

House Substitute for Substitute SENATE BILL No. 8

By Committee on Elections

3-24

1 AN ACT concerning elections; amending K.S.A. 19-3419, 25-1132, 25-
2 1133, 25-1134, 25-1136 and 25-4144 and K.S.A. 2016 Supp. 25-101,
3 25-213, 25-611, 25-618, 25-1122, 25-3107, 25-4145 and 25-4148b and
4 repealing the existing sections; also repealing K.S.A. 19-3419a.

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

7 Section 1. K.S.A. 2016 Supp. 25-1122 is hereby amended to read as
8 follows: 25-1122. (a) Any registered voter may file with the county
9 election officer where the person is a resident, or where the person is
10 authorized by law to vote as a former precinct resident, an application for
11 an advance voting ballot. The signed application shall be transmitted only
12 to the county election officer by personal delivery, mail, facsimile or as
13 otherwise provided by law.

14 (b) If the registered voter is applying for an advance voting ballot to
15 be transmitted in person, the voter shall provide identification pursuant to
16 K.S.A. 25-2908, and amendments thereto.

17 (c) If the registered voter is applying for an advance voting ballot to
18 be transmitted by mail, the voter shall provide with the application for an
19 advance voting ballot the voter's current and valid Kansas driver's license
20 number, nondriver's identification card number or a photocopy of any
21 other identification provided by K.S.A. 25-2908, and amendments thereto.

22 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
23 and amendments thereto, if:

24 (1) The voter is unable or refuses to provide current and valid
25 identification; or

26 (2) the name and address of the voter provided on the application for
27 an advance voting ballot do not match the voter's name and address on the
28 registration book. The voter shall provide a valid form of identification as
29 defined in K.S.A. 25-2908, and amendments thereto, to the county election
30 officer in person or provide a copy by mail or electronic means before the
31 meeting of the county board of canvassers. At the meeting of the county
32 board of canvassers the county election officer shall present copies of
33 identification received from provisional voters and the corresponding
34 provisional ballots. If the county board of canvassers determines that a
35 voter's identification is valid and the provisional ballot was properly cast,
36 the ballot shall be counted.

1 (e) No county election officer shall provide an advance voting ballot
2 to a person who is requesting an advance voting ballot to be transmitted by
3 mail unless:

4 (1) The county election official verifies that the signature of the
5 person matches that on file in the county voter registration records.
6 Signature verification may occur by electronic device or by human
7 inspection. In the event that the signature of a person who is requesting an
8 advance voting ballot does not match that on file, the county election
9 officer shall attempt to contact the person and shall offer the person
10 another opportunity to provide the person's signature for the purposes of
11 verifying the person's identity. If the county election officer is unable to
12 reach the person, the county election officer may transmit a provisional
13 ballot, however, such provisional ballot may not be counted unless a
14 signature is included therewith that can be verified; and

15 (2) the person provides such person's full Kansas driver's license
16 number, Kansas nondriver's identification card number issued by the
17 division of vehicles, or submits such person's application for an advance
18 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
19 amendments thereto, to the county election officer for verification. If a
20 person applies for an advance voting ballot to be transmitted by mail but
21 fails to provide identification pursuant to this subsection or the
22 identification of the person cannot be verified by the county election
23 officer, the county election officer shall provide information to the person
24 regarding the voter rights provisions of subsection (d) and shall provide
25 the person an opportunity to provide identification pursuant to this
26 subsection. For the purposes of this act, Kansas state offices and offices of
27 any subdivision of the state will allow any person seeking to vote by an
28 advance voting ballot the use of a photocopying device to make one
29 photocopy of an identification document at no cost.

30 (f) Applications for advance voting ballots to be transmitted to the
31 voter by mail shall be filed only at the following times:

32 (1) For the primary election occurring on the first Tuesday in August
33 in both even-numbered and odd-numbered years, between April 1 of such
34 year and the ~~last business day~~ *Tuesday* of the week preceding such primary
35 election.

36 (2) For the general election occurring on the Tuesday following the
37 first Monday in November in both even-numbered and odd-numbered
38 years, between 90 days prior to such election and the ~~last business day~~
39 *Tuesday* of the week preceding such general election.

