

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2592

By Committee on Elections

2-7

1 AN ACT concerning elections and elected officials; amending K.S.A. 25-  
2 305, 25-306a and 25-306b and K.S.A. 2013 Supp. 25-205, 25-3801 and  
3 25-3902 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. No person who is a candidate for national, state,  
7 county or township office whose name appears on the primary ballot and  
8 who has withdrawn such person's candidacy or who was defeated in the  
9 primary election may be a candidate for another political party at the  
10 general election ~~nor may such person be a write-in candidate in the general~~  
11 ~~election.~~

12 New Sec. 2. (a) Whenever a person dies while holding a state office,  
13 the secretary of state shall notify the county chairpersons of the  
14 appropriate county central committees of such death in writing within ~~24~~  
15 **hours one business day** of becoming aware of such person's death.

16 (b) "State office" means state representative, state senator and state  
17 board of education member.

18 Sec. 3. K.S.A. 2013 Supp. 25-205 is hereby amended to read as  
19 follows: 25-205. *Subject to section 1, and amendments thereto:* (a) Except  
20 as otherwise provided in this section, the names of candidates for national,  
21 state, county and township offices shall be printed upon the official  
22 primary ballot when each shall have qualified to become a candidate by  
23 one of the following methods and none other: (1) They shall have had filed  
24 in their behalf, not later than 12 noon, June 1, prior to ~~such~~ *the* primary  
25 election, or if ~~such~~ *the* date falls on Saturday, Sunday or a holiday, then  
26 before 12 noon of the next following day that is not a Saturday, Sunday or  
27 a holiday, nomination petitions, as provided for in this act; or (2) they shall  
28 have filed not later than the time for filing nomination petitions, as above  
29 provided, with the proper officer a declaration of intention to become a  
30 candidate, accompanied by the fee required by law. ~~Such~~ *The* declaration  
31 shall be prescribed by the secretary of state.

32 (b) Nomination petitions shall be in substantially the following form:

33  
34 I, the undersigned, an elector of the county of \_\_\_\_\_, and  
35 state of Kansas, and a duly registered voter, and a member of  
36 \_\_\_\_\_ party, hereby nominate \_\_\_\_\_, who resides in

1 the township of \_\_\_\_\_ (or at number \_\_\_\_\_ on  
 2 \_\_\_\_\_ street, city of \_\_\_\_\_), in the county of  
 3 \_\_\_\_\_ and state of Kansas, as a candidate for the office of (here  
 4 specify the office) \_\_\_\_\_, to be voted for at the primary  
 5 election to be held on the first Tuesday in August in \_\_\_\_\_, as  
 6 representing the principles of such party; and I further declare that I intend  
 7 to support the candidate herein named and that I have not signed and will  
 8 not sign any nomination petition for any other person, for such office at  
 9 such primary election.

10 (HEADING)

11 Name of	Street Number	Name of	Date of
12 Signers.	or Rural Route	City.	Signing.
13	(as registered).		

14  
 15 All nomination petitions shall have substantially the foregoing form,  
 16 written or printed at the top thereof. No signature shall be counted unless it  
 17 is upon a sheet having such written or printed form at the top thereof.

18 (c) Each signer of a nomination petition shall sign but one such  
 19 petition for the same office, and shall declare that such person intends to  
 20 support the candidate therein named, and shall add to ~~such~~ the person's  
 21 signature and residence, if in a city, by street and number (if any); or,  
 22 otherwise by post-office address. No signature shall be counted unless the  
 23 place of residence of the signer is clearly indicated and the date of signing  
 24 given as herein required and if ditto marks are used to indicate address  
 25 they shall be continuous and clearly made. ~~Such~~ The sheets shall not be cut  
 26 or pasted together.

27 (d) All signers of each separate nomination petition shall reside in the  
 28 same county and election district of the office sought. The affidavit  
 29 described in this paragraph of a petition circulator who is a resident of the  
 30 state of Kansas and has the qualifications of an elector in the state of  
 31 Kansas or of the candidate shall be appended to each petition and shall  
 32 contain, at the end of each set of documents carried by each circulator, a  
 33 verification, signed by the circulator or the candidate, to the effect that  
 34 such circulator or the candidate personally witnessed the signing of the  
 35 petition by each person whose name appears thereon.

