

House Substitute for SENATE BILL No. 145

By Committee on Elections

3-20

1 AN ACT concerning elections; relating to petitions; amending K.S.A.
2 2011 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4306, 25-
3 4310 and 25-4320 and repealing the existing sections.

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

6 Section 1. K.S.A. 2011 Supp. 25-205 is hereby amended to read as
7 follows: 25-205. (a) Except as otherwise provided in this section, the
8 names of candidates for national, state, county and township offices shall
9 be printed upon the official primary ballot when each shall have qualified
10 to become a candidate by one of the following methods and none other: (1)
11 They shall have had filed in their behalf, not later than 12 noon, June 1,
12 prior to such primary election, or if such date falls on Saturday, Sunday or
13 a holiday, then before 12 noon of the next following day that is not a
14 Saturday, Sunday or a holiday, nomination petitions, as provided for in this
15 act; or (2) they shall have filed not later than the time for filing nomination
16 petitions, as above provided, with the proper officer a declaration of
17 intention to become a candidate, accompanied by the fee required by law.
18 Such declaration shall be prescribed by the secretary of state.

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

31 (HEADING)

32 Name of	Street Number	Name of	Date of
33 Signers.	Rural Route	City.	Signing.
34	(as registered).		

35 All nomination petitions shall have substantially the foregoing form,
36 written or printed at the top thereof. No signature shall be counted unless it

1 is upon a sheet having such written or printed form at the top thereof.

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

11 (d) All signers of each separate nomination petition shall reside in the
12 same county and election district of the office sought. The affidavit
13 described in this paragraph of a petition circulator ~~who is a resident of the~~
14 ~~state of Kansas and has the qualifications of an elector in the state of~~
15 ~~Kansas as defined in section 9, and amendments thereto,~~ or of the
16 candidate shall be appended to each petition and shall contain, at the end
17 of each set of documents carried by each circulator *or the candidate*, a
18 verification, signed by the circulator or the candidate, to the effect that
19 such circulator or the candidate personally witnessed the signing of the
20 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 Sec. 2. K.S.A. 2011 Supp. 25-302a is hereby amended to read as
4 follows: 25-302a. Any political party seeking official recognition in this
5 state after the effective date of this act shall file in its behalf, not later than
6 ~~12:00~~ 12 noon, June 1, prior to the primary election held on the first
7 Tuesday of August in even-numbered years, or if such date falls on a
8 Saturday, Sunday or a holiday, then before ~~12:00~~ 12 noon of the next
9 following day that is not a Saturday, Sunday or a holiday petitions signed
10 by qualified electors equal in number to at least 2% of the total vote cast
11 for all candidates for the office of governor in the state in the last
12 preceding general election. Such petitions shall declare support for the
13 official recognition of a political party, the name of which shall be stated in
14 the declaration. No political party seeking official recognition shall assume
15 a name or designation which, in the opinion of the secretary of state, is
16 unreasonably lengthy or so similar to the name or designation of an
17 existing political party as to confuse or mislead the voters at an election.

18 Petitions seeking official recognition of a political party shall be
19 substantially in the following form:

20 PETITION SEEKING THE OFFICIAL RECOGNITION OF
21 THE _____ PARTY IN THE STATE OF KANSAS

22 I, the undersigned, hereby declare my support for the official
23 recognition of the _____ Party.

24 I have personally signed this petition; I am a registered elector of the
25 state of Kansas and the County of _____, and my residence
26 address is correctly written after my name.

27	NAME OF	ADDRESS AS	CITY	DATE OF
28	SIGNER	REGISTERED		SIGNING

29
30 Appended to each petition page or set of pages shall be an affidavit by
31 the *petition circulator as defined in section 9, and amendments thereto*, of
32 the petition affirming that such circulator ~~is a resident of the state of~~
33 ~~Kansas and has the qualifications of an elector in Kansas and that the~~
34 ~~circulator~~ personally witnessed the signing of the petition by each person
35 whose name appears thereon. The affidavit shall be executed before a
36 person authorized to administer oaths and include the address of the
37 circulator.