40 (3) For question submitted elections occurring on the date of a
41 primary or general election, the same as is provided for ballots for election
42 of officers at such election.

43 (4) For question submitted elections not occurring on the date of a

1 primary or general election, between the time of the first published notice
2 thereof and the ~~last business day~~ *Tuesday* of the week preceding such
3 question submitted election, except that if the question submitted election
4 is held on a day other than a Tuesday, the ~~county election officer shall~~
5 ~~determine the final date for mailing of advance voting ballots, but such~~
6 ~~date shall not be more than three business days~~ *one week* before such
7 election.

8 (5) For any special election of officers, at such time as is specified by
9 the secretary of state.

10 ~~(6) For the presidential preference primary, between January 1 of the~~
11 ~~year in which such primary is held and the last business day of the week~~
12 ~~preceding such primary election.~~

13 The county election officer of any county may receive applications
14 prior to the time specified in this subsection and hold such applications
15 until the beginning of the prescribed application period. Such applications
16 shall be treated as filed on that date.

17 (g) Unless an earlier date is designated by the county election office,
18 applications for advance voting ballots transmitted to the voter in person in
19 the office of the county election officer shall be filed on the Tuesday next
20 preceding the election and on each subsequent business day until no later
21 than 12 noon on the day preceding such election. If the county election
22 officer so provides, applications for advance voting ballots transmitted to
23 the voter in person in the office of the county election officer also may be
24 filed on the Saturday preceding the election. Upon receipt of any such
25 properly executed application, the county election officer shall deliver to
26 the voter such ballots and instructions as are provided for in this act.

27 An application for an advance voting ballot filed by a voter who has a
28 temporary illness or disability or who is not proficient in reading the
29 English language or by a person rendering assistance to such voter may be
30 filed during the regular advance ballot application periods until the close
31 of the polls on election day.

32 The county election officer may designate places other than the central
33 county election office as satellite advance voting sites. At any satellite
34 advance voting site, a registered voter may obtain an application for
35 advance voting ballots. Ballots and instructions shall be delivered to the
36 voter in the same manner and subject to the same limitations as otherwise
37 provided by this subsection.

38 (h) Any person having a permanent disability or an illness which has
39 been diagnosed as a permanent illness is hereby authorized to make an
40 application for permanent advance voting status. Applications for
41 permanent advance voting status shall be in the form and contain such
42 information as is required for application for advance voting ballots and
43 also shall contain information which establishes the voter's right to

1 permanent advance voting status.

2 (i) On receipt of any application filed under the provisions of this
3 section, the county election officer shall prepare and maintain in such
4 officer's office a list of the names of all persons who have filed such
5 applications, together with their correct post office address and the
6 precinct, ward, township or voting area in which the persons claim to be
7 registered voters or to be authorized by law to vote as former precinct
8 residents and the present resident address of each applicant. Names and
9 addresses shall remain so listed until the day of such election. The county
10 election officer shall maintain a separate listing of the names and addresses
11 of persons qualifying for permanent advance voting status. All such lists
12 shall be available for inspection upon request in compliance with this
13 subsection by any registered voter during regular business hours. The
14 county election officer upon receipt of the applications shall enter upon a
15 record kept by such officer the name and address of each applicant, which
16 record shall conform to the list above required. Before inspection of any
17 advance voting ballot application list, the person desiring to make the
18 inspection shall provide to the county election officer identification in the
19 form of driver's license or other reliable identification and shall sign a log
20 book or application form maintained by the officer stating the person's
21 name and address and showing the date and time of inspection. All records
22 made by the county election officer shall be subject to public inspection,
23 except that the voter identification information required by subsections (b)
24 and (c) and the identifying number on ballots and ballot envelopes and
25 records of such numbers shall not be made public.

26 (j) If a person on the permanent advance voting list fails to vote in
27 four consecutive general elections held on the Tuesday succeeding the first
28 Monday in November of each even-numbered and odd-numbered year, the
29 county election officer may mail a notice to such voter. The notice shall
30 inform the voter that the voter's name will be removed from the permanent
31 advance voting list unless the voter renews the application for permanent
32 advance voting status within 30 days after the notice is mailed. If the voter
33 fails to renew such application, the county election officer shall remove the
34 voter's name from the permanent advance voting list. Failure to renew the
35 application for permanent advance voting status shall not result in removal
36 of the voter's name from the voter registration list.

