

SENATE BILL No. 369

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning elections; relating to filings of declarations of
2 intention to become a candidate, nomination petitions or certificates of
3 nomination; requiring such filings for national, state, county, township
4 and municipal office include the candidate's non-government issued
5 email address; amending K.S.A. 25-205, 25-209, 25-304, 25-311, 25-
6 2020 and 25-21a03 and K.S.A. 2023 Supp. 25-1903 and repealing the
7 existing sections.
8

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

10 Section 1. K.S.A. 25-205 is hereby amended to read as follows: 25-
11 205. (a) Except as otherwise provided in this section, the ~~names~~ *name* of
12 ~~candidates~~ *a candidate* for national, state, county and township offices
13 shall be printed upon the official primary ballot ~~when each shall have if~~
14 *such candidate has* qualified to become a candidate by one of the
15 following methods ~~and none other: (1) They shall have had filed in their~~
16 ~~behalf~~. Not later than 12 noon, June 1, prior to such primary election, or if
17 such date falls on Saturday, Sunday or a holiday, then before 12 noon of
18 the next following day that is not a Saturday, Sunday or a holiday, *the*
19 *candidate shall:*

20 (1) *have had filed in their behalf* nomination petitions, as provided for
21 ~~in this act by law~~; or

22 (2) ~~they shall have filed not later than the time for filing nomination~~
23 ~~petitions, as above provided~~, with the proper officer a declaration of
24 intention to become a candidate, accompanied by the fee required by law.
25 Such declaration shall be prescribed by the secretary of state *and shall*
26 *include the candidate's non-government issued email address.*

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

28 I, the undersigned, an elector of the county of _____, and
29 state of Kansas, and a duly registered voter, and a member of
30 _____ party, hereby nominate _____, who resides in
31 the township of _____ (or at number _____ on
32 _____ street, city of _____), in the county of
33 _____ and state of Kansas, *whose non-government issued*
34 *email address is* _____, as a candidate for the office of
35 (here specify the office) _____, to be voted for at the primary
36 election to be held on the first Tuesday in August in _____, as

1 representing the principles of such party; and I further declare that I intend
 2 to support the candidate herein named and that I have not signed and will
 3 not sign any nomination petition for any other person, for such office at
 4 such primary election.

5 (HEADING)

6 Name of	Street Number	Name of	Date of
7 Signers.	or Rural Route	City.	Signing.
8	9 (as registered).		

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

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

24 (d) All signers of each separate nomination petition shall reside in the
 25 same county and election district of the office sought. ~~The affidavit~~
 26 ~~described in this paragraph of a~~ petition circulator as defined in K.S.A. 25-
 27 3608, and amendments thereto, ~~or of the candidate shall be appended~~
 28 ~~append an affidavit to~~ each petition and ~~shall contain~~, at the end of each
 29 set of documents carried by ~~each the~~ circulator, ~~The affidavit shall contain~~
 30 a verification, signed by the circulator ~~or the~~ candidate, to the effect that
 31 such circulator or the candidate personally witnessed the signing of the
 32 petition by each person whose name appears ~~thereon on the~~ petition.

33 (e) Except as otherwise provided in subsection (g), nomination
 34 petitions shall be signed *based on area of the electorate as follows. If for a:*

35 (1) ~~If for a state~~ State officer elected on a statewide basis or for the
 36 office of United States senator, by voters equal in number to not less than
 37 1% of the total of the current voter registration of the party designated in
 38 the state as compiled by the office of the secretary of state;

39 (2) ~~if for a state or national~~ officer elected on less than a statewide
 40 basis, by voters equal in number to not less than 2% of the total of the
 41 current voter registration of the party designated in such district as
 42 compiled by the office of the secretary of state, except that for the office of
 43 district magistrate judge, by not less than 2% of the total of the current

1 voter registration of the party designated in the county in which such office
2 is to be filled as certified to the secretary of state in accordance with
3 K.S.A. 25-3302, and amendments thereto;

