

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2013

By Representative Esau

1-5

1 AN ACT concerning elections; dealing with write in candidates; amending
2 K.S.A. 2016 Supp. 25-213 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2016 Supp. 25-213 is hereby amended to read as
6 follows: 25-213. (a) At all national and state primary elections, the national
7 and state offices as specified for each in this section shall be printed upon
8 the official primary election ballot for national and state offices and the
9 county and township offices as specified for each in this section shall be
10 printed upon the official primary election ballot for county and township
11 offices.

12 (b) The official primary election ballots shall have the following
13 heading:

14 OFFICIAL PRIMARY ELECTION BALLOT

15 _____ Party

16
17 To vote for a person whose name is printed on the ballot make a cross
18 or check mark in the square at the left of the person's name. To vote for a
19 person whose name is not printed on the ballot, write the person's name in
20 the blank space, if any is provided, and make a cross or check mark in the
21 square to the left.

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

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

1 treasurer, register of deeds, county attorney, sheriff, township trustee,
2 township treasurer, township clerk. When any office is not to be elected, it
3 shall be omitted from the ballot. Other offices to be elected but not listed,
4 shall be inserted in the proper places. For each office there shall be a
5 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~~ the 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~~ the
35 county 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 ~~(f) No person's name shall be printed on the official general election~~
11 ~~ballot for national, state, county, township or municipal office if the~~
12 ~~person won the primary election as a result of the person's name being~~
13 ~~written in on the primary ballot unless such person notifies in writing the~~
14 ~~county election officer within 10 days after such election that the person~~
15 ~~agrees to have the person's name appear on the general election ballot~~ A
16 **person who won the primary election as a result of the person's name**
17 **being written in on the primary ballot shall have such person's name**
18 **printed on the official general election ballot for national, state,**
19 **county, township or municipal office, unless the person notifies, in**
20 **writing, the secretary of state for national or state office or the county**
21 **election office for all other offices within 10 days following the canvass**
22 **of the primary election that the person does not want such person's**
23 **name on the official general election ballot.**

24 Sec. 2. K.S.A. 2016 Supp. 25-213 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.