37 (k) The secretary of state may adopt rules and regulations in order to
38 implement the provisions of this section and to define valid forms of
39 identification.

40 Sec. 2. K.S.A. 25-1132 is hereby amended to read as follows: 25-
41 1132. (a) All advance voting ballots which are received in the office of the
42 county election officer *or any polling place within the county* not later than
43 the hour for closing of the polls on the date of any election specified in

1 ~~subsection (b)~~ of K.S.A. 25-1122(f), and amendments thereto, shall be
2 delivered by the county election officer to the appropriate special election
3 board provided for in K.S.A. 25-1133, and amendments thereto.

4 *(b) Subject to the deadline for receipt by the office of the county*
5 *election officer as set forth in this subsection, all advance voting ballots*
6 *received by mail by the office of the county election officer after the*
7 *closing of the polls on the date of any election specified in K.S.A. 25-*
8 *1122(f), and amendments thereto, and which are postmarked or are*
9 *otherwise indicated by the United States postal service to have been*
10 *mailed before the close of the polls on the date of the election, shall be*
11 *delivered by the county election officer to a special election board or the*
12 *county board of canvassers, as determined by the secretary of state, for*
13 *canvassing in a manner consistent, as nearly as may be, with other*
14 *advance voting ballots. The deadline for the receipt by mail of the advance*
15 *voting ballots by the office of the county election officer shall be the last*
16 *delivery of mail by the United States postal service on the third day*
17 *following the date of the election, unless additional time is permitted by*
18 *the secretary. The secretary of state shall adopt rules and regulations to*
19 *implement this subsection.*

20 Sec. 3. K.S.A. 25-1133 is hereby amended to read as follows: 25-
21 1133. (a) The county election officer of every county, which does not use
22 voting machines, optical scanning systems or electronic or
23 electromechanical voting systems, shall establish a special election board.
24 Such special election board shall consist of the election board members in
25 the precinct in which is located the office of the county election officer or
26 the members of such additional election boards of the county as the county
27 election officer may designate. Such special election board shall meet at
28 the voting place in the precinct in which is located the office of the county
29 election officer on election day, *or as provided by rules and regulations*
30 *adopted by the secretary of state as authorized by K.S.A. 25-1132(b), and*
31 *amendments thereto.*

32 (b) In counties where voting machines, optical scanning systems or
33 electronic or electromechanical voting systems are used, the county
34 election officer shall appoint a special election board consisting of at least
35 three members. Such members shall be registered voters of such county.
36 Such special election board shall meet in the office of the county election
37 officer on election day or at such time before election day as the county
38 election officer deems necessary, *or as provided by rules and regulations*
39 *adopted by the secretary of state as authorized by K.S.A. 25-1132(b), and*
40 *amendments thereto.*

41 Sec. 4. K.S.A. 25-1134 is hereby amended to read as follows: 25-
42 1134. (a) The county election officer in counties which have a special
43 election board established under K.S.A. 25-1133, and amendments thereto,

1 shall deliver all advance voting ballots to the special election board when
2 such special election board convenes, and thereafter as advance voting
3 ballots are received during election day, until the time for closing of the
4 polls, *or as provided by rules and regulations adopted by the secretary of*
5 *state as authorized by K.S.A. 25-1132(b), and amendments thereto.*

6 (b) The special election board may conduct the original canvass of
7 advance voting ballots when the board convenes, but shall not complete
8 final tabulation prior to election day.

9 Sec. 5. K.S.A. 25-1136 is hereby amended to read as follows: 25-
10 1136. (a) The vote of any advance voting voter may be challenged in the
11 same manner as other votes are challenged, as nearly as may be, and the
12 judges of the special election board shall determine the validity of each
13 advance voting ballot. Whenever the judges determine that the form
14 accompanying an advance voting ballot is insufficient, or that the voter is
15 not a registered voter, or the challenge is otherwise sustained, the advance
16 voting ballot envelope shall not be opened. In all such cases, the judges
17 shall endorse on the back of the envelope the word "provisional" and state
18 the reason for sustaining the challenge.

