

*As Amended by Senate Committee*

Session of 2010

**SENATE BILL No. 419**

By Committee on Ethics and Elections

1-21

10 AN ACT concerning election of city officers; pertaining to filing require-  
11 ments; amending K.S.A. 2009 Supp. 25-2110 and 25-2110a and re-  
12 pealing the existing sections.  
13

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

15 Section 1. K.S.A. 2009 Supp. 25-2110 is hereby amended to read as  
16 follows: 25-2110. (a) ~~In cities of the first and second class, any person~~  
17 ~~desiring to become a candidate for a city office elected at large shall file~~  
18 ~~with the city clerk before the filing deadline a statement of such candidacy~~  
19 ~~on a form furnished by the county election officer as specified by the~~  
20 ~~secretary of state. The city clerk of any city upon receiving any filing under~~  
21 ~~this section shall record the same and transmit it, together with the filing~~  
22 ~~fee or petition herein provided, within three business days to the county~~  
23 ~~election officer. In cities of the third class, any person desiring to become~~  
24 ~~a candidate for city office elected at large shall file with the county elec-~~  
25 ~~tion officer of the county in which the city is located, or of the county in~~  
26 ~~which the greater population of the city is located if the city extends into~~  
27 ~~more than one county, or the city clerk, before the filing deadline a state-~~  
28 ~~ment of candidacy on a form furnished by the county election officer as~~  
29 ~~specified by the secretary of state. Before the filing deadline, any person~~  
30 ~~desiring to become a candidate for a city office elected at large shall file~~  
31 ~~a statement of such candidacy on a form furnished by the county election~~  
32 ~~officer as specified by the secretary of state. The filing shall be made with~~  
33 ~~the county election officer of:~~

34 ~~(1) The county in which the city is located; or~~  
35 ~~(2) the county in which the greatest portion of the population of the~~  
36 ~~city is located if the city extends into more than one county.~~

37 **(1) The city clerk; or**  
38 **(2) the county election officer of the county in which the person**  
39 **resides.**

40 (b) In cities having a population of less than 5,000, each such filing  
41 shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by  
42 a petition signed by 25 qualified electors of the city or by a number of  
43 such qualified electors of the city equal to not less than 10% of the ballots

1 cast at the last general city election, whichever is less.

2 (c) In cities having a population of not less than 5,000 nor more than  
3 100,000, each such filing shall be accompanied by a filing fee of \$10 or,  
4 in lieu of such filing fee, by a petition signed by 50 qualified electors of  
5 the city or by a number of such qualified electors of the city equal to not  
6 less than 1% of the ballots cast and counted at the last general city elec-  
7 tion, whichever is less.

8 (d) In cities having a population of more than 100,000, each such  
9 filing shall be accompanied by a filing fee of \$50; or, in lieu of such filing  
10 fee, by a petition signed by 100 qualified electors of the city or by a  
11 number of qualified electors of the city equal to 1% of the ballots cast at  
12 the last general city election, whichever is less.

13 (e) Within ~~three~~ **two** days from the date of the filing of a nomination  
14 petition or a declaration of intention to become a candidate for a city  
15 office elected at large, the county election officer shall determine the  
16 validity of such petition or declaration.

17 (f) If a nomination petition or declaration is found to be invalid, the  
18 county election officer shall notify the candidate on whose behalf the  
19 petition or declaration was filed that such nomination petition or decla-  
20 ration has been found to be invalid and the reason for the finding. Such  
21 candidate may make objection to the finding of invalidity by the county  
22 election officer in accordance with K.S.A. 25-308 and amendments  
23 thereto.

24 (g) All city elections shall be conducted by the county election officer  
25 of the county in which such city is located, or of the county in which the  
26 greater population of the city is located if the city extends into more than  
27 one county.

28 Sec. 2. K.S.A. 2009 Supp. 25-2110a is hereby amended to read as  
29 follows: 25-2110a. (a) ~~In cities of the first and second class, any person  
30 desiring to become a candidate for a city office elected from a district,  
31 shall file with the city clerk before the filing deadline a statement of such  
32 candidacy on a form furnished by the county election officer as specified  
33 by the secretary of state. The city clerk of any city upon receiving any  
34 filing under this section shall record the same and transmit it, together  
35 with the filing fee or petition herein provided, within three business days  
36 to the county election officer. In cities of the third class, any person  
37 desiring to become a candidate for a city office elected from a district,  
38 shall file with the county election officer of the county in which the city  
39 is located, or in the county in which the greater population of the city is  
40 located if the city extends into more than one county, or the city clerk,  
41 before the filing deadline, a statement of candidacy on a form furnished  
42 by the county election officer as specified by the secretary of state. *Before*  
43 *the filing deadline, any person desiring to become a candidate for a city*~~

- 1 office elected from a district shall file a statement of such candidacy on a  
 2 form furnished by the county election officer as specified by the secretary  
 3 of state. The filing shall be made with ~~the county election officer of:~~
- 4 ~~(1) The county in which the city is located; or~~  
 5 ~~(2) the county in which the greatest portion of the population of the~~  
 6 ~~city is located if the city extends into more than one county.~~
- 7 **(1) The city clerk; or**  
 8 **(2) the county election officer of the county in which the person**  
 9 **resides.**
- 10 (b) In cities having a population of less than 5,000, each such filing  
 11 shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by  
 12 a petition signed by 25 qualified electors of the council district or by a  
 13 number of such qualified electors of the district equal to not less than  
 14 10% of the ballots cast in the district at the last general city election,  
 15 whichever is less.
- 16 (c) In cities having a population of not less than 5,000 nor more than  
 17 100,000, each such filing shall be accompanied by a filing fee of \$10 or,  
 18 in lieu of such filing fee, by a petition signed by 50 qualified electors of  
 19 the council district or by a number of such qualified electors of the district  
 20 equal to not less than 1% of the ballots cast in the district at the last  
 21 general city election, whichever is less.
- 22 (d) In cities having a population of more than 100,000, each such  
 23 filing shall be accompanied by a filing fee of \$50; or, in lieu of such filing  
 24 fee, by a petition signed by 100 qualified electors of the council district  
 25 or by a number of qualified electors of the district equal to 1% of the  
 26 ballots cast in the district at the last general city election, whichever is  
 27 less.
- 28 (e) Within ~~three~~ **two** days from the date of the filing of a nomination  
 29 petition or declaration of intention to become a candidate for a city office  
 30 elected from a district, the county election officer shall determine the  
 31 validity of such petition or declaration.
- 32 (f) If a nomination petition or declaration is found to be invalid, the  
 33 county election officer shall notify the candidate on whose behalf the  
 34 petition or declaration was filed that such nomination petition or decla-  
 35 ration has been found to be invalid and the reason for the finding. Such  
 36 candidate may make objection to the finding of invalidity by the county  
 37 election officer in accordance with K.S.A. 25-308 and amendments  
 38 thereto.
- 39 (g) All city elections shall be conducted by the county election officer  
 40 of the county in which such city is located, or of the county in which the  
 41 greater population of the city is located if the city extends into more than  
 42 one county.
- 43 Sec. 3. K.S.A. 2009 Supp. 25-2110 and 25-2110a are hereby

1 repealed.

2 Sec. 4. This act shall take effect and be in force from and after its  
3 publication in the statute book.