

SENATE BILL No. 157

By Senator Holscher

2-4

1 AN ACT concerning elections; requiring election commissioners to be
2 elected in certain counties; amending K.S.A. 19-3419 and K.S.A. 2020
3 Supp. 25-101, 25-213, 25-611 and 25-618 and repealing the existing
4 sections.

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

7 Section 1. K.S.A. 19-3419 is hereby amended to read as follows: 19-
8 3419. (a) In counties of this state having a population exceeding 130,000,
9 there shall be an office of commissioner of elections, ~~which and such~~
10 ~~office shall be administered by an election commissioner. The election~~
11 ~~commissioner shall be appointed by the secretary of state and shall hold~~
12 ~~office for a term of four years and until a successor is appointed and~~
13 ~~qualified. The secretary of state may remove the election commissioner for~~
14 ~~official misconduct. Upon occurrence of a vacancy in the office of county~~
15 ~~election commissioner, the secretary of state shall appoint a successor. If~~
16 ~~the vacancy occurs before the expiration of a term of office, the~~
17 ~~appointment shall be for the unexpired term. Such election commissioner~~
18 ~~shall have been a qualified elector and a resident of the county at least two~~
19 ~~years prior to appointment. Within 10 days after receiving official notice of~~
20 ~~the appointment and before entering upon the duties of the office, the~~
21 ~~election commissioner shall take, subscribe and cause to be filed in the~~
22 ~~office of the secretary of state an oath of office for the faithful discharge of~~
23 ~~official duties.~~

24 (b) *Beginning with the general election in 2022, a county election*
25 *commissioner shall be elected for a term of four years in each county in*
26 *which the provisions of this section apply. The county election*
27 *commissioner shall be a qualified elector of the county.*

28 (c) *The county election commissioner shall, before entering upon the*
29 *duties of the office, execute and file with the county treasurer a good and*
30 *sufficient corporate surety bond, conditioned on the faithful performance*
31 *of the duties of the office. The bond shall be issued by a company*
32 *authorized to do business in Kansas, in an amount to be fixed by the*
33 *county treasurer of not less than \$10,000.*

34 (d) *If a vacancy in the office of county election commissioner should*
35 *occur by death, resignation, or otherwise, the vacancy shall be filled by*
36 *appointment of a qualified elector of the county in the manner herein*

1 *provided. If the vacancy occurs on or after May 1 of the second year of the*
2 *term, the person so appointed shall serve for the remainder of the*
3 *unexpired term and until a successor is elected and qualifies. If the*
4 *vacancy occurs before May 1 of the second year of the term, the person*
5 *appointed to fill the vacancy shall serve until a successor is elected and*
6 *qualifies at the next general election to serve the remainder of the*
7 *unexpired term. Appointments hereunder shall be made in the manner*
8 *provided by law for filling vacancies in the office of member of the house*
9 *of representatives.*

10 Sec. 2. K.S.A. 2020 Supp. 25-101 is hereby amended to read as
11 follows: 25-101. (a) On the Tuesday succeeding the first Monday in
12 November of each even-numbered year, there shall be held a general
13 election to elect officers as follows:

14 (1) At each alternate election, prior to the year in which the term of
15 office of the president and vice-president of the United States will expire,
16 there shall be elected the electors of president and vice-president of the
17 United States to which the state may be entitled at the time of such
18 election;

19 (2) at each such election, when the term of a United States senator for
20 this state shall expire during the next year, there shall be elected a United
21 States senator;

22 (3) at each such election there shall be elected the representatives in
23 congress to which the state may be entitled at the time of such election;

24 (4) at each alternate election, prior to the year in which their regular
25 terms of office will expire, there shall be elected a governor, lieutenant
26 governor, secretary of state, attorney general, state treasurer and state
27 commissioner of insurance;

28 (5) at each such election there shall be elected such members of the
29 state board of education as provided by law;

30 (6) at each such election, when, in a judicial district in which judges
31 of the district court are elected, the term of any district judge expires
32 during the next year, or a vacancy in a district judgeship has been filled by
33 appointment more than 30 days prior to the election, there shall be elected
34 a district judge of such judicial district;