19 (b) Any advance voting ballot envelope which has not been signed
20 shall not be opened, and no vote on the ballot therein shall be counted.
21 Such envelope or ballot shall be challenged in the same manner in which
22 other votes are challenged.

23 (c) Whenever it shall be made to appear to the judges of a special
24 election board by sufficient proof that an advance voting voter has died,
25 the envelope containing the advance voting ballot of such deceased voter
26 shall not be opened. In all such cases, the judges shall endorse on the back
27 of the envelope the word "provisional" and the reason for sustaining the
28 challenge.

29 (d) If objection is made to an advance voting ballot because of form,
30 condition, or marking thereof, the ballot shall be marked "void" if the
31 judges uphold the objection to the entire ballot, and otherwise shall be
32 marked on the back thereof, "objected to" with a statement of the
33 substance of the objection.

34 (e) Void, provisional and objected to advance voting ballots shall be
35 transmitted to the county election officer in the same manner as personally
36 cast provisional ballots are transmitted but shall be placed in separate
37 envelopes or sacks, appropriately labeled and sealed. Votes contained in
38 void and provisional advance voting ballots shall not be included in the
39 total of votes certified by the special election board. Void, provisional and
40 objected to advance voting ballots shall be reviewed by the board of
41 county canvassers, and such board shall finally determine the acceptance
42 or rejection of each void, provisional or objected to ballot.

43 (f) *Procedures for canvassing and challenging advance voting ballots*

1 *received by mail after the closing of the polls pursuant to K.S.A. 25-*
2 *1132(b), and amendments thereto, shall be as set forth in rules and*
3 *regulations adopted by the secretary of state as authorized by K.S.A. 25-*
4 *1132(b), and amendments thereto.*

5 Sec. 6. K.S.A. 2016 Supp. 25-3107 is hereby amended to read as
6 follows: 25-3107. (a) At the time of commencement of any canvass by the
7 county board of canvassers the county election officer shall present to the
8 county board of canvassers the preliminary abstracts of election returns,
9 together with the ballots and records returned by the election boards *and,*
10 *as provided by rules and regulations adopted by the secretary of state as*
11 *authorized by K.S.A. 25-1132(b), and amendments thereto, advance voting*
12 *ballots received after the closing of the polls pursuant to K.S.A. 25-*
13 *1132(b), and amendments thereto.* The county board of canvassers shall
14 inspect and check the records presented by the county election officer and
15 shall hear any questions which the county election officer believes
16 appropriate for determination of the board. The county board of canvassers
17 shall do what is necessary to obtain an accurate and just canvass of the
18 election and shall finalize the preliminary abstract of election returns by
19 making any needed changes, and certifying its authenticity and accuracy.
20 The certification of the county board of canvassers shall be attested by the
21 county election officer. Neither the county board of canvassers nor the
22 county election officer shall open or unseal sacks or envelopes of ballots,
23 except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and
24 amendments thereto, or other specific provision of law or as is authorized
25 to carry out a recount under subsection (b), *or as authorized under*
26 *subsection (e).*

27 (b) If a majority of the members of the county board of canvassers
28 shall determine that there are manifest errors appearing on the face of the
29 poll books of any election board, which might make a difference in the
30 result of any election, or if any candidate shall request the recount of the
31 ballots cast in all or in only specified voting areas for the office for which
32 such person is a candidate, or if any registered elector who cast a ballot in
33 a question submitted election requests a recount in all or only specified
34 voting areas to determine the result of the election, the county board of
35 canvassers shall cause a special election board appointed by the county
36 election officer to meet under the supervision of the county election officer
37 and recount the ballots with respect to any office or question submitted
38 specified by the county board of canvassers or requested by such candidate
39 or elector. If a recount is required in a county that uses optical scanning
40 systems as defined in K.S.A. 25-4601 et seq., and amendments thereto, or
41 electronic or electromechanical voting systems, as defined in K.S.A. 25-
42 4401, and amendments thereto, the method of conducting the recount shall
43 be at the discretion of the person requesting such recount. The county