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

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

42 (2) If for a state or national officer elected on less than a statewide  
 43 basis, by voters equal in number to not less than 2% of the total of the

1 current voter registration of the party designated in ~~such~~ *the* district as  
2 compiled by the office of the secretary of state, except that for the office of  
3 district magistrate judge, by not less than 2% of the total of the current  
4 voter registration of the party designated in the county in which ~~such~~ *the*  
5 office is to be filled as certified to the secretary of state in accordance with  
6 K.S.A. 25-3302, and amendments thereto;

7 (3) If for a county office, by voters equal in number to not less than  
8 3% of the total of the current voter registration of the party designated in  
9 such district or county as compiled by the county election officer and  
10 certified to the secretary of state in accordance with K.S.A. 25-3302, and  
11 amendments thereto; and

12 (4) If for a township office, by voters equal in number to not less than  
13 3% of the total of the current voter registration of the party designated in  
14 ~~such~~ *the* township as compiled by the county election officer and certified  
15 to the secretary of state in accordance with K.S.A. 25-3302, and  
16 amendments thereto.

17 (f) Subject to the requirements of K.S.A. 25-202, and amendments  
18 thereto, any political organization filing nomination petitions for a  
19 majority of the state or county offices, as provided in this act, shall have a  
20 separate primary election ballot as a political party and, upon receipt of  
21 ~~such~~ *the* nomination petitions, the respective officers shall prepare a  
22 separate state and county ballot for such new party in their respective  
23 counties or districts thereof in the same manner as is provided for existing  
24 parties.

25 (g) In any year in which districts are reapportioned for the offices of  
26 representative in the United States congress, senator and representative in  
27 the legislature of the state of Kansas or member of the state board of  
28 education:

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

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

39 (A) For the office of representative in the United States congress  
40 1,000 registered voters;

41 (B) for the office of member of the state board of education 300  
42 registered voters;

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

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

2 (h) In any year in which districts are reapportioned for the offices of  
3 representative in the United States congress, senator and representative in  
4 the legislature of the state of Kansas or member of the state board of  
5 education:

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

13 (2) If new boundary lines are defined and districts established in the  
14 manner prescribed by law on or after May 11, the deadline for filing  
15 nomination petitions and declarations of intention to become a candidate  
16 for such office, accompanied by the fee required by law, shall be 12 noon  
17 on June 10, or if such date falls on a Saturday, Sunday or holiday, then  
18 before 12 noon of the next day that is not a Saturday, Sunday or holiday.

19 Sec. 4. K.S.A. 25-305 is hereby amended to read as follows: 25-305.  
20 *Subject to section 1, and amendments thereto:* (a) Certificates of  
21 nomination by convention or caucus for the nomination of candidates for  
22 national, state, county and township offices shall be filed with the  
23 secretary of state, or the county election officer, not later than 12:00 noon,  
24 on the day fixed for the deadline for filing petitions for nomination and  
25 declarations of intent to become candidates in accordance with K.S.A. 25-  
26 205, and amendments thereto, preceding the national, state, county and  
27 township general election, except when such date falls on Saturday,  
28 Sunday or a holiday, and then not later than 12:00 noon the following day  
29 that is not a Saturday, Sunday or a holiday.

30 (b) Independent nomination petitions for the nomination of  
31 candidates for national, state, county and township offices shall be filed  
32 with the secretary of state or the county election officer no later than 12:00  
33 noon on the Monday preceding the date fixed for the holding of primary  
34 elections in accordance with K.S.A. 25-203, and amendments thereto,  
35 preceding a national, state, county or township general election.

36 (c) An affidavit of write-in candidacy for the offices of governor and  
37 lieutenant governor shall be filed with the secretary of state no later than  
38 12:00 noon on the 2<sup>nd</sup> Monday preceding the general election for those  
39 offices.

40 (d) An affidavit of write-in candidacy for the offices of president and  
41 vice-president shall be filed with the secretary of state no later than 12:00  
42 noon on the 2<sup>nd</sup> Monday preceding the general election for those offices.

43 (e) An affidavit of write-in candidacy for state offices elected on a

1 statewide basis other than offices subject to subsection (c) shall be filed  
2 with the secretary of state no later than 12:00 noon on the second Monday  
3 preceding the election at which the write-in candidate seeks nomination or  
4 election.