35 (7) at each such election, when, in a judicial district in which judges
36 of the district court are elected, the term of any district magistrate judge
37 expires during the next year, or a vacancy in a district magistrate judgeship
38 has been filled by appointment more than 30 days prior to the election,
39 there shall be elected a district magistrate judge of such judicial district;

40 (8) at each alternate election, prior to the year in which the regular
41 term of office of state senators shall expire, there shall be elected a state
42 senator in each state senatorial district;

43 (9) at each election there shall be elected a representative from each

1 state representative district;

2 (10) at each alternate election there shall be elected, in each county, a
3 county clerk, *county election commissioner*, county treasurer, *county*
4 register of deeds, county-~~or~~ *attorney*, district attorney, *county* sheriff and
5 such other officers as provided by law; and

6 (11) at each election, when the term of county commissioner in any
7 district in any county shall expire during the next year, there shall be
8 elected from such district a county commissioner.

9 (b) This section shall apply to the filling of vacancies only so far as is
10 consistent with the provisions of law relating thereto.

11 Sec. 3. K.S.A. 2020 Supp. 25-213 is hereby amended to read as
12 follows: 25-213. (a) At all national and state primary elections, the national
13 and state offices as specified for each in this section shall be printed upon
14 the official primary election ballot for national and state offices and the
15 county and township offices as specified for each in this section shall be
16 printed upon the official primary election ballot for county and township
17 offices.

18 (b) The official primary election ballots shall have the following
19 heading:

20 OFFICIAL PRIMARY ELECTION BALLOT

21 _____ Party

22 To vote for a person whose name is printed on the ballot make a cross
23 or check mark in the square at the left of the person's name. To vote for a
24 person whose name is not printed on the ballot, write the person's name in
25 the blank space, if any is provided, and make a cross or check mark in the
26 square to the left.

27 The words national and state or the words county and township shall
28 appear on the line preceding the part of the form shown above.

29 The form shown shall be followed by the names of the persons for
30 whom nomination petitions or declarations have been filed according to
31 law for political parties having primary elections, and for the national and
32 state offices in the following order: United States senator, United States
33 representative from _____ district, governor and lieutenant governor,
34 secretary of state, attorney general, state treasurer, commissioner of
35 insurance, senator _____ district, representative _____ district, district
36 judge _____ district, district magistrate judge _____ district, district
37 attorney _____ judicial district, and member state board of education
38 _____ district. For county and township offices, the form shall be followed
39 by the names of persons for whom nomination petitions or declarations
40 have been filed according to law for political parties having primary
41 elections in the following order: Commissioner _____ district, county clerk,
42 *county election commissioner*, *county* treasurer, *county* register of deeds,
43 county attorney, *county* sheriff, township trustee, township treasurer; and

1 township clerk. When any office is not to be elected, it shall be omitted
2 from the ballot. Other offices to be elected but not listed, shall be inserted
3 in the proper places. For each office there shall be a statement of the
4 number to vote for.

5 To the left of each name there shall be printed a square. Official
6 primary election ballots may be printed in one or more columns. The
7 names certified by the secretary of state or county election officer shall be
8 printed on official primary election ballots and no others. In case there are
9 no nomination petitions or declarations on file for any particular office, the
10 title to the office shall be printed on the ballot followed by a blank line
11 with a square, and such title, followed by a blank line, may be printed in
12 the list of candidates published in the official paper. No blank line shall be
13 printed following any office where there are nomination petitions or
14 declarations on file for the office except following the offices of precinct
15 committeeman and precinct committeewoman.

16 (c) Except as otherwise provided in this section, no person's name
17 shall be printed more than once on either the official primary election
18 ballot for national and state offices or the official primary election ballot
19 for county and township offices. No name that is printed on the official
20 primary election ballot as a candidate of a political party shall be printed or
21 written in as a candidate for any office on the official primary election
22 ballot of any other political party. If a person is a candidate for the
23 unexpired term for an office, the person's name may be printed on the
24 same ballot as a candidate for the next regular term for such office. The
25 name of any candidate on the ballot may be printed on the same ballot as
26 such candidate and also as a candidate for precinct committeeman or
27 committeewoman. No name that is printed on the official primary election
28 ballot for national and state offices shall be printed or written in elsewhere
29 on the ballot or on the official primary election ballot for county and
30 township offices except for precinct committeeman or committeewoman.
31 No name that is printed on the official primary election ballot for county
32 and township offices shall be printed or written in on the official primary
33 election ballot for national and state offices or elsewhere on the county and
34 township ballot except for precinct committeeman or committeewoman.