1 election officer shall not be a member of such special election board.
2 Before the special election board meets to recount the ballots upon a
3 properly filed request, the party who makes the request shall file with the
4 county election officer a bond, with security to be approved by the county
5 or district attorney, conditioned to pay all costs incurred by the county in
6 making such recount. In the event that the candidate requesting the recount
7 is declared the winner of the election as a result of the recount, or if as a
8 result of the recount a question submitted is overturned, no action shall be
9 taken on the person's bond and the county shall bear the costs incurred for
10 the recount. Any recount must be requested in writing and filed with the
11 county election officer not later than 5 p.m. on the day following the
12 meeting of the county board of canvassers. The request shall specify which
13 voting areas are to be recounted. The county election officer shall
14 immediately notify any candidate involved in the election for which such
15 recount is requested, or shall notify the county chairperson of each
16 candidate's party. Any such recount shall be initiated not later than the
17 following day and shall be completed not later than 5 p.m. on the fifth day
18 following the filing of the request for a recount, including Saturdays,
19 Sundays and holidays. Upon completion of any recount under this
20 subsection, the election board shall package and reseal the ballots as
21 provided by law and the county board of canvassers shall complete its
22 canvass. The members of the special election board shall be paid as
23 prescribed in K.S.A. 25-2811, and amendments thereto, for time actually
24 spent making the recount.

25 (c) (1) The provisions of this subsection shall apply to candidates at
26 any election for:

- 27 (A) Any state or national office elected on a statewide basis;
- 28 (B) the office of president or vice president of the United States;
- 29 (C) the office of members of United States house of representatives;
- 30 (D) office of members of state senate or house of representative
31 whose district is located in two or more counties; and
- 32 (E) office of members of state board of education.

33 (2) Any candidate may request a recount in one or more counties.
34 Any such recount must be requested in writing and filed with the secretary
35 of state not later than 5 p.m. on the second Friday following the election.
36 The request shall specify which counties are to be recounted. If a recount
37 is required in a county that uses optical scanning systems as defined in
38 K.S.A. 25-4601, and amendments thereto, or electronic or
39 electromechanical voting systems, as defined in K.S.A. 25-4401, and
40 amendments thereto, the method of conducting the recount shall be at the
41 discretion of the person requesting such recount. Except as provided by
42 this subsection and subsection (d), the person requesting the recount shall
43 file with the secretary of state a bond, with security to be approved by the

1 secretary of state, conditioned to pay all costs incurred by the counties and
2 the secretary of state in making such recount. The amount of the bond shall
3 be determined by the secretary of state. A candidate described in
4 ~~paragraphs (D) and (E)~~ of subsection (c)(1)(D) and (E) may post a bond as
5 provided by subsection (b) in lieu of the bond required by this subsection.
6 In the event that the candidate requesting the recount is declared the
7 winner of the election as a result of the recount, no action shall be taken on
8 the candidate's bond and the counties shall bear the costs incurred for the
9 recount.

10 (3) The secretary of state immediately shall notify each county
11 election officer affected by the recount and any candidate involved in the
12 election for which such recount is requested. If the candidate cannot be
13 reached, then the secretary of state shall notify the state chairperson of
14 such candidate's party. Any such recount shall be conducted under the
15 supervision of the county election officers at the direction of the secretary
16 of state, and shall be initiated not later than the following day and shall be
17 completed not later than 5 p.m. on the fifth day following the filing of the
18 request for a recount, including Saturdays, Sundays and holidays. Each
19 county election officer involved in the recount shall appoint a special
20 election board to recount the ballots. The members of the special election
21 board shall be paid as prescribed in K.S.A. 25-2811, and amendments
22 thereto, for time actually spent making the recount. Upon completion of
23 any recount under this subsection, the special election board in each
24 county shall package and reseal the ballots as provided by law and the
25 county board of canvassers shall complete its canvass. The county election
26 officer in each county immediately shall certify the results of the recount
27 to the secretary of state.

28 (d) (1) The provisions of this subsection shall apply to candidates at
29 general elections for:

- 30 (A) Any state or national office elected on a statewide basis;
- 31 (B) the office of president or vice president of the United States;
- 32 (C) the office of members of United States house of representatives;
- 33 (D) office of members of state senate or house of representative; and
- 34 (E) office of members of state board of education.