4 (3) ~~if for a~~ county office, by voters equal in number to not less than
5 3% of the total of the current voter registration of the party designated in
6 such district or county as compiled by the county election officer and
7 certified to the secretary of state in accordance with K.S.A. 25-3302, and
8 amendments thereto; and

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

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

21 (g) In any year in which districts are reapportioned for the offices of
22 representative in the United States congress, senator and representative in
23 the legislature of the state of Kansas or member of the state board of
24 education:

25 ~~(1) if and the date that~~ new boundary lines are defined and districts
26 established in the manner prescribed by law ~~on~~ is:

27 (1) *On* or before May 10, *then* nomination petitions for nomination to
28 such offices shall be signed by voters equal in number to not less than 1%
29 of the total of the current voter registration of the party designated in the
30 district as compiled by the office of the secretary of state: *or*

31 ~~(2) If new boundary lines are defined and districts established in the~~
32 ~~manner prescribed by law on or after May 10, then~~ nomination petitions
33 for nomination to the following offices shall be signed by registered voters
34 of the party designated in the district equal in number to not less than the
35 following:

36 (A) For the office of representative in the United States congress
37 1,000 registered voters;

38 (B) for the office of member of the state board of education 300
39 registered voters;

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

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

42 (h) In any year in which districts are reapportioned for the offices of
43 representative in the United States congress, senator and representative in

1 the legislature of the state of Kansas or member of the state board of
2 education:

3 ~~(1) If and if the date that~~ new boundary lines are defined and districts
4 ~~are~~ established in the manner prescribed by law ~~on~~ is:

5 (1) On or before May 10, then the deadline for filing nomination
6 petitions and declarations of intention to become a candidate for such
7 office, accompanied by the fee required by law, shall be 12 noon on June
8 1, or if such date falls on a Saturday, Sunday or a holiday, then before 12
9 noon of the next following day that is not a Saturday, Sunday or holiday;

10 or

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

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

23 ~~(1) They shall have filed,~~ Not later than 12 noon, on June 1, prior to
24 such primary election, or if such date falls on Saturday, Sunday or a
25 holiday, then before 12 noon of the next following day that is not a
26 Saturday, Sunday or a holiday, *the candidate shall:*

27 (1) *Have had filed* nomination petitions, as otherwise provided by
28 law. *The person's non-government issued email address shall be provided*
29 *with such filing;* or

30 (2) ~~they shall have filed, not later than the time for filing nomination~~
31 ~~petitions, as above provided,~~ with the proper officer a declaration of
32 intention to become a candidate, accompanied by the \$20 fee required by
33 law. Such declaration shall be prescribed by the secretary of state as
34 provided in K.S.A. 25-21a03, and amendments thereto, *and shall include*
35 *the person's non-government issued email address.*

36 Sec. 2. K.S.A. 25-209 is hereby amended to read as follows: 25-209.

37 (a) As soon as possible after the filing deadline, the secretary of state shall
38 certify to each county election officer the name ~~and~~, post-office address
39 *and non-government issued email address* of each person who has filed
40 valid nomination petitions or a declaration of intent to become a candidate
41 for United States senator or representative or for state office, together with
42 the designation of the office for which each is a candidate and the party or
43 principle which the candidate represents.

1 (b) The county election officer shall, upon receipt thereof, publish for
2 three consecutive weeks in the official paper, a notice ~~which that~~ shall set
3 forth under the proper party designation, the title of each national, state,
4 county and township office any part of the district of which is in the
5 county, the names ~~and~~, addresses *and non-government issued email*
6 *addresses* of all persons certified by the secretary of state as candidates for
7 any national or state office any part of the district of which is in the county
8 and, ~~in addition thereto~~, the names ~~and~~, addresses *and non-government*
9 *issued email addresses* of all persons from whom valid nomination papers
10 or declarations have been filed in the county election officer's office, ~~giving the name and address of each~~, The notice shall also set forth the
11 day of the primary election, the hours during which the polls will be open
12 and ~~stating~~ *state* that the primary election will be held at the regular voting
13 places. Where such voting places are not well established and customarily
14 known the ~~published notice herein provided for~~ shall give the location of
15 such voting places.
16

17 (c) The secretary of state and county election officers shall utilize the
18 procedures established in this section to the extent applicable for
19 municipal elections conducted in the fall of both odd-numbered and even-
20 numbered years when needed.