35 (d) No person shall be elected to the office of precinct committeeman
36 or precinct committeewoman where no nomination petitions or
37 declarations have been filed, unless the person receives at least five write-
38 in votes. As a result of a primary election, no person shall receive the
39 nomination and no person's name shall be printed on the official general
40 election ballot when no nomination petitions or declarations were filed,
41 unless the person receives votes equal in number to not less than 5% of the
42 total of the current voter registration designated in the state, county or
43 district in which the office is sought, as compiled by the office of the

1 secretary of state, except that a candidate for township office may receive
 2 the nomination and have such person's name printed on the ballot where
 3 no nomination petitions or declarations have been filed if such candidate
 4 receives three or more write-in votes. No such person shall be required to
 5 obtain more than 5,000 votes.

6 (e) The secretary of state by rules and regulations shall develop the
 7 official ballot for municipal elections in odd-numbered year elections.

8 (f) A person who won the primary election as a result of the person's
 9 name being written in on the primary ballot shall have such person's name
 10 printed on the official general election ballot for national, state, county,
 11 township or municipal office, unless the person notifies, in writing, the
 12 secretary of state for national or state office or the county election office
 13 for all other offices within 10 days following the canvass of the primary
 14 election that the person does not want such person's name on the official
 15 general election ballot.

16 Sec. 4. K.S.A. 2020 Supp. 25-611 is hereby amended to read as
 17 follows: 25-611. (a) The arrangement of offices on the official general
 18 ballot for national and state offices for those offices to be elected shall be
 19 in the following order: Names of candidates for the offices of president
 20 and vice-president, United States senator, United States representative
 21 _____ district, governor and lieutenant governor running together,
 22 secretary of state, attorney general, (and any other officers elected from the
 23 state as a whole), state senator _____ district, state representative _____
 24 district, district judge _____ district, district magistrate judge _____
 25 district, district attorney _____ judicial district, and state board of
 26 education member _____ district.

27 (b) The arrangement of offices on the official general ballot for
 28 county township offices for those offices to be elected shall be in the
 29 following order: Names of candidates for county commissioner _____
 30 district, county clerk, *county election commissioner*, county treasurer,
 31 *county* register of deeds, county attorney, *district attorney*, sheriff,
 32 township trustee, township treasurer and township clerk.

33 (c) The secretary of state by rules and regulations ~~adopted on or~~
 34 ~~before July 1, 2016~~, shall develop the order of arrangement of municipal
 35 offices on the general election ballot in odd-numbered year elections.

36 Sec. 5. K.S.A. 2020 Supp. 25-618 is hereby amended to read as
 37 follows: 25-618. (a) The official general ballot for county and township
 38 offices may be separate from the official general ballot for national and
 39 state offices or may be combined with the official general ballot provided
 40 for in K.S.A. 25-601, and amendments thereto. The secretary of state shall
 41 prescribe the ballot format but the ballot shall be substantially in the form
 42 shown in this section and K.S.A. 25-611, and amendments thereto.

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OFFICIAL GENERAL BALLOT
County and Township Offices
County of _____, City (or Township) of _____
November _____, _____ year

To vote for a person, make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

FOR COUNTY COMMISSIONER
_____ DISTRICT

Vote for One

- _____
- _____
- _____

FOR COUNTY CLERK

Vote for One

- _____
- _____
- _____

FOR COUNTY ELECTION COMMISSIONER
(Johnson, Sedgwick, Shawnee and Wyandotte counties)

Vote for One

- _____
- _____
- _____

FOR COUNTY TREASURER

Vote for One

- _____
- _____
- _____

Continue in like manner for all county and township offices to be elected.

(b) The official general election ballot style for municipalities shall be established by the secretary of state by rules and regulations ~~adopted on or before July 1, 2016.~~

Sec. 6. K.S.A. 19-3419 and K.S.A. 2020 Supp. 25-101, 25-213, 25-611 and 25-618 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its

- 1 publication in the statute book.