35 (2) Whenever the election returns reflect that a candidate for office
36 was defeated by $\frac{1}{2}$ of 1% or less of the total number of votes cast and if
37 such candidate requests a recount in one or more counties of the ballots,
38 the state shall bear the cost of any recount performed using the method by
39 which such ballots were counted originally.

40 (3) Not later than 60 days following a recount conducted pursuant to
41 this subsection, the board of county commissioners of each county in
42 which the recount occurred shall certify to the secretary of state the
43 amount of all necessary direct expenses incurred by the county. Payment

1 for such expenses shall be made to the county treasurer of the county upon
2 warrants of the director of accounts and reports pursuant to vouchers
3 approved by the secretary of state. Upon receipt of such payment and
4 reimbursements, the county treasurer shall deposit the entire amount
5 thereof in the county election fund, if there is one and if there is not then to
6 the county general fund.

7 (4) The secretary of state, with the advice of the director of accounts
8 and reports, shall determine the correctness of each amount certified under
9 this section and adjust any discrepancies discovered before approving
10 vouchers for payment to any county.

11 *(e) Procedures for canvassing and challenging advance voting*
12 *ballots received by mail after the closing of the polls pursuant to K.S.A.*
13 *25-1132(b), and amendments thereto, shall be as set forth in rules and*
14 *regulations adopted by the secretary of state as authorized by K.S.A. 25-*
15 *1132(b), and amendments thereto.*

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

33 *(b) Beginning with the general election in 2020, a county election*
34 *commissioner shall be elected in each county in which the act applies for*
35 *a term of four years. The county election commissioner shall be a*
36 *qualified elector of the county.*

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

43 *(d) If a vacancy in the office of county election commissioner should*

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

12 Sec. 8. K.S.A. 2016 Supp. 25-101 is hereby amended to read as
13 follows: 25-101. (a) On the Tuesday succeeding the first Monday in
14 November of each even-numbered year, there shall be held a general
15 election to elect officers as follows:

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

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

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

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

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

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

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

42 (8) at each alternate election, prior to the year in which the regular
43 term of office of state senators shall expire, there shall be elected a state

1 senator in each state senatorial district;

2 (9) at each election there shall be elected a representative from each
3 state representative district;

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

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

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

13 Sec. 9. K.S.A. 2016 Supp. 25-213 is hereby amended to read as
14 follows: 25-213. (a) At all national and state primary elections, the national
15 and state offices as specified for each in this section shall be printed upon
16 the official primary election ballot for national and state offices and the
17 county and township offices as specified for each in this section shall be
18 printed upon the official primary election ballot for county and township
19 offices.

20 (b) The official primary election ballots shall have the following
21 heading:

22 OFFICIAL PRIMARY ELECTION BALLOT

23 _____ Party

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

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

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

1 *county election commissioner*, treasurer, register of deeds, county attorney,
2 sheriff, township trustee, township treasurer, township clerk. When any
3 office is not to be elected, it shall be omitted from the ballot. Other offices
4 to be elected but not listed, shall be inserted in the proper places. For each
5 office there shall be a statement of the number to vote for.

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

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

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

1 total of the current voter registration designated in the state, county or
2 district in which the office is sought, as compiled by the office of the
3 secretary of state, except that a candidate for township office may receive
4 the nomination and have such person's name printed on the ballot where
5 no nomination petitions or declarations have been filed if such candidate
6 receives three or more write-in votes. No such person shall be required to
7 obtain more than 5,000 votes.

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

10 Sec. 10. K.S.A. 2016 Supp. 25-611 is hereby amended to read as
11 follows: 25-611. (a) The arrangement of offices on the official general
12 ballot for national and state offices for those offices to be elected shall be
13 in the following order: Names of candidates for the offices of president
14 and vice-president, United States senator, United States representative
15 _____ district, governor and lieutenant governor running together,
16 secretary of state, attorney general, (and any other officers elected from the
17 state as a whole), state senator _____ district, state representative _____
18 district, district judge _____ district, district magistrate judge _____
19 district, district attorney _____ judicial district, and state board of
20 education member _____ district.