5 Sec. 5. K.S.A. 25-306a is hereby amended to read as follows: 25-  
6 306a. *Subject to section 1, and amendments thereto*, any person who has  
7 been nominated to be a candidate at any primary election for any national,  
8 state, county or township office may cause such person's name to be  
9 withdrawn from nomination by a request in writing, signed by the person  
10 nominated and acknowledged before an officer qualified to take  
11 acknowledgments of deeds, and filed with the secretary of state in the case  
12 of national and state offices or with the county election officer in the case  
13 of county and township offices not later than 12:00 noon, on the day fixed  
14 for the deadline for filing of a petition for nomination or the declaration of  
15 intent to become a candidate in accordance with K.S.A. 25-205, and  
16 amendments thereto. No name so withdrawn shall be printed on the ballots  
17 for such office for such primary election.

18 Sec. 6. K.S.A. 25-306b is hereby amended to read as follows: 25-  
19 306b. *Subject to section 1, and amendments thereto*: (a) Except as  
20 provided by this section, no person who has been nominated by any means  
21 for any national, state, county or township office may cause such person's  
22 name to be withdrawn from nomination after the day of the primary  
23 election.

24 (b) Any person who has been nominated by any means for any  
25 national, state, county or township office who declares that they are  
26 incapable of fulfilling the duties of office if elected may cause such  
27 person's name to be withdrawn from nomination by a request in writing,  
28 signed by the person and acknowledged before an officer qualified to take  
29 acknowledgments of deeds. Any such request shall be filed with the  
30 secretary of state in the case of national and state offices and with the  
31 county election officer in the case of county and township offices. Except  
32 as provided in subsection (d), in the case of national and state offices, ~~any~~  
33 ~~such~~ the request shall be filed within seven days, including Saturdays,  
34 Sundays and holidays, after the meeting of the state board of canvassers  
35 for the final canvass of primary election provided for in K.S.A. 25-3205,  
36 and amendments thereto. Except as provided in subsection (d), in the case  
37 of county and township offices, any such request shall be filed within 10  
38 days after the meeting of the county board of canvassers to canvass the  
39 primary election as provided in K.S.A. 25-3104, and amendments thereto.  
40 ~~No name withdrawn as provided in this section shall be printed on the~~  
41 ~~ballots for such office for the general election.~~

42 (c) In the case of the death of a person who has been nominated for  
43 any national, state, county or township office, the county chairperson of

1 the political party of which ~~such~~ *the* nominee was a member may cause  
2 ~~such~~ *the* nominee's name to be withdrawn from nomination by a request in  
3 writing, signed by the chairperson and acknowledged before an officer  
4 qualified to take acknowledgements of deeds. ~~Any such~~ *The* request shall  
5 be filed with the secretary of state in the case of national and state offices  
6 and with the county election officer in the case of county and township  
7 offices. Except as provided in subsection (d), in the case of national and  
8 state offices, ~~any such~~ *the* request shall be filed within seven days,  
9 including Saturdays, Sundays and holidays, after the meeting of the state  
10 board of canvassers for the final canvass of primary election provided for  
11 in K.S.A. 25-3205, and amendments thereto. Except as provided in  
12 subsection (d), in the case of county and township offices, ~~any such~~ *the*  
13 request shall be filed within 10 days after the meeting of the county board  
14 of canvassers to canvass the primary election as provided in K.S.A. 25-  
15 3104, and amendments thereto. No name withdrawn as provided in this  
16 section shall be printed on the ballots for ~~such~~ *the* office for the general  
17 election.

18 (d) Whenever there has been a vacancy which occurred from a  
19 withdrawal under this section, and ~~such~~ *the* vacancy was filled according  
20 to law, the person filling the vacancy may cause such person's name to be  
21 withdrawn from nomination in the manner provided in subsection (b) or  
22 (c) of this section at any time prior to the 40<sup>th</sup> day before the general  
23 election.

