

SENATE BILL No. 116

By Committee on Ethics, Elections and Local Government

2-6

1 AN ACT concerning elections; relating to petitions; concerning
2 recognition of political parties; amending K.S.A. 2018 Supp. 25-302a
3 and 25-3602 and repealing the existing sections.

4

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

6 Section 1. K.S.A. 2018 Supp. 25-302a is hereby amended to read as
7 follows: 25-302a. Any political party seeking official recognition in this
8 state ~~after the effective date of this act~~ shall file ~~in its behalf~~ *with the*
9 *secretary of state*, not later than 12 noon, June 1, prior to the primary
10 election held on the first Tuesday of August in even-numbered years, or if
11 ~~such~~ the date falls on a Saturday, Sunday or a holiday, then before 12 noon
12 of the next following day that is not a Saturday, Sunday or a holiday
13 petitions signed by qualified electors equal in number to at least ~~2%~~ 1% of
14 the total vote cast for all candidates for the office of governor ~~in the state~~
15 in the last preceding general election. ~~Such~~ The petitions shall declare
16 support for the official recognition of a political party, the name of which
17 shall be stated in the declaration. No political party seeking official
18 recognition shall assume a name or designation which, in the opinion of
19 the secretary of state, is unreasonably lengthy or so similar to the name or
20 designation of an existing political party as to confuse or mislead the
21 voters at an election.

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

24 PETITION SEEKING THE OFFICIAL RECOGNITION OF THE
25 _____ PARTY IN THE STATE OF KANSAS

26 I, the undersigned, hereby declare my support for the official
27 recognition of the _____ Party.

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

31 NAME OF SIGNER ADDRESS AS CITY DATE OF SIGNING
32 REGISTERED

33 Appended to each petition page or set of pages shall be an affidavit by
34 the petition circulator as defined in K.S.A. 2018 Supp. 25-3608, and
35 amendments thereto, of the petition affirming that ~~such~~ the circulator
36 personally witnessed the signing of the petition by each person whose

1 name appears thereon. The affidavit shall be executed before a person
2 authorized to administer oaths and include the address of the circulator.

3 Each page of such petition shall bear the names of registered voters of a
4 single county. All petitions shall be grouped according to the county in
5 which each was circulated before being filed with the secretary of state.
6 All such petitions shall be filed at one time. Any related petitions presented
7 thereafter will be deemed to be separate and not a part of earlier filings.
8 County election officers shall cooperate with the secretary of state in
9 verifying the sufficiency of these petitions as required by law.

10 The secretary of state shall transmit ~~such~~ *the* petitions to the county
11 election officer of each county for which petitions were presented to be
12 examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 et
13 seq., and amendments thereto, and applicable regulations. Not more than
14 20 days following receipt of ~~such~~ *the* petitions from the secretary of state,
15 the county election officer shall return these documents to the secretary of
16 state certifying the number of sufficient signatures thereon. The secretary
17 of state shall gather all petitions and determine whether a sufficient
18 number of signatures was submitted. The secretary of state shall forthwith
19 notify the person who submitted the declaration of intent to circulate ~~such~~
20 *the* petitions of the sufficiency or insufficiency of the number of
21 signatures.

22 Sec. 2. K.S.A. 2018 Supp. 25-3602 is hereby amended to read as
23 follows: 25-3602. (a) Each petition shall consist of one or more documents
24 pertaining to a single issue or proposition under one distinctive title. The
25 documents shall be filed with the county election officer or other official,
26 if another official is designated in the applicable statutes. The filing shall
27 be made at one time all in one group. Later or successive filings of
28 documents relating to the same issue or proposition shall be deemed to be
29 separate petitions and not a part of any earlier or later filing.

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

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

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

40
41 _____
42 (here insert name of political or taxing subdivision)

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

44 The recital shall be followed by blank spaces for the signature,

1 residence address and date of signing for each person signing the petition.

2 When petitioners are required by law to possess qualifications in
3 addition to being registered electors, the form of the petition shall be
4 amended to contain a recital specifying the additional qualifications
5 required and stating that the petitioners possess the qualifications; and

6 (4) contain a recital in substance as follows, at the end of each set of
7 documents carried by each petition circulator as defined in K.S.A. 2018
8 Supp. 25-3608, and amendments thereto: "I am the circulator of this
9 petition and I am qualified to circulate this petition and I personally
10 witnessed the signing of the petition by each person whose name appears
11 thereon.

12 _____
13 (Signature of circulator)

14 _____
15 (Circulator's residence address)"

16 The recital of the circulator of each petition shall be verified upon oath
17 or affirmation before a notarial officer in the manner prescribed by K.S.A.
18 53-501 et seq., and amendments thereto.

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

23 (d) (1) *Except as provided in paragraph (2), any petition shall be null*
24 *and void unless submitted to the county election officer or other*
25 *designated official within 180 days of the date of the first signature on the*
26 *petition.*

27 (2) *Any petition submitted for the purpose of a political party seeking*
28 *official recognition pursuant to K.S.A. 25-302a, and amendments thereto,*
29 *shall be null and void unless submitted to the secretary of state within one*
30 *year of the date of the first signature on the petition.*

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

37 (f) When a petition requires signatures equal in number to a
38 percentage of the total number of registered voters, such percentage shall
39 be based on the most recent number of registered voters as certified to the
40 office of the secretary of state pursuant to ~~subsection (g)~~ of K.S.A. 25-
41 2311(g), and amendments thereto.

42 Sec. 3. K.S.A. 2018 Supp. 25-302a and 25-3602 are hereby repealed.

43 Sec. 4. This act shall take effect and be in force from and after its

- 1 publication in the statute book.