated in the county in which such office
33 is to be filled as certified to the secretary of state in accordance with
34 K.S.A. 25-3302, and amendments thereto;

35 (3) if for a county office, by voters equal in number to not less than
36 3% of the total of the current voter registration of the party designated in
37 such district or county as compiled by the county election officer and
38 certified to the secretary of state in accordance with K.S.A. 25-3302, and
39 amendments thereto; and

40 (4) if for a township office, by voters equal in number to not less than
41 3% of the total of the current voter registration of the party designated in
42 such township as compiled by the county election officer and certified to
43 the secretary of state in accordance with K.S.A. 25-3302, and amendments

1 thereto.

2 (f) Subject to the requirements of K.S.A. 25-202, and amendments
3 thereto, any political organization filing nomination petitions for a
4 majority of the state or county offices, as provided in this act, shall have a
5 separate primary election ballot as a political party and, upon receipt of
6 such nomination petitions, the respective officers shall prepare a separate
7 state and county ballot for such new party in their respective counties or
8 districts thereof in the same manner as is provided for existing parties.

9 (g) In any year in which districts are reapportioned for the offices of
10 representative in the United States congress, senator and representative in
11 the legislature of the state of Kansas or member of the state board of
12 education:

13 (1) If new boundary lines are defined and districts established in the
14 manner prescribed by law on or before May 10, nomination petitions for
15 nomination to such offices shall be signed by voters equal in number to not
16 less than 1% of the total of the current voter registration of the party
17 designated in the district as compiled by the office of the secretary of state.

18 (2) If new boundary lines are defined and districts established in the
19 manner prescribed by law on or after May 11, nomination petitions for
20 nomination to the following offices shall be signed by registered voters of
21 the party designated in the district equal in number to not less than the
22 following:

23 (A) For the office of representative in the United States congress
24 1,000 registered voters;

25 (B) for the office of member of the state board of education 300
26 registered voters;

27 (C) for the office of state senator 75 registered voters; and

28 (D) for the office of state representative 25 registered voters.

29 (h) In any year in which districts are reapportioned for the offices of
30 representative in the United States congress, senator and representative in
31 the legislature of the state of Kansas or member of the state board of
32 education:

33 (1) If new boundary lines are defined and districts established in the
34 manner prescribed by law on or before May 10, the deadline for filing
35 nomination petitions and declarations of intention to become a candidate
36 for such office, accompanied by the fee required by law, shall be 12 noon
37 on June 1, or if such date falls on a Saturday, Sunday or a holiday, then
38 before 12 noon of the next following day that is not a Saturday, Sunday or
39 holiday.

40 (2) If new boundary lines are defined and districts established in the
41 manner prescribed by law on or after May 11, the deadline for filing
42 nomination petitions and declarations of intention to become a candidate
43 for such office, accompanied by the fee required by law, shall be 12 noon

1 on June 10, or if such date falls on a Saturday, Sunday or holiday, then
 2 before 12 noon of the next day that is not a Saturday, Sunday or holiday.

3 (i) Primary elections for candidates for municipal office shall be held
 4 when otherwise required by law. The names of candidates for municipal
 5 offices shall be printed upon the official primary ballot in odd-numbered
 6 year elections and in even-numbered years when needed. Persons shall
 7 become qualified to become a candidate by ~~one of the following methods:~~

8 ~~(1) They shall have filed, not later than 12 noon, on June 1, prior to~~
 9 ~~such primary election, or if such date falls on Saturday, Sunday or a~~
 10 ~~holiday, then before 12 noon of the next following day that is not a~~
 11 ~~Saturday, Sunday or a holiday, nomination petitions, as otherwise provided~~
 12 ~~by law; or~~

13 ~~(2) they shall have filed, not later than the time for filing nomination~~
 14 ~~petitions, as above provided, with the proper officer a declaration of~~
 15 ~~intention to become a candidate, accompanied by the \$20 fee required by~~
 16 ~~law. Such declaration shall be prescribed by the secretary of state as~~
 17 ~~provided in K.S.A. 25-21a03, and amendments thereto satisfying the~~
 18 ~~requirements of K.S.A. 25-21a01, and amendments thereto.~~

