

HOUSE BILL No. 2929

By Representative Horst

2-14

9 AN ACT concerning elections; relating to precinct boundaries; amending
10 K.S.A. 25-26a02 and 25-3801 and repealing the existing sections.

11

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

13 Section 1. K.S.A. 25-26a02 is hereby amended to read as follows: 25-
14 26a02. (a) Election precincts in all counties of the state shall be estab-
15 lished or changed by county election officers in such a manner that:

16 ~~(a)~~ (1) Except as otherwise provided in this section, each election
17 precinct shall be composed of contiguous and compact areas having
18 clearly observable boundaries using visible ground features which meet
19 the requirements of the federal bureau of the census and which coincide
20 with census block boundaries as established by the federal bureau of the
21 census and shall be wholly contained within any larger district from which
22 any municipal, township or county officers are elected;

23 ~~(b)~~ (2) election precincts for election purposes shall be designated
24 consecutively in the county by number or name, or a combination of name
25 and number;

26 ~~(c)~~ (3) any municipal exclave or township enclave shall be a separate
27 precinct and designated by a separate number or name, or combination
28 of name and number, and shall not be identified with or as a part of any
29 other municipal or township precinct;

30 ~~(d) from and after the time that the legislature has been redistricted~~
31 ~~in 1992;~~ (4) precincts shall be arranged so that no precinct lies in more
32 than one legislative district;

33 ~~(e)~~ (5) a street or other roadway which has been platted but not
34 graded is not a visible or observable feature for the purposes of this sec-
35 tion; and

36 ~~(f)~~ (6) where a legislative district boundary coincides with a municipal
37 boundary which is changed by reason of annexation, such legislative dis-
38 trict boundary shall be maintained as a precinct boundary until the next
39 legislative redistricting regardless of whether such a legislative district
40 boundary uses a visible ground feature or coincides with a census block
41 boundary.

42 (b) (1) *Election precincts shall be as equal in population as possible.*
43 *Except as provided by subsection (a) and paragraph (2) of this subsection,*

1 if the population of any precinct is at least 5% above or 5% below the
2 mean population of all precincts within the county, based upon the most
3 recently published federal decennial census, the county election officer
4 shall change the boundaries of the precincts so that the population of any
5 precinct is not greater than 5% above nor 5% below the mean population
6 of all precincts in the county. If the county election officer does not change
7 the boundaries as required by this paragraph, the county or district at-
8 torney shall notify the county election officer of its duty to make such
9 changes. If within 60 days after receiving such notification, the county
10 election officer fails to change the boundaries as required by this para-
11 graph, the county or district attorney shall file an action in the district
12 court of such county requesting an order to compel the county election
13 officer to change the precinct boundaries as required by this paragraph.

14 (2) If it is not possible to draw precinct boundaries which comply
15 with the population limitations specified in paragraph (1), the county
16 election officer shall establish multi-precinct election areas. Multi-precinct
17 election areas shall be as equal in population as possible. If the population
18 of any multi-precinct area is at least 5% above or 5% below the mean
19 population of all precincts and multi-precinct areas within the county,
20 based upon the most recently published federal decennial census, the
21 county election officer shall change the boundaries of the multi-precinct
22 areas so that the population of any multi-precinct area is not greater than
23 5% above nor 5% below the mean population of all precincts and multi-
24 precinct areas in the county. If the county election officer does not change
25 the boundaries as required by this paragraph, the county or district at-
26 torney shall notify the county election officer of its duty to make such
27 changes. If within 60 days after receiving such notification, the county
28 election officer fails to change the boundaries as required by this para-
29 graph, the county or district attorney shall file an action in the district
30 court of such county requesting an order to compel the county election
31 officer to change the multi-precinct area boundaries as required by this
32 paragraph.

33 (3) The provisions of this subsection shall be subject to the limitations
34 of K.S.A. 25-26a03, and amendments thereto.

35 (4) Amendments to multi-precinct area boundaries may be made to
36 correct errors therein or to make the territory thereof more practicable.

37 (5) The provisions of this subsection shall be subject to the limitations
38 of K.S.A. 25-26a03, and amendments thereto.

39 (6) Amendments to precinct boundaries may be made to correct er-
40 rors therein or to make the territory thereof more practicable.