38 Each page of such petition shall bear the names of registered voters of a
39 single county. All petitions shall be grouped according to the county in
40 which each was circulated before being filed with the secretary of state.
41 All such petitions shall be filed at one time. Any related petitions presented
42 thereafter will be deemed to be separate and not a part of earlier filings.
43 County election officers shall cooperate with the secretary of state in

1 verifying the sufficiency of these petitions as required by law.

2 The secretary of state shall transmit such petitions to the county
3 election officer of each county for which petitions were presented to be
4 examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 *et*
5 *seq.*, and amendments thereto, and applicable regulations. Not more than
6 20 days following receipt of such petitions from the secretary of state, the
7 county election officer shall return these documents to the secretary of
8 state certifying the number of sufficient signatures thereon. The secretary
9 of state shall gather all petitions and determine whether a sufficient
10 number of signatures was submitted. The secretary of state shall forthwith
11 notify the person who submitted the declaration of intent to circulate such
12 petitions of the sufficiency or insufficiency of the number of signatures.

13 Sec. 3. K.S.A. 2011 Supp. 25-303 is hereby amended to read as
14 follows: 25-303. (a) This section shall not apply to city and school
15 elections, nor to election of other officers provided by law to be elected in
16 April.

17 (b) All nominations other than party nominations shall be
18 independent nominations. No person who has declared and retains a party
19 affiliation in accordance with K.S.A. 25-3301, and amendments thereto,
20 shall be eligible to accept an independent nomination for any office.

21 Independent nominations of candidates for any office to be filled by the
22 voters of the state at large may be made by nomination petitions signed by
23 not less than 5,000 qualified voters for each candidate and in the case of
24 governor and lieutenant governor for each pair of such candidates.

25 (c) Independent nominations of candidates for offices to be filled by
26 the voters of a county, district or other division less than a state may be
27 made by nomination petitions signed by voters equal in number to not less
28 than 4% of the current total of qualified voters of such county, district or
29 other division as compiled by the office of the secretary of state in the case
30 of state offices and as compiled in the office of the county election officer
31 and certified to the secretary of state in accordance with K.S.A. 25-2311,
32 and amendments thereto, in the case of local offices, and in no case to be
33 signed by less than 25 nor more than 5,000 qualified voters of such county,
34 district or division, for each candidate.

35 (d) Independent nominations of candidates for offices to be filled by
36 the voters of a township may be made by nomination papers signed by not
37 less than 5% of the current total of qualified voters of such township,
38 computed as above provided, for each candidate, and in no case to be
39 signed by less than 10 such voters of such township for each candidate.

40 (e) The signatures to such nomination petitions need not all be
41 appended to one paper, but each registered voter signing an independent
42 certificate of nomination shall add to the signature such petitioner's place
43 of residence and post office address. All signers of each separate

1 nomination petition shall reside in the same county and election district of
 2 the office sought. The affidavit of the candidate or a petition circulator
 3 ~~who is a resident of the state of Kansas and has the qualifications of an~~
 4 ~~elector of the state of Kansas~~ shall be appended to each petition and shall
 5 contain, at the end of each set of documents carried by each circulator *or*
 6 *candidate*, a verification, signed by the circulator *or candidate*, to the
 7 effect that such circulator *or candidate* personally witnessed the signing of
 8 the petition by each person whose name appears thereon.

9 (f) No such nomination paper shall contain the name of a candidate
 10 for governor without in the same such paper containing the name of a
 11 candidate for lieutenant governor, and if it does it shall be void.

12 (g) No person shall join in nominating more than one person for the
 13 same office, and if this is done, the name of such petitioner shall not be
 14 counted on any certificate.

