

Approved: 2-24-93  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on February 23, 1993 in Room 521-S of the Capitol.

All members were present except: Representative Walker Hendrix  
Representative Sheila Hochhauser (Excused)  
Representative Ed McKechnie

Committee staff present: Carolyn Rampey, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Arden Ensley, Revisor of Statutes  
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Representative Dick Edlund  
Edward Powers  
Don Moler, League of Kansas Municipalities  
Mark Tallman, Kansas Association of School Boards  
Harold Riehm, Kansas Society of Association Executives  
Michael Woolf, Common Cause of Kansas  
Carol Williams, Kansas Commission on Governmental Standards & Conduct

Others attending: See attached list

Hearing on:

HB 2273 - recall of elected officials; local officers.

Representative Dick Edlund testified in support of HB 2273, pointing out that in some cases it is arithmetically impossible to recall.

Edward Powers gave testimony in support of HB 2273, explaining how it is arithmetically impossible to recall in some cases, specifically in Wyandotte County. He stated this bill would not change any of the difficult requirements now in place to obtain a recall (Attachment 1).

Mark Tallman, Kansas Association of School Boards, testified in opposition to HB 2273, and specifically in regards to school board members (Attachment 2). Because of the size of school districts, in some districts as few as 23 voters could force a recall election.

Don Moler, League of Kansas Municipalities, appeared in opposition to HB 2273, stating he did not understand the statistical impossibility of having a recall anywhere. He reminded the committee there is an ouster provision as well as the recall and that we need to continue to attract quality individuals to serve Kansans in cities and counties (Attachment 3).

HB 2451 - elections; registration of voters by persons employed in governmental agencies providing services to persons with disabilities.

Joe de la Torre, Secretary of State's Office, provided testimony in support of HB 2451, advising that this process will become mandatory once HR 2 is signed by the President.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 23, 1993.

HB 2495 - lobbyists; reporting and contributions.

Michael Woolf, Common Cause of Kansas, testified in support of HB 2495, stating his organization believes it is inappropriate for campaign money to exchange hands when the legislature is deciding issues that can have a huge financial impact on potential contributors (Attachment 4).

Harold Riehm, Kansas Society of Association Executives, appeared in support of HB 2495, detailing the three parts of the bill and pointing out there is now the potential for abuse and this bill would help eliminate that potential (Attachment 5).

Carol Williams, Kansas Commission on Governmental Standards and Conduct, provided information on the section of HB 2495 regarding filing of reports by lobbying organizations (Attachment 6). She stated half of the organizations never spend money and this bill would allow them to file an affidavit and they would not have to file periodic reports, which in turn would save her office considerable time.

Action on:

HB 2145 - community correction's board of repeal of statutes.

Representative Haulmark moved to pass HB 2145 out of committee favorably. Representative Bradley seconded. Motion carried.

HB 2322 - elections; requiring names of write-in candidates to be handwritten.

A balloon with amendment to add wording to allow someone to assist disabled with the handwriting of the write-in name and also wordage that if a write-in vote is not handwritten it will not invalidate the vote for any other office on the ballot (Attachment 7) was handed out.

Representative Wells moved adoption of the balloon. Representative Haulmark seconded. Motion carried.

Representative Wells made a motion to pass HB 2322 favorably from committee. Representative Haulmark seconded. Motion carried.

Representative Gilbert moved approval of the minutes for February 22, 1993 as submitted. Representative O'Connor seconded. Motion carried.

The meeting was adjourned at 9:50 am. The next meeting is scheduled for February 24, 1993.

## GUEST LIST

COMMITTEE: House Civil Liberties & Education

DATE: 7-23-65

[illegible]

Statement of Edward H. Powers  
Governmental Organizations Committee  
February 23, 1993, 9 A.M.  
Re: H.B. 2273

## H.B. 2273 Should be Passed As Written

### Members of the Committee:

H.B. 2273 changes the number of signatures required to require a Recall Election from 40% to 15% of the total vote in the last election.

### WHY THIS BILL SHOULD BE PASSED:

1. 40% is the highest Recall Petition requirement I have researched anywhere in the United States.
2. Over 30 States require only 10% to 20% for Recall.
3. In some Kansas Cities, especially Kansas City, 40% is mathematically impossible to achieve!
4. A successful Recall Petition does NOT remove the elected official...it ONLY requires an election. The purpose of Recall is to give ALL voters the chance to reconsider the questioned actions of a public official.