41 Sec. 2. K.S.A. 25-3801 is hereby amended to read as follows: 25-
42 3801. (a) Except as provided by section 3, and amendments thereto, at
43 each primary election, the members of the party residing in each precinct

1 in each county of the state shall elect a man of their number as precinct
2 committeeman and a woman of their number as precinct committee-
3 woman. No person shall be eligible to be a candidate for or hold the office
4 of precinct committeeman or precinct committeewoman of a party in any
5 precinct unless such person actually lives, resides and occupies a place of
6 abode in such precinct, and is in all other respects a qualified elector and
7 is shown as a member of such party on the party affiliation list, in the
8 office of the county election officer. Except as provided in subsection (b),
9 any vacancy occurring in the office of precinct committeeman or com-
10 mitteewoman shall be promptly filled by appointment by the county
11 chairperson, except that any vacancy which occurs because the party had
12 no candidate at such primary election shall not be filled until the county
13 central committee has elected or reelected its chairperson. Not later than
14 three days after appointment of precinct committeemen and committee-
15 women, the county chairperson making the appointments shall notify the
16 county election officer of such appointments. The county election officer
17 shall make such appointments public immediately upon receipt thereof.
18 As used in this act, "primary election" means the statewide election held
19 in August of even-numbered years.

20 (b) When a convention is to be held under article 39 of chapter 25
21 of Kansas Statutes Annotated to fill a vacancy, no appointments shall be
22 made under subsection (a): (1) After the county chairperson has received
23 notice from the county election officer of a vacancy or a pending vacancy
24 in a county elected office; or (2) after the county chairperson in each
25 county, all or a part of which, is located within a legislative district has
26 received notice from the secretary of state of a vacancy or a pending
27 vacancy in a legislative office.

28 After the vacancy has been filled by a person elected at a convention
29 held under article 39 of chapter 25 of the Kansas Statutes Annotated, any
30 vacancy in the office of precinct committeeman or committeewoman shall
31 be filled as provided by subsection (a).

32 New Sec. 3. (a) The provisions of this section shall apply to multi-
33 precinct areas established by the county election officer pursuant to
34 K.S.A. 25-26a02, and amendments thereto.

35 (b) At each primary election, the members of the party residing in
36 each multi-precinct area in each county of the state shall elect a man of
37 their number as precinct committeeman and a woman of their number
38 as precinct committeewoman. No person shall be eligible to be a candi-
39 date for or hold the office of precinct committeeman or precinct com-
40 mitteewoman of a party in any multi- precinct area unless such person
41 actually lives, resides and occupies a place of abode in such multi-precinct
42 area, and is in all other respects a qualified elector and is shown as a
43 member of such party on the party affiliation list, in the office of the

1 county election officer. Except as provided in subsection (c), any vacancy
2 occurring in the office of precinct committeeman or committeewoman
3 shall be promptly filled by appointment by the county chairperson, except
4 that any vacancy which occurs because the party had no candidate at such
5 primary election shall not be filled until the county central committee has
6 elected or reelected its chairperson. Not later than three days after ap-
7 pointment of precinct committeemen and committeewomen, the county
8 chairperson making the appointments shall notify the county election of-
9 ficer of such appointments. The county election officer shall make such
10 appointments public immediately upon receipt thereof. As used in this
11 act, "primary election" means the statewide election held in August of
12 even-numbered years.

13 (c) When a convention is to be held under article 39 of chapter 25
14 of Kansas Statutes Annotated to fill a vacancy, no appointments shall be
15 made under subsection (b): (1) After the county chairperson has received
16 notice from the county election officer of a vacancy or a pending vacancy
17 in a county elected office; or (2) after the county chairperson in each
18 county, all or a part of which, is located within a legislative district has
19 received notice from the secretary of state of a vacancy or a pending
20 vacancy in a legislative office.

21 After the vacancy has been filled by a person elected at a convention
22 held under article 39 of chapter 25 of the Kansas Statutes Annotated, any
23 vacancy in the office of precinct committeeman or committeewoman shall
24 be filled as provided by subsection (b).

25 (d) A precinct committeewoman and precinct committeeman multi-
26 precinct area shall have the same powers and duties of a precinct com-
27 mitteewoman and precinct committeeman selected pursuant to K.S.A.
28 25-3801, and amendments thereto.

29 Sec. 4. K.S.A. 25-26a02 and 25-3801 are hereby repealed.

30 Sec. 5. This act shall take effect and be in force from and after its
31 publication in the statute book.