24 Sec. 7. K.S.A. 2013 Supp. 25-3801 is hereby amended to read as  
25 follows: 25-3801. (a) At each primary election, the members of the party  
26 residing in each precinct in each county of the state shall elect a man of  
27 their number as precinct committeeman and a woman of their number as  
28 precinct committeewoman. No person shall be eligible to be a candidate  
29 for or hold the office of precinct committeeman or precinct  
30 committeewoman of a party in any precinct unless such person actually  
31 lives, resides and occupies a place of abode in ~~such~~ *the* precinct, and is in  
32 all other respects a qualified elector and is shown as a member of ~~such~~ *the*  
33 party on the party affiliation list, in the office of the county election officer.  
34 Except as provided in subsection (b), any vacancy occurring in the office  
35 of precinct committeeman or committeewoman shall be promptly filled by  
36 appointment by the county chairperson, except that any vacancy which  
37 occurs because the party had no candidate at such primary election shall  
38 not be filled until the county central committee has elected or reelected its  
39 chairperson. Not later than three days after appointment of precinct  
40 committeemen and committeewomen, the county chairperson making the  
41 appointments shall notify the county election officer of ~~such~~ *the*  
42 appointments. The county election officer shall make ~~such~~ *the*  
43 appointments public immediately upon receipt thereof. As used in this act,

1 "primary election" means the statewide election held in August of even-  
2 numbered years.

3 (b) When a convention is to be held under article 39 of chapter 25 of  
4 Kansas Statutes Annotated, *and amendments thereto*, to fill a vacancy, no  
5 appointments shall be made under subsection (a): (1) After the county  
6 chairperson has received notice from the county election officer of a  
7 vacancy or a pending vacancy in a county elected office; or (2) after the  
8 county chairperson in each county, all or a part of which, is located within  
9 a legislative district has received notice from the secretary of state of a  
10 vacancy or a pending vacancy in a legislative office; *and (3) in no case*  
11 *may a person appointed as a precinct committeeman or committeewoman*  
12 *vote at the convention unless the person has held the precinct office for*  
13 ~~24~~ **hours one business day or more prior to the county chairperson's receipt**  
14 *of the notice of vacancy.*

15 After the vacancy has been filled by a person elected at a convention  
16 held under article 39 of chapter 25 of the Kansas Statutes Annotated, *and*  
17 *amendments thereto*, any vacancy in the office of precinct committeeman  
18 or committeewoman shall be filled as provided by subsection (a).

19 Sec. 8. K.S.A. 2013 Supp. 25-3902 is hereby amended to read as  
20 follows: 25-3902. (a) Except as provided in K.S.A. 25-312a, and  
21 amendments thereto, when a district convention is provided by law to be  
22 held to elect a person to be appointed to fill a vacancy in a district office,  
23 the county chairperson designated in subsection (b) or (c), within 21 days  
24 of receipt of notice that a vacancy has occurred or will occur, shall call and  
25 convene a convention of all committeemen and committeewomen of the  
26 party of the precincts in ~~such~~ *the* district for the purpose of electing a  
27 person to be appointed by the governor to fill the vacancy. If ~~such~~ *the*  
28 county chairperson is absent or for any reason is unable to call, or refuses  
29 to call such convention, then the county vice-chairperson shall call the  
30 convention and perform the other duties under this section required of such  
31 chairperson.

32 (b) If the district lies within a single county, the county chairperson of  
33 ~~such~~ *the* county shall call the convention by mailing a notice, at least seven  
34 days before the date of the convention, to each precinct committeeman and  
35 committeewoman who is entitled to vote at the convention pursuant to  
36 subsection (e).

37 (c) If all or part of more than one county lies within the district, the  
38 county chairperson of the county in which the greatest number of qualified  
39 voters of the district reside shall call the convention by mailing a notice of  
40 the convention to each county chairperson of the party in each ~~such~~ *the*  
41 county at least 10 days before the date of the convention. ~~Such~~ *The*  
42 convention shall be held at a location within the district selected by the  
43 chairperson calling the convention. ~~Such~~ *The* county chairperson, within

1 three days after receipt of such notice, shall mail notice of the convention  
2 to the committeemen and committeewomen in their counties who are  
3 entitled to vote at the convention pursuant to subsection (e).

4 (d) The notice of ~~such~~ *the* convention shall state:

5 (1) The place where the convention is to be held;

6 (2) the time when the convention will convene; and

7 (3) the purpose for which the convention is to be held.