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Statement of Edward H. Powers

February 23, 1993

Governmental Organizations Committee

Re: H.B. 2273

5. K.S.A. 25-4325 (Recall Procedure) requires SIX STEPS before a Recall Petition - *regardless of percentage* - is valid. These requirements are *Conservative, Respect the Democratic Process AND SHOULD NOT BE CHANGED.*

6. *BUT:* a legitimate, organized dissenting minority should have the *practical, realistic, LEGAL* right to ASK THE MAJORITY whether an official should remain in office. That is the *historical, traditional* purpose of Recall.

7. K.S.A. 25-4320 requires a 200 word statement of the reasons for the Recall. The minority must state their case... *and be persuasive! Without honest public support, Recall petitions will not be successful!*

8. There is a growing gap between City and County officials and the electorate. Local government is *all the government most people care about!*

*People have the Right To a Second Thought!*



**Testimony on H.B. 2273  
before the  
House Committee on Governmental Organization and Elections**

**by**

**Mark Tallman, Director of Governmental Relations  
Kansas Association of School Boards**

**February 23, 1993**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today. KASB opposes a reduction in the number of signatures required for the recall of local officials. We believe that once the majority of voters has elected an individual to office, we should be very cautious about allowing a small minority to seek to undo that result.

A recall election is expensive, time-consuming and distracting from the official duties of a public body. We see no reason to allow just 15% of registered voters to subject the elected official, the rest of the board, and the public of the local unit to these circumstances.

The median size of school districts in Kansas is 587 pupils. Assume this means there are about 1,500 registered voters in that district. Assume further that the district is divided into three board member districts of 500 voters. If 30% of those voters vote, that means 150 votes would be cast in an election. Under this bill, just 23 voters could force a recall election.

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Remember, that is for the median size district. Half of the districts in the state are smaller. In some cases, angering a single family might be enough to force a recall.

We are not aware of any reason to allow a much lower number of individuals to require a recall election.

Thank you for your consideration.



**THE LEAGUE  
OF KANSAS  
MUNICIPALITIES**

**Municipal  
Legislative  
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

**TO:** House Committee on Governmental Organization and Elections  
**FROM:** Don Moler, Senior Legal Counsel  
**RE:** HB 2273  
**DATE:** February 23, 1993

I appreciate the opportunity to appear today to comment on HB 2273. Specifically the League opposes the amendment of K.S.A. 1992 Supp. 25-4325 to allow a recall election of any local elected official with a mere 15% of the votes cast at the prior election for that position. Currently the law requires a much more significant number of electors to sign the petition (40% voting in the prior election for the position) which is as is should be given the significance of the vote in question. Ultimately, we will be subjecting local elected officials to a virtual trial by fire and it is the prediction of the League that should the reduction in the number of required signatures on a recall petition become law, we will see a significant increase in the number of recall elections of local elected officials in Kansas. This will be the direct result of a loosening of requirements to make it easy to subject a local elected official to a recall petition and election.

The League strongly urges you to give careful thought to your direction on this issue. Local governments desperately need stability in their leadership and the ability to continue to attract quality individuals to serve the Kansans who live in our cities and counties. No changes should be undertaken which have not been completely discussed and all possible ramification determined before the modification of this law takes place.

Thank you for allowing our comments on this legislation.

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## COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

### TESTIMONY IN SUPPORT OF HOUSE BILL 2495

#### HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS

February 23, 1993

Thank you Mr. Chairman, members of the Committee for allowing me to testify this morning in support of House Bill 2495.

In 1990, Common Cause supported a campaign finance reform package which passed the legislature and included a prohibition against lobbyists contributing to legislators or to legislative candidates during the session.

Time has shown that the prohibition can easily be avoided by having the lobbyist's employer make the contribution and by allowing PACs, leadership PACs and political parties to solicit contributions during the session. Section 3(b) of HB 2495 closes that loophole.

Common Cause believes that it is inappropriate for campaign money to be exchanging hands when the legislature is deciding upon issues that can have a huge financial impact on potential contributors. It creates a public appearance of impropriety when legislators accept money from lobbying groups and then vote on issues that affect that special interest. And when lobbying groups are solicited, it puts a tremendous amount of pressure on them to give--how can they say no when you are controlling legislation that they see as vital.