19 Sec. 2. K.S.A. 25-21a01 is hereby amended to read as follows: 25-
 20 21a01. (a) ~~On and after January 1, 2017,~~ All primary elections for
 21 members of the governing body and other elected officials of any
 22 municipality shall be held on the first Tuesday in August of 2017 ~~and on~~
 23 ~~such date thereafter~~ of odd-numbered years, and all general elections for
 24 members of the governing body and other elected officials of any
 25 municipality shall be held on the Tuesday succeeding the first Monday in
 26 November of 2017 of odd-numbered years ~~and on such date thereafter.~~

27 ~~(b) The term of members of governing bodies and other elected~~
 28 ~~officials of any municipality that would expire at any time in 2017 shall~~
 29 ~~expire on the second Monday in January of 2018, when newly elected~~
 30 ~~members of the governing body and other newly elected officials shall~~
 31 ~~take office.~~

32 ~~(c) The governing body of the municipality shall establish by~~
 33 ~~ordinance or resolution terms of office of elected officials to comply with~~
 34 ~~this act.~~

35 ~~(d)(c)~~ Primary elections for any municipality shall be conducted as
 36 provided in K.S.A. 25-202, and amendments thereto. A primary election
 37 shall only be required as provided in K.S.A. 25-2021 and 25-2108a, and
 38 amendments thereto, or as otherwise required by law.

39 ~~(e)(d) The filing deadline for all candidates for any municipality,~~
 40 ~~unless otherwise provided by law, shall be as provided in K.S.A. 25-205,~~
 41 ~~and amendments thereto. A person shall be qualified to be a candidate for~~
 42 ~~any municipality if such person has filed or has had filed on such person's~~
 43 ~~behalf nomination petitions or declarations not earlier than February 1~~

1 *prior to the primary election and not later than 12:00 p.m. on June 1 prior*
 2 *to the primary election, or if such date falls on a Saturday, Sunday or*
 3 *holiday, then not later than 12:00 p.m. of the next following day that is not*
 4 *a Saturday, Sunday or holiday.*

5 ~~(f)~~(e) Any person who meets the qualifications for the *municipal*
 6 office sought may become a candidate for *such* municipal office by filing a
 7 declaration of intent to become a candidate with the county election officer
 8 accompanied by a filing fee of \$20 *in accordance with subsection (d).*

9 ~~(g)~~(f) (1) "Municipality" means *any*:

10 ~~(A)~~(A) ~~Any~~City; or consolidated city-county created under K.S.A.
 11 12-340 et seq., and amendments thereto, ~~and~~ or K.S.A. 12-360 et seq., and
 12 amendments thereto;

13 (B) school district;

14 ~~any~~(C) board of public utilities created under K.S.A. 13-1220 et seq.,
 15 and amendments thereto;

16 (D) community college;

17 (E) drainage district;

18 (F) extension district created under K.S.A. 2-623 et seq., and
 19 amendments thereto;

20 (G) irrigation district;

21 (H) improvement district created under K.S.A. 19-2753 et seq., and
 22 amendments thereto;

23 (I) water district created under K.S.A. 19-3501 et seq., and
 24 amendments thereto; ~~and~~; or

25 (J) hospital district created under K.S.A. 80-2501 et seq., and
 26 amendments thereto.

27 (2) ~~The term~~"Municipality" does not include any special district
 28 where the election of members of the governing body is conducted at a
 29 meeting of the special district.

30 ~~(h)~~(g) Cities and hospital districts may provide for elections of
 31 elected officials in even-numbered years in order to provide for staggered
 32 terms of office or for three-year terms of office for elected officials.

33 Sec. 3. K.S.A. 25-205 and 25-21a01 are hereby repealed.

34 Sec. 4. This act shall take effect and be in force from and after its
 35 publication in the statute book.