21 Sec. 3. K.S.A. 25-304 is hereby amended to read as follows: 25-304.
22 All certificates of nomination shall be in writing, shall contain the name of
23 each person nominated, with such person's residence, *non-government*
24 *issued email address* and the office for which nominated. Party certificates
25 of nomination shall designate the political party which the convention,
26 primary election or caucus making the nominations represented. When
27 electors for president and vice-president of the United States are
28 nominated, the names of the candidates for president and vice-president
29 may also be shown on the certificates. Independent nomination petitions
30 for presidential electors shall contain the names of each elector and the
31 names of the candidates for president and vice-president of the United
32 States, together with the residence of each elector and candidate *and each*
33 *candidate's non-government issued email address*. The provisions of this
34 section shall not apply to city or school elections, nor to the election of
35 officers for which it is provided by law to be elected at the time of city and
36 school elections.

37 Sec. 4. K.S.A. 25-311 is hereby amended to read as follows: 25-311.
38 Not less than twenty ~~(20)~~ days before an election to fill any national or
39 state office, the secretary of state shall certify to the county election officer
40 of each county within which any of the electors may by law vote for the
41 candidates for such office, the name ~~and~~, *non-government issued email*
42 *address and* residence of each person nominated for such office, as
43 specified in the certificates of nomination or nomination papers filed with

1 the secretary of state.

2 Sec. 5. K.S.A. 2023 Supp. 25-1903 is hereby amended to read as
3 follows: 25-1903. (a) A person may become a candidate for election to the
4 office of state board member by either one of the methods provided in this
5 section.

6 (1) Any person who is an elector of any board member district may
7 petition to be a candidate for member of the state board from the board
8 member district in which such person resides. Any such person shall file
9 with the secretary of state a petition for the candidacy of such person
10 signed by not less than 200 electors residing in such board member
11 district.

12 (2) Any person who is an elector of any board member district may
13 become a candidate for member of the state board from the board member
14 district in which such candidate resides by filing in the office of the
15 secretary of state a declaration of intent to be such a candidate and
16 payment of a filing fee in the amount of \$25.

17 (b) Any such petition or declaration of intention filed by a candidate
18 to run in the primary election held in accordance with K.S.A. 25-203, and
19 amendments thereto, shall be filed no later than 12:00 noon, June 1, prior
20 to such primary election, or if such date falls on Saturday, Sunday or a
21 holiday, then before 12:00 noon of the next following day that is not a
22 Saturday, Sunday or a holiday. Any such petition or declaration of
23 intention filed by an independent candidate for the office of state board
24 member shall be filed no later than 12:00 noon on the Monday preceding
25 the date fixed for the holding of primary elections in accordance with
26 K.S.A. 25-203, and amendments thereto. *All filings of such petitions or*
27 *declarations of intention by candidates or independent candidates shall*
28 *include the candidate's or independent candidate's non-government issued*
29 *email address.*

30 Sec. 6. K.S.A. 25-2020 is hereby amended to read as follows: 25-
31 2020. (a) When a district method of election is in effect in any school
32 district, a person may become a candidate for election to board member by
33 any one of the following methods:

34 (1) Any person who is an elector in any member district may petition
35 to be a candidate for board member from the member district in which
36 such person resides. Any such person shall file with the county election
37 officer, a petition for such candidacy signed by not less than 50 electors
38 residing in such member district or by a number of such electors equal to
39 not less than 10% of the electors residing in such member district,
40 whichever is less.