Mr. Chairman, we ask that you report HB 2495 favorable for passage, and I would be happy to answer any questions that you may have.

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FEBRUARY 23, 1993

TESTIMONY IN SUPPORT OF HB 2495

To: Chairman Smith and Members, House Committee on Government Organization & Elections

From: Harold Riehm, Chairman, Government Affairs Committee, Kansas Society of Association Executives (KSAE)

Thank you for this opportunity to testify in support of HB 2495. I appear on behalf of members of KSAE. We appreciate your indulgence of our very late request for the introduction of this Bill and the Chairman working in into the Committee's busy schedule.

HB 2495 amends existing Kansas law regulating lobbying and lobbyists, as follows:

(1) ADDITIONAL LOBBYIST REGISTRATION INFORMATION REQUIRED

This would require a lobbyist to provide additional information at the time of registration so as there would be no question as to whom was employing the lobbyist, both by identifying the group as well as a contact person's name and address. We request the change so at any time legislators, associations, their lobbyists and the public can determine by whom a lobbyist is employed and compensated.

(2) EASING REPORTING REQUIREMENTS FOR LOBBYISTS WHO RARELY OR NEVER SPEND A REPORTABLE AMOUNT IN A REPORTING PERIOD.

This would permit lobbyists who rarely or never spend a reportable amount, to file one affidavit so indicating. They would then not have to file periodic reports during the year unless they did spend a reportable amount in a reporting period. This would save lobbyists from having to file, and the Commission from having to process, hundreds of reports each year.

(3) PROHIBITING LOBBYISTS FROM MAKING A CONTRIBUTION TO ANY POLITICAL COMMITTEE OR PARTY COMMITTEE DURING THE STATE TIME PERIOD OF JANUARY 1 THROUGH MAY 15 OF EACH YEAR.

KSAE wants to emphasize that we are not making any suggestion that any legislator has equated the purchase of tickets or solicitation of support on behalf of a legislative party or designated committee, to his or her vote on any business pending in this Legislature. We are stating that we think the potential for misunderstanding and misinterpretation is present. We think it legitimate to ask if we prohibit solicitation of contributions to individual legislator campaign or election committees, then why we should not also prohibit lobbyists from contributing to those committees stated in the language requested, in the stated time period.

Some association PACs have adopted, and others are considering, limiting their PAC contributions only to individual candidate committees or campaigns. It should also be noted that this requested language does not eliminate such events as the Land of Blahs event, or others for which the proceeds are donated to a charity, nor does it preclude social events, receptions, organized by ad hoc groups of persons for which no proceeds accrue to the benefit of one of the stated committees.

Thank you for this opportunity to present our views. I and other KSAE members will stand for questions.

KANSAS SOCIETY OF ASSOCIATION EXECUTIVES

4301 Huntoon, Suite 9 • Topeka, Kansas 66604 • (913) 272-0083

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## KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before House Governmental Organization and Elections  
on House Bill 2495

By Carol Williams, Kansas Commission on Governmental Standards & Conduct

I am appearing before you this morning as neither a proponent nor an opponent to House Bill 2495. This bill amends three lobbying provisions found in K.S.A. 46-215 et seq. I stand before you this morning to provide information as to how, administratively, the Commission handles the lobbying reports and to provide some statistical information concerning lobbyists, their registration and reporting. I will confine my remarks to the amendment in the bill suggested on lines 42-43 of page 2 and 1-7 on page 3.

Prior to July 1, 1991, a lobbyist filed a monthly lobbyist employment and expenditures report only when he or she expended more than \$100 in reportable lobbying expenditures in a calendar month. The Commission had no way of knowing each month how many lobbyists should file a report, since it had no way of knowing when a lobbyist met the \$100 threshold figure. Since July 1, 1991, lobbyists have been required to file a lobbyist employment and expenditures report, whether or not they have expended more than \$100 in a reporting period. Rather than monthly, reports are now filed six times throughout the year.