15 Sec. 4. K.S.A. 2011 Supp. 25-3602 is hereby amended to read as
 16 follows: 25-3602. (a) Each petition shall consist of one or more documents
 17 pertaining to a single issue or proposition under one distinctive title. The
 18 documents shall be filed with the county election officer or other official,
 19 if another official is designated in the applicable statutes. The filing shall
 20 be made at one time all in one group. Later or successive filings of
 21 documents relating to the same issue or proposition shall be deemed to be
 22 separate petitions and not a part of any earlier or later filing.

23 (b) Unless otherwise specifically required, each petition shall: (1)
 24 State the question which petitioners seek to bring to an election in the form
 25 of a question as it should appear upon the ballot in accordance with the
 26 requirements of K.S.A. 25-620 and K.S.A. 25-3601, and amendments
 27 thereto;

28 (2) name the taxing subdivision or other political subdivision in
 29 which an election is sought to be held;

30 (3) contain the following recital above the spaces provided for
 31 signatures: "I have personally signed this petition. I am a registered elector
 32 of the state of Kansas and of
 33

34 (here insert name of political or taxing subdivision)

35 and my residence address is correctly written after my name."

36 The recital shall be followed by blank spaces for the signature,
 37 residence address and date of signing for each person signing the petition.

38 When petitioners are required by law to possess qualifications in
 39 addition to being registered electors, the form of the petition shall be
 40 amended to contain a recital specifying the additional qualifications
 41 required and stating that the petitioners possess the qualifications; and

42 (4) ~~contain the following recital~~ *a recital in substance as follows*, at
 43 the end of each set of documents carried by each *petition* circulator *as*

1 *defined in section 9, and amendments thereto:* "I am the circulator of this
2 petition and ~~a resident of the state of Kansas and possess the qualifications~~
3 ~~of an elector of the state of Kansas. I have~~ *I am qualified to circulate this*
4 *petition and I personally witnessed the signing of the petition by each*
5 *person whose name appears thereon.*

6 _____
7 (Signature of circulator)

8 _____ "

9 (Circulator's residence address)

10 The recital of the circulator of each petition shall be verified upon oath
11 or affirmation before a notarial officer in the manner prescribed by K.S.A.
12 53-501, *et seq.*, and amendments thereto.

13 (c) Any person who has signed a petition who desires to withdraw
14 such person's name may do so by giving written notice to the county
15 election officer or other designated official not later than the third day
16 following the date upon which the petition is filed.

17 (d) Any petition shall be null and void unless submitted to the county
18 election officer or other designated official within 180 days of the date of
19 the first signature on the petition.

20 (e) Unless the governing body of the political or taxing subdivision in
21 which the election is sought to be held authorizes a special election, all
22 elections which are called as a result of the filing of a sufficient petition
23 shall be held at the next succeeding primary or general election as defined
24 by K.S.A. 25-2502, and amendments thereto, in which the political or
25 taxing subdivision is participating.

26 (f) When a petition requires signatures equal in number to a
27 percentage of the total number of registered voters, such percentage shall
28 be based on the most recent number of registered voters as certified to the
29 office of the secretary of state pursuant to subsection (g) of K.S.A. 25-
30 2311, and amendments thereto.

31 Sec. 5. K.S.A. 2011 Supp. 25-4005 is hereby amended to read as
32 follows: 25-4005. The nomination papers or petitions as mentioned in
33 K.S.A. 25-4004, and amendments thereto, shall be in substantially the
34 following form:

35 I, the undersigned, an elector of the county of _____, and state of
36 Kansas, and a duly registered voter and a member of the _____ party,
37 hereby nominate _____

38 (Here insert name and city)
39 and state of Kansas as a candidate for the office of governor, and running
40 with such candidate _____

41 (Here insert name and city)
42 and state of Kansas as a candidate for the office of lieutenant governor to
43 be voted for at the primary to be held on the first Tuesday in August in

1 _____, as representing the principles of such party; and I further
 2 declare that I intend to support the candidates herein named and that I have
 3 not signed and will not sign any petition or nomination paper for any other
 4 persons, for such offices at the next ensuing election.