21 (b) The arrangement of offices on the official general ballot for
22 county township offices for those offices to be elected shall be in the
23 following order: Names of candidates for county commissioner _____
24 district, county clerk, *county election commissioner*; county treasurer,
25 register of deeds, county attorney, sheriff, township trustee, township
26 treasurer and township clerk.

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

30 Sec. 11. K.S.A. 2016 Supp. 25-618 is hereby amended to read as
31 follows: 25-618. (a) The official general ballot for county and township
32 offices may be separate from the official general ballot for national and
33 state offices or may be combined with the official general ballot provided
34 for in K.S.A. 25-601, and amendments thereto. The secretary of state shall
35 prescribe the ballot format but the ballot shall be substantially in the form
36 shown in this section and K.S.A. 25-611, and amendments thereto.

37 STATE OF KANSAS
38 OFFICIAL GENERAL BALLOT

39 County and Township Offices

40 County of _____, City (or Township) of _____

41 November _____, _____ year
42 -----

43 To vote for a person, make a cross or check mark in the square at the

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

4

5 FOR COUNTY COMMISSIONER

6 _____ DISTRICT

7 Vote for One

8 _____

9 _____

10 _____

11

12 FOR COUNTY CLERK

13 Vote for One

14 _____

15 _____

16 _____

17

18 *FOR COUNTY ELECTION COMMISSIONER*

19 *(Johnson, Sedgwick, Shawnee and Wyandotte counties)*

20 *Vote for One*

21 _____

22 _____

23 _____

24

25 FOR COUNTY TREASURER

26 Vote for One

27 _____

28 _____

29 _____

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

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

35 Sec. 12. K.S.A. 25-4144 is hereby amended to read as follows: 25-
36 4144. Not later than 10 days after becoming a candidate, every candidate
37 shall appoint a treasurer or in lieu thereof shall appoint a candidate
38 committee. The treasurer so appointed may be the candidate making such
39 appointment. No candidate shall appoint more than one candidate
40 committee to exist at the same time. If a candidate appoints a candidate
41 committee, such candidate shall appoint a chairperson and a treasurer
42 thereof, and the treasurer so appointed may be the candidate. No person
43 who is registered as a lobbyist in accordance with K.S.A. 46-265, and

1 amendments thereto, shall be eligible for appointment as treasurer for any
2 candidate or candidate committee. The name ~~and~~, address *and email*
3 *address* of each treasurer and chairperson appointed under this section by a
4 candidate for a state office shall be reported to the secretary of state by the
5 candidate not later than 10 days after such appointment. The name ~~and~~,
6 address *and email address* of each treasurer and chairperson appointed
7 under this section by a candidate for a local office shall be reported to the
8 county election officer by the candidate not later than 10 days after such
9 appointment. The candidate for governor shall carry out the requirements
10 and responsibilities of the candidate under the campaign finance act, for
11 the pair of candidates for governor and lieutenant governor, unless another
12 specific provision applies.

13 Sec. 13. K.S.A. 2016 Supp. 25-4145 is hereby amended to read as
14 follows: 25-4145. (a) Each party committee and each political committee
15 which anticipates receiving contributions or making expenditures shall
16 appoint a chairperson and a treasurer. The chairperson of each party
17 committee and each political committee which anticipates receiving
18 contributions or making expenditures for a candidate for state office shall
19 make a statement of organization and file it with the secretary of state not
20 later than 10 days after establishment of such committee. The chairperson
21 of each political committee which anticipates receiving contributions or
22 making expenditures for any candidate for local office, shall make a
23 statement of organization and file it with the county election officer not
24 later than 10 days after establishment of such committee.

25 (b) Every statement of organization shall include:

26 (1) The name and address of the committee. The name of the
27 committee shall reflect the full name of the organization with which the
28 committee is connected or affiliated or sufficiently describe such
29 affiliation. If the political committee is not connected or affiliated with any
30 one organization, the name shall reflect the trade, profession or primary
31 interest of the committee as reflected by the statement of purpose of such
32 organization;

33 (2) the names ~~and~~, addresses *and email addresses* of the chairperson
34 and treasurer of the committee;

35 (3) the names and addresses of affiliated or connected organizations;
36 and

37 (4) in the case of a political committee, the full name of the
38 organization with which the committee is connected or affiliated or, name
39 or description sufficiently describing the affiliation or, if the committee is
40 not connected or affiliated with any one organization, the trade, profession
41 or primary interest of the political committee as reflected by the statement
42 of purpose of such organization.