In calendar year 1992, 627 lobbyists registered on behalf of 1002 organizations. So far this year, 555 lobbyists have registered to represent 882 organizations. Commission staff anticipates that one-half of those registering to lobby will not expend more than \$100 in any of the six reporting periods. Organizations like the Kansas Association for the Visually Impaired, the Kansas Associated Garden Clubs, the Kansas Association of Christian Schools, Kansas Advocacy and Protective Services, as well as many individuals who register on behalf of themselves as concerned citizens do not traditionally spend more than \$100 in any reporting period during a calendar year. The amendatory language found on

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line 42-43 of page 2 and lines 1-7 on page 3 would permit a lobbyist who does not expect to expend more than \$100 in any reporting period to file an affidavit of intent. Any lobbyist filing such affidavit would not be required to file the six reports due throughout the calendar year. Those lobbyists who have any function or other lobbying expenditures costing more than \$100 in any reporting period will not qualify to file the affidavit. These lobbyists will be required to file all six reports.

## HOUSE BILL No. 2322

By Representatives E. Wells and Freeborn

2-5

8 AN ACT relating to elections; concerning write-in ballots; amending  
9 K.S.A. 25-213a, 25-2021, 25-2116, 25-2903 and 71-1415 and  
10 K.S.A. 1992 Supp. 25-213, 25-612, 25-616, 25-617, 25-618 and  
11 25-3002 and repealing the existing sections.

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

14 Section 1. K.S.A. 1992 Supp. 25-213 is hereby amended to read  
15 as follows: 25-213. At all national and state primary elections, the  
16 national and state offices as specified for each in this section shall  
17 be printed upon the official primary election ballot for national and  
18 state offices and the county and township offices as specified for  
19 each in this section shall be printed upon the official primary election  
20 ballot for county and township offices. The official primary election  
21 ballots shall have the following heading:

22 OFFICIAL PRIMARY ELECTION BALLOT

23 \_\_\_\_\_ Party

24 To vote for a person whose name is printed on the ballot make a cross or check  
25 mark in the square at the right left of the person's name. To vote for a person whose  
26 name is not printed on the ballot, write the person's name in the blank space, if  
27 any is provided, and make a cross or check mark in the square to the right left.  
28 *Names of candidates for which a write-in vote is cast shall be in the handwriting of*  
29 *the voter.*

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

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

, or if the voter is sick, physically disabled  
or illiterate and has received assistance in  
marking the ballot, in the handwriting of the  
person who has assisted such voter in marking  
the ballot

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1 or declarations have been filed according to law for political parties  
2 having primary elections in the following order: commissioner  
3 \_\_\_\_\_ district, county clerk, treasurer, register of deeds, county  
4 attorney, sheriff, surveyor, township trustee, township treasurer,  
5 township clerk. When any office is not to be elected, it shall be  
6 omitted from the ballot. Other offices to be elected but not listed,  
7 shall be inserted in the proper places. For each office there shall  
8 be a statement of the number to vote for.

9 To the ~~right~~ left of each name there shall be printed a square.  
10 Official primary election ballots may be printed in one or more  
11 columns. The names certified by the secretary of state or county  
12 election officer shall be printed on official primary election ballots  
13 and no others. In case there are no nomination petitions or decla-  
14 rations on file for any particular office, the title to the office shall  
15 be printed on the ballot followed by a blank line with a square, and  
16 such title, followed by a blank line, may be printed in the list of  
17 candidates published in the official paper. No blank line shall be  
18 printed following any office where there are nomination petitions or  
19 declarations on file for the office except following the offices of pre-  
20 cinct committeeman and precinct committeewoman. Except as oth-  
21 erwise provided in this section, no person's name shall be printed  
22 more than once on either the official primary election ballot for  
23 national and state offices or the official primary election ballot for  
24 county and township offices. No name that is printed on the official  
25 primary election ballot as a candidate of a political party shall be  
26 printed or written in as a candidate for any office on the official  
27 primary election ballot of any other political party. If a person is a  
28 candidate for the unexpired term for an office, the person's name  
29 may be printed on the same ballot as a candidate for the next regular  
30 term for such office. The name of any candidate on the ballot may  
31 be printed on the same ballot as such candidate and also as a can-  
32 didate for precinct committeeman or committeewoman. No name  
33 that is printed on the official primary election ballot for national and  
34 state offices shall be printed or written in elsewhere on such ballot  
35 or on the official primary election ballot for county and township  
36 offices except for precinct committeeman or committeewoman. No  
37 name that is printed on the official primary election ballot for county  
38 and township offices shall be printed or written in on the official  
39 primary election ballot for national and state offices or elsewhere on  
40 such county and township ballot except for precinct committeeman  
or committeewoman.