8 (e) At the time and place fixed for holding the convention, the county  
9 chairperson who called the convention shall act as temporary chairperson  
10 and shall call the convention to order. One-third of the eligible members of  
11 the convention shall constitute a quorum for ~~such~~ *the* election. In the event  
12 a quorum is not present at the time and place that ~~such~~ *the* convention is  
13 called, the members present shall adjourn the convention to a day and time  
14 certain, which shall be not later than 14 days after ~~such~~ *the* adjournment of  
15 ~~such~~ *the* convention, and provide for notification of the time and place of  
16 ~~such~~ *the* adjourned convention to be given to the eligible members not  
17 present. The convention shall organize by electing a permanent  
18 chairperson and ~~such~~ other officers as necessary. After the convention is  
19 organized, it shall elect a person to be appointed by the governor to fill the  
20 vacancy. ~~Such~~ *The* election shall be by secret ballot and the person elected  
21 shall be the one who receives the majority of all the votes cast. If no  
22 person receives a majority of all votes cast on any ballot, the balloting  
23 shall continue until some person receives a majority of all the votes cast.  
24 Each committeeman and committeewoman of the party of the precincts in  
25 ~~such~~ *the* district shall be entitled to vote, *except no committeeman or*  
26 *committeewoman may vote unless that person has held the precinct office*  
27 *for ~~24 hours~~ **one business day** or more prior to the county chairperson's*  
28 *receipt of the notice of vacancy.* Except as provided in subsection (f), no  
29 precinct committeeman or committeewoman shall be represented or shall  
30 vote by proxy. The convention may adopt ~~such~~ rules necessary to govern  
31 its procedure in making nominations, voting, counting, and canvassing  
32 votes and for the conduct of any business which may properly be brought  
33 before the convention, but ~~such~~ *the* rules shall not be in conflict with the  
34 provisions of this section.

35 (f) (1) A precinct committeeman or committeewoman may vote by  
36 proxy at a convention called pursuant to this section whenever ~~such~~ *the*  
37 precinct committeeman or committeewoman is unable to attend the  
38 convention and cast such precinct committeeman's or committeewoman's  
39 ballot.

40 (2) A precinct committeeman or committeewoman may designate  
41 another precinct committeeman or committeewoman *who is a resident of*  
42 *the district* to cast ~~such~~ *the* precinct committeeman's or precinct  
43 committeewoman's ballot at ~~such~~ *the* convention by proxy. Any proxy



1 authorized by this subsection shall:

2 (A) Designate the precinct committeeman or committeewoman who  
3 shall cast the precinct committeeman's or precinct committeewoman's vote  
4 by proxy;

5 (B) be signed by the precinct committeeman or precinct  
6 committeewoman authorizing the proxy; and

7 (C) contain an acknowledgment of ~~such~~ *the* precinct committeeman's  
8 or precinct committeewoman's signature which complies with K.S.A. 53-  
9 509, and amendments thereto.

10 (D) ~~No precinct committeeman or committeewoman may cast more~~  
11 ~~than four proxy votes~~ **State parties may promulgate their own rules**  
12 **with respect to voting by proxy at an election called pursuant to this**  
13 **section.**

14 (g) After a person has been elected to be appointed to fill a vacancy in  
15 a district office, the chairperson or vice-chairperson of the convention shall  
16 execute a certificate, under oath, stating that ~~such~~ *the* person has been duly  
17 elected to be appointed to fill ~~such~~ *the* vacancy and shall transmit ~~such~~ *the*  
18 certificate either by hand delivery by a person designated by ~~such~~ *the*  
19 chairperson or vice-chairperson or by registered mail, return receipt  
20 requested, to the governor and a copy thereof to the secretary of state. If  
21 transmitted by registered mail, such certificate and the copy thereof shall  
22 be mailed within 24 hours of such election, unless the day following such  
23 election is a Sunday or legal holiday, in which case it shall be mailed by  
24 the next regular business day. Thereupon, and not later than seven days  
25 after such certificate is received in the office of the governor, the governor,  
26 or in the governor's absence the lieutenant governor, shall fill ~~such~~ *the*  
27 vacancy by appointing to ~~such~~ *the* district office the person so elected. In  
28 the event the governor or lieutenant governor fails to appoint any person as  
29 required by this subsection after receiving a lawfully executed certificate  
30 hereunder, ~~such~~ *the* person shall be deemed to have been so appointed  
31 notwithstanding such failure. The person so appointed may qualify and  
32 enter upon the duties of the district office immediately after appointment.

33 Sec. 9. K.S.A. 25-305, 25-306a and 25-306b and K.S.A. 2013 Supp.  
34 25-205, 25-3801 and 25-3902 are hereby repealed.

35 Sec. 10. This act shall take effect and be in force from and after its  
36 publication in the statute book.