43 (c) Any change in information previously reported in a statement of

1 organization shall be reported on a supplemental statement of organization
2 and filed not later than 10 days following the change.

3 (d) (1) Each political committee which anticipates receiving
4 contributions shall register annually with the commission on or before July
5 1 of each year. Each political committee registration shall be in the form
6 and contain such information as may be required by the commission.

7 (2) Each registration by a political committee anticipating the receipt
8 of \$2,501 or more in any calendar year shall be accompanied by an annual
9 registration fee of \$300.

10 (3) Each registration by a political committee anticipating the receipt
11 of more than \$500 but less than \$2,501 in any calendar year shall be
12 accompanied by an annual registration fee of \$50.

13 (4) Each registration by a political committee anticipating the receipt
14 of \$500 or less in any calendar year shall be accompanied by an annual
15 registration fee of \$25.

16 (5) Any political committee which is currently registered under
17 subsection (d)(3) or (d)(4) and which receives contributions in excess of
18 \$2,500 for a calendar year, shall file, within three days of the date when
19 contributions exceed such amount, an amended registration form which
20 shall be accompanied by an additional fee for such year equal to the
21 difference between \$300 and the amount of the fee that accompanied the
22 current registration.

23 (6) Any political committee which is currently registered under
24 subsection (d)(4) and which receives contributions in excess of \$500 but
25 which are less than \$2,501, shall file, within three days of the date when
26 contributions exceed \$500, an amended registration form which shall be
27 accompanied by an additional fee of \$25 for such year.

28 (e) All such fees received by or for the commission shall be remitted
29 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
30 and amendments thereto. Upon receipt of each such remittance, the state
31 treasurer shall deposit the entire amount in the state treasury to the credit
32 of the governmental ethics commission fee fund.

33 Sec. 14. K.S.A. 2016 Supp. 25-4148b is hereby amended to read as
34 follows: 25-4148b. (a) Every treasurer for a candidate for state or local
35 office shall file reports of campaign contributions as prescribed by this act.
36 Reports filed by treasurers for candidates for state office, ~~other than~~
37 ~~officers elected on a state-wide basis~~, shall be filed in both the office of the
38 secretary of state and in the office of the county election officer of the
39 county in which the candidate is a resident. Reports filed by treasurers for
40 candidates for state-wide office shall be filed only with the secretary of
41 state. Reports filed by treasurers for candidates for local office shall be
42 filed in the office of the county election officer of the county in which the
43 name of the candidate is on the ballot. Reports required by this section

1 shall be in addition to any other reports required by law.

2 (b) The report shall contain the name and address of each person who
3 has made one or more contributions in an aggregate amount or value of
4 \$300 or more during the period commencing 11 days before a primary or
5 general election at which a state or local officer is to be elected and ending
6 at 11:59 p.m. on the Wednesday preceding the date of election. The report
7 shall be made on or before the close of business on the Thursday preceding
8 the date of the election. The report shall contain the amount and date of the
9 contribution, including the name and address of every lender, guarantor
10 and endorser when the contribution is in the form of an advance or loan.

11 (c) Reports required by this section shall be filed by hand delivery,
12 express delivery service, facsimile transmission or any electronic method
13 authorized by the secretary of state.

14 (d) (1) "Local office" shall have the meaning ascribed to it in K.S.A.
15 25-4143, and amendments thereto.

16 (2) "State office" shall have the meaning ascribed to it in K.S.A. 25-
17 4143, and amendments thereto.

18 (e) The provisions of this section shall be part of and supplemental to
19 the campaign finance act.

20 Sec. 15. K.S.A. 19-3419, 19-3419a, 25-1132, 25-1133, 25-1134, 25-
21 1136 and 25-4144 and K.S.A. 2016 Supp. 25-101, 25-213, 25-611, 25-618,
22 25-1122, 25-3107, 25-4145 and 25-4148b are hereby repealed.

23 Sec. 16. This act shall take effect and be in force from and after its
24 publication in the statute book.