41 No person shall be elected to the office of precinct committeeman  
42 or precinct committeewoman where no nomination petitions or dec-  
43

1 larations have been filed, unless the person receives at least five  
 2 write-in votes. As a result of a primary election, no person shall  
 3 receive the nomination and no person's name shall be printed on  
 4 the official general election ballot when no nomination petitions or  
 5 declarations were filed, unless the person receives votes equal in  
 6 number to not less than 5% of the total number of registered voters  
 7 of the party in the state, county or district in which the office is  
 8 sought, except that a candidate for township office may receive the  
 9 nomination and have such person's name printed on the ballot where  
 10 no nomination petitions or declarations have been filed if such can-  
 11 didate receives three or more write-in votes. No such person shall  
 12 be required to obtain more than 5,000 votes.

13 Sec. 2. K.S.A. 25-213a is hereby amended to read as follows:  
 14 25-213a. Notwithstanding any provision of K.S.A. 25-213 and amend-  
 15 ments thereto, there shall be printed upon the official primary elec-  
 16 tion ballots the following heading (in lieu of the heading otherwise  
 17 provided by law) when the governor and lieutenant governor are to  
 18 be nominated:

19 OFFICIAL PRIMARY ELECTION BALLOT

20 \_\_\_\_\_ Party

21 "To vote for persons for governor and lieutenant governor whose names are printed  
 22 on the ballot make a cross or check mark in the square to the right left of the names  
 23 of the persons running together for such offices. To vote for persons for governor  
 24 and lieutenant governor whose names are not printed on the ballot, write such persons'  
 25 names in the blank space provided for the purpose, if any is provided, and make a  
 26 cross or check mark in the square to the left of the names of the persons running  
 27 together for such offices.

28 "To vote for a person (except governor and lieutenant governor) whose name is  
 29 printed on the ballot make a cross or check mark in the square to the right left of  
 30 the name of the person for whom you desire to vote. To vote for a person whose  
 31 name is not printed on the ballot, write his or her such person's name in the blank  
 32 space provided for the purpose, if any is provided, and make a cross or check mark  
 33 in the square to the right left. Names of candidates for which a write-in vote is cast  
 34 shall be in the handwriting of the voter.

35 After the names of each office, there shall be a statement of the  
 36 number of candidates to vote for, for the particular office, and for  
 37 one pair of governor and lieutenant governor candidates running  
 38 together. When the governor, lieutenant governor, secretary of state  
 39 and attorney general are not to be nominated, no reference to those  
 40 offices shall appear on the ballot.

41 To the right left of governor and lieutenant governor running  
 42 together, one square shall be printed to the right left of the names  
 43 of each pair running together. No blank lines shall be printed

, or if the voter is sick, physically disabled  
 or illiterate and has received assistance in  
 marking the ballot, in the handwriting of the  
 person who has assisted such voter in marking  
 the ballot

1 following the offices of governor and lieutenant governor.

2 Sec. 3. K.S.A. 1992 Supp. 25-612 is hereby amended to read as  
3 follows: 25-612. The arrangement of the names certified under K.S.A.  
4 25-610, and amendments thereto, by the secretary of state shall  
5 govern the county election officer in arranging the ballot, and the  
6 county election officer in preparing the ballot for the county shall  
7 follow the same arrangements as provided in K.S.A. 25-610 and 25-  
8 611, and amendments thereto, for the secretary of state, for the  
9 candidates nominated for county offices, using the township and  
10 precincts of the county in making his such division.

11 Blank spaces shall be left at the end of the list of candidates for  
12 each different office equal to the number to be elected thereto, in  
13 which the voter may insert write the name of any person not printed  
14 on the ballot for whom the voter desires to vote for such office.

15 Sec. 4. K.S.A. 1992 Supp. 25-616 is hereby amended to read as  
16 follows: 25-616. The secretary of state shall prescribe the ballot format  
17 but the national offices part of the official general ballot for national  
18 and state offices shall be substantially in the form shown in this  
19 section and the state offices part of such ballot shall be substantially  
20 in the form shown in K.S.A. 25-617, and amendments thereto.