41 (2) Any person who is an elector in any school district may petition to
42 be a candidate for board member at-large from the school district in which
43 such person resides. Any such person shall file with the county election

1 officer, a petition for such candidacy signed by not less than 50 electors
2 residing in such school district.

3 (3) Any person who is an elector in any member district may become
4 a candidate for board member from the member district in which such
5 person resides by filing with the county election officer a declaration of
6 intention to become such a candidate, and ~~payment therewith of~~ *paying* a
7 filing fee in the amount of \$20. Such declaration shall be prescribed by the
8 secretary of state.

9 (4) Any person who is an elector in any school district may become a
10 candidate for board member at-large from the school district in which such
11 person resides by filing with the county election officer a declaration of
12 intention to become such a candidate, and ~~payment therewith of~~ *paying* a
13 filing fee in the amount of \$20. Such declaration shall be prescribed by the
14 secretary of state.

15 (5) Any such petition or declaration shall specify the member position
16 for which the person is a candidate *and shall include the person's non-*
17 *government issued email address.*

18 (b) When the election at large method is in effect in any school
19 district, a person may become a candidate for election to board member by
20 either one of the following methods:

21 (1) Any person who is an elector of the school district may petition to
22 be a candidate for board member. Any such person shall file with the
23 county election officer a petition for such candidacy signed by not less
24 than 50 electors residing in the school district.

25 (2) Any person who is an elector in the unified school district may
26 become a candidate for board member by filing with the county election
27 officer a declaration of intention to become such a candidate, and payment
28 therewith of a filing fee in the amount of \$20. Such declaration shall be
29 prescribed by the secretary of state.

30 (3) Any such petition or declaration which is for an unexpired term of
31 a member shall so specify.

32 (c) Any such petition or declaration of intent must be filed before the
33 filing deadline as prescribed in K.S.A. 25-205, and amendments thereto.
34 No candidate shall be permitted to withdraw from candidacy after the
35 filing deadline.

36 (d) Within three days from the date of the filing of a nomination
37 petition or a declaration of intention to become a candidate for board
38 member, the county election officer shall determine the validity of such
39 petition or declaration.

40 (e) *Any such petition or declaration of intent shall include the*
41 *candidate's non-government issued email address.*

42 (f) If a nomination petition or declaration is found to be invalid, the
43 county election officer shall notify the candidate on whose behalf the

1 petition or declaration was filed that such nomination petition or
2 declaration has been found to be invalid and the reason for the finding.
3 Such candidate may make objection to the finding of invalidity by the
4 county election officer in accordance with K.S.A. 25-308, and
5 amendments thereto.

6 Sec. 7. K.S.A. 25-21a03 is hereby amended to read as follows: 25-
7 21a03. (a) The secretary of state shall develop the style and form of the
8 official primary ballot and the official general election ballot for municipal
9 offices.

10 (b) The declaration of intent to become a candidate shall be
11 prescribed by the secretary of state *and shall include the candidate's non-*
12 *government issued email address.* The declarations for any municipality
13 shall be filed with the county election officer not later than 12 noon, June
14 1, prior to the primary election in both even-numbered and odd-numbered
15 years, or if such date falls on a Saturday, Sunday or holiday, then before 12
16 noon of the next day that is not a Saturday, Sunday or holiday.

17 (c) The secretary of state shall establish primary election procedures
18 for primary elections for municipalities.

19 (d) The secretary of state shall establish general election procedures
20 for general elections for municipalities.

21 (e) County election officers shall conduct municipal elections in odd-
22 numbered years and elections in even-numbered years if needed.

23 (f) The secretary of state shall adopt rules and regulations to
24 implement this section ~~on or before July 1, 2016.~~

25 Sec. 8. K.S.A. 25-205, 25-209, 25-304, 25-311, 25-2020 and 25-
26 21a03 and K.S.A. 2023 Supp. 25-1903 are hereby repealed.

27 Sec. 9. This act shall take effect and be in force from and after its
28 publication in the statute book.