5 (HEADING)

6 Name of	Street Number	Name of	Date of
7 Signer	or RR	City	Signing
8	(as Registered)		

9 All nomination papers shall have substantially the foregoing form,
 10 written or printed at the top thereof. No signature shall be counted unless it
 11 is upon a sheet having such written or printed form at the top thereof.

12 Each signer of a nomination paper shall sign but one such paper for
 13 governor and lieutenant governor, and shall declare that such signer
 14 intends to support the candidates therein named, and shall add to the
 15 signer's signature the signer's residence, if in a city, by street and number,
 16 ~~if any~~; or, otherwise by address as shown on such signer's registration. No
 17 signature shall be counted unless the place of residence of the signer is
 18 clearly indicated and the date of signing given as herein required and if
 19 ditto marks are used to indicate address they shall be continuous and
 20 clearly made. Such sheets shall not be cut or pasted together.

21 All signers of each separate nomination paper shall reside in the same
 22 county. The affidavit of a petition circulator ~~who is a resident of the state~~
 23 ~~of Kansas and has the qualifications of an elector of the state Kansas as~~
 24 ~~defined in section 9, and amendments thereto~~, shall be appended to each
 25 such nomination paper, stating that to the best of such petition circulator's
 26 knowledge and belief, all the signers thereof are qualified electors of that
 27 county; that the petition circulator knows that they signed the same with
 28 full knowledge of the contents thereof; that their respective residences are
 29 correctly stated therein; that each signer signed the same on the date stated
 30 opposite such signer's name, and that the affiant intends to support the
 31 candidates therein named. Such affidavit shall be *prima facie* evidence of
 32 the facts therein stated.

33 Such nomination papers shall be signed by not less than 1% of the total
 34 vote of the party designated in the state. The basis of the percentage shall
 35 be the vote of the party for secretary of state at the last preceding general
 36 election of secretary of state; or, in case of a new party, the basis of a
 37 percentage shall be the vote cast for the successful candidate for secretary
 38 of state at the last preceding general election of secretary of state.

39 Sec. 6. K.S.A. 2011 Supp. 25-4306 is hereby amended to read as
 40 follows: 25-4306. The application under K.S.A. 25-4305, *and amendments*
 41 *thereto*, shall include (a) the name and office of the person sought to be
 42 recalled, (b) the grounds for recall described in particular in not more than
 43 200 words, (c) a statement that the sponsors ~~are residents of the state of~~

1 ~~Kansas and possess the qualifications of an elector of the state of Kansas~~
2 ~~and who are residents of the state of Kansas and possess the qualifications~~
3 ~~of an elector of the state of Kansas and who~~ signed the application with
4 the statement of grounds for recall attached, (d) the designation of a recall
5 committee of three sponsors who shall represent all sponsors and
6 subscribers in matters relating to the recall, (e) the designation of at least
7 100 residents of the state of Kansas who possess the qualifications of
8 electors of the state of Kansas and who subscribe to the application as
9 sponsors for purposes of circulation, and (f) the signatures and addresses
10 of registered electors in the state or election district of the state officer
11 sought to be recalled equal in number to not less than 10% of the votes
12 cast for all candidates for the office of the state officer sought to be
13 recalled, such percentage to be based upon the last general election for the
14 current term of office of the officer sought to be recalled.