21 STATE OF KANSAS

22 OFFICIAL GENERAL BALLOT

23 National and State Offices

24 County of \_\_\_\_\_

25 November \_\_\_\_\_, 19\_\_\_\_

26 -----  
27 NATIONAL OFFICES

28  
29 To vote for presidential electors for candidates for president and vice-president  
30 make a cross or check mark in the square at the left of the names of the candidates.

31 To vote for presidential electors to be selected by candidates for president and vice-  
32 president whose names are not printed on the ballot, write the persons' names in  
33 the appropriate blank spaces and make a cross or check mark in the square at the  
34 left of the names of the candidates. *Names of candidates for which a write-in vote*  
35 *is cast shall be in the handwriting of the voter.*

36  
37 ☐ FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT  
38 JONESTERN AND DOE ..... Republican  
39 ☐ FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT  
40 ROEHEAD AND RICHARDBY ..... Democrat  
41 ☐ FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT  
42 JANEBRAND AND JOHNBURG ..... Independent  
43 Nominations

, or if the voter is sick, physically disabled  
or illiterate and has received assistance in  
marking the ballot, in the handwriting of the  
person who has assisted such voter in marking  
the ballot



☐ FOR PRESIDENTIAL ELECTORS FOR PRESIDENT

AND VICE-PRESIDENT \_\_\_\_\_ and \_\_\_\_\_

To vote for a person make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left. *Names of candidates for which a write-in vote is cast shall be in the handwriting of the voter.*

FOR UNITED STATES SENATOR

*Vote for One*

☐ DAN BOBING, Brussell Republican

☐ ROBERTA SMITH, Salina Democrat

☐ \_\_\_\_\_

FOR UNITED STATES REPRESENTATIVE

\_\_\_\_\_ DISTRICT

*Vote for One*

☐ ELMER O'BRIEN, Wichita Democrat

☐ WM.T. MILLER, Maple City Republican

☐ \_\_\_\_\_

When any office is not to be elected, it shall be omitted from the ballot.

Sec. 5. K.S.A. 1992 Supp. 25-617 is hereby amended to read as follows: 25-617. The secretary of state shall prescribe the ballot format but the state offices part of the official general ballot for national and state offices shall follow the national offices part substantially as is shown in this section.

#### STATE OFFICES

To vote for the pair of candidates, make a cross or check mark in the square at the left of the names of the candidates for governor and lieutenant governor. To vote for persons for governor and lieutenant governor whose names are not printed on the ballot, write the names of such persons in the blank spaces and make a cross or check mark in the square to the left. *Names of candidates for which a write-in vote is cast shall be in the handwriting of the voter.*

FOR GOVERNOR AND LIEUTENANT

GOVERNOR

*Vote for One Pair*

☐ Sam Jones, Wichita Republican

, or if the voter is sick, physically disabled or illiterate and has received assistance in marking the ballot, in the handwriting of the person who has assisted such voter in marking the ballot

, or if the voter is sick, physically disabled or illiterate and has received assistance in marking the ballot, in the handwriting of the person who has assisted such voter in marking the ballot

and Bob Smith, Arkansas City

☐ Carol Johnson, Mahaska ..... Democrat

and Roger Wright, Penalosa

☐ \_\_\_\_\_

and

To vote for a person, make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left. *Names of candidates for which a write-in vote is cast shall be in the handwriting of the voter.*

#### FOR SECRETARY OF STATE

Vote for One

☐ ELIZABETH JUANITA MOORE, Zoomer Republican

☐ RUSSEL ADAM, Topeka Democrat

☐ JOAN SAYLOR, Goodland Prohibition

☐ CHARLES (CHUCK) BROWNING, Kansas City Independent

Nomination

☐ \_\_\_\_\_

#### FOR ATTORNEY GENERAL

Vote for One

☐ \_\_\_\_\_

☐ \_\_\_\_\_

☐ \_\_\_\_\_

(and continuing in like manner for any other officers  
elected from the state as a whole)