15 Sec. 7. K.S.A. 2011 Supp. 25-4310 is hereby amended to read as
16 follows: 25-4310. The petitions may be circulated ~~only by a sponsor who~~
17 ~~is a resident of the state of Kansas and possesses the qualifications of an~~
18 ~~elector of the state of Kansas and by a petition circulator, as defined in~~
19 ~~section 9, and amendments thereto~~, only in person throughout the state or
20 election district of the state officer sought to be recalled. No copy of a
21 petition shall be circulated in more than one county, and the county
22 election officer of the county in which each petition is circulated shall
23 certify to the secretary of state the sufficiency of the signatures on the
24 petition. Any registered elector of such election district or of the state, as
25 the case may be, may subscribe to the petition by signing the elector's
26 name and address as the same appears on the voter registration books. A
27 person who has signed the petition may withdraw such person's name only
28 by giving written notice to the secretary of state before the date the petition
29 is filed. The necessary signatures on a petition shall be secured within 90
30 days from the date that the petitions prepared by the secretary of state
31 pursuant to K.S.A. 25-4309, and amendments thereto, are delivered to the
32 recall committee. The petition shall be signed only in ink. Illegible
33 signatures unless accompanied by a legible printed name may be rejected
34 by the secretary of state or by any county election officer assisting the
35 secretary of state.

36 Sec. 8. K.S.A. 2011 Supp. 25-4320 is hereby amended to read as
37 follows: 25-4320. (a) Each petition for recall of a local officer shall
38 include: (1) The name and office of the local officer sought to be recalled;
39 (2) the grounds for recall described in particular in not more than 200
40 words; (3) a statement that the petition signers are registered electors of
41 the election district of the local officer sought to be recalled; (4) the names
42 and addresses of three registered electors of the election district of the
43 officer sought to be recalled who shall comprise the recall committee; (5)

1 the statement of warning required in K.S.A. 25-4321, and amendments
 2 thereto; and (6) a statement that a list of all ~~sponsors~~ *petition circulators*,
 3 *as defined in section 9, and amendments thereto*, authorized to circulate
 4 recall petitions for such recall may be examined in the office of the county
 5 election officer where the petition is required to be filed. ~~Each sponsor~~
 6 ~~shall be a resident of the state of Kansas and possess the qualifications of an~~
 7 ~~elector of the state of Kansas.~~

8 (b) Each page of a petition for recall of a local officer shall be in
 9 substantially the following form:

10 I, the undersigned, hereby seek the recall of _____ from the
 11 office of _____, on the ground(s)
 12 that _____,(state specific grounds) and
 13 declare that I am a registered elector of _____ County,
 14 Kansas, and of the election district of the officer named above.

	Street Number		
Name of	or RR	Name of	Date of
Signer	(as Registered)	City	Signing
_____	_____	_____	_____
_____	_____	_____	_____

18
19
20 NOTE:

- 21 1. It is a class B misdemeanor to sign a name other than your own
 22 name to this petition, to knowingly sign more than once for the
 23 recall of the same officer at the same election or to sign this petition
 24 knowing you are not a registered elector.
- 25 2. The following comprise the recall committee:
 26 _____
 27 (names and resident addresses)
- 28 3. A list of all ~~sponsors~~ *petition circulators, as defined in section 9,*
 29 *and amendments thereto*, authorized to circulate petitions for this
 30 recall may be examined in the office of the _____ County
 31 election officer.

32 (c) A county election officer shall provide a sample of the form
 33 prescribed by subsection (b) upon request by any person.

34 (d) The affidavit required by K.S.A. 25-4325, and amendments
 35 thereto, shall be appended to each petition for recall of a local officer.

36 New Sec. 9. (a) For purposes of this act, "petition circulator" shall
 37 mean a person who is:

- 38 (1) A United States citizen;
- 39 (2) at least 18 years of age; and
- 40 (3) has not been convicted of a felony or if convicted of a felony
 41 under the laws of any state or of the United States, has been pardoned or
 42 restored to such person's civil rights.

43 (b) All petition circulators, whether residents or nonresidents of the

1 state of Kansas, are required to agree to submit to the jurisdiction of the
2 state, including its agencies, political subdivisions and election officials,
3 for purposes of subpoena enforcement regarding the integrity and
4 reliability of the petition process.

5 Sec. 10. K.S.A. 2011 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-
6 4005, 25-4306, 25-4310 and 25-4320 are hereby repealed.

7 Sec. 11. This act shall take effect and be in force from and after its
8 publication in the Kansas register.

9