#### FOR STATE SENATOR

\_\_\_\_\_ DISTRICT

Vote for One

☐ \_\_\_\_\_

☐ \_\_\_\_\_

☐ \_\_\_\_\_

#### FOR STATE REPRESENTATIVE

\_\_\_\_\_ DISTRICT

Vote for One

☐ \_\_\_\_\_

☐ \_\_\_\_\_

☐ \_\_\_\_\_

, or if the voter is sick, physically disabled or illiterate and has received assistance in marking the ballot, in the handwriting of the person who has assisted such voter in marking the ballot

1  
2 FOR DISTRICT JUDGE

3 \_\_\_\_\_ DISTRICT

4 *Vote for One*

5 ☐ \_\_\_\_\_

6 ☐ \_\_\_\_\_

7 ☐ \_\_\_\_\_

8  
9 FOR DISTRICT MAGISTRATE JUDGE

10 \_\_\_\_\_ DISTRICT

11 *Vote for One*

12 ☐ \_\_\_\_\_

13 ☐ \_\_\_\_\_

14 ☐ \_\_\_\_\_

15  
16 FOR DISTRICT ATTORNEY

17 \_\_\_\_\_ JUDICIAL DISTRICT

18 *Vote for One*

19 ☐ \_\_\_\_\_

20 ☐ \_\_\_\_\_

21 ☐ \_\_\_\_\_

22  
23 FOR STATE BOARD OF EDUCATION MEMBER

24 \_\_\_\_\_ DISTRICT

25 *Vote for One*

26 ☐ \_\_\_\_\_

27 ☐ \_\_\_\_\_

28 ☐ \_\_\_\_\_

29  
30 When any office is not to be elected, it shall be omitted from the  
31 ballot.

32 When a voting machine does not provide sufficient space to ac-  
33 commodate the full names of the candidates for governor and lieu-  
34 tenant governor, only the surname of such candidates shall be  
35 required to be printed on the ballot label unless surnames of one  
36 or more of the candidates are the same.

37 Sec. 6. K.S.A. 1992 Supp. 25-618 is hereby amended to read as  
38 follows: 25-618. The official general ballot for county and township  
39 offices may be separate from the official general ballot for national  
40 and state offices or may be combined with the official general ballot  
41 provided for in K.S.A. 25-601 and amendments thereto. The sec-  
42 retary of state shall prescribe the ballot format but the ballot shall

be substantially in the form shown in this section and K.S.A. 25-611, and amendments thereto.

STATE OF KANSAS  
OFFICIAL GENERAL BALLOT

County and Township Offices  
County of \_\_\_\_\_, City (or Township) of \_\_\_\_\_  
November \_\_\_\_\_, 19\_\_\_\_

To vote for a person, make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left. *Names of candidates for which a write-in vote is cast shall be in the handwriting of the voter.*

FOR COUNTY COMMISSIONER

\_\_\_\_\_ DISTRICT

*Vote for One*

☐ \_\_\_\_\_  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_

FOR COUNTY CLERK

*Vote for One*

☐ \_\_\_\_\_  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_

FOR COUNTY TREASURER

*Vote for One*

☐ \_\_\_\_\_  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_

And continuing in like manner for all county and township offices to be elected.

Sec. 7. K.S.A. 25-2021 is hereby amended to read as follows: 25-2021. (a) In school districts in which a member district method of election is in effect, if there are more than two ~~(2)~~ qualified candidates for one ~~(1)~~ member position in any member district, the county election officer shall call, and there shall be held, a primary election in each such member district and, if there are more than two ~~(2)~~ qualified candidates for the at-large member position, the county election officer shall call, and there shall be held, a primary

, or if the voter is sick, physically disabled or illiterate and has received assistance in marking the ballot, in the handwriting of the person who has assisted such voter in marking the ballot

1 election in such school district. The names of the two (2) candidates  
2 receiving the greatest number of votes for any member position at  
3 the primary election shall appear on the ballots in the general  
4 election.

5 (b) In school districts having the election at large method, if there  
6 are more than two (2) times the number of candidates as there are  
7 board members to be elected, the county election officer shall call,  
8 and there shall be held, a primary election. The names of twice the  
9 number of candidates as there are board members to be elected who  
10 received the greatest number of votes at the primary election shall  
11 appear on the ballots in the general election.

12 (c) If a member is to be elected to fill an unexpired term the  
13 rules in this section shall be modified consistent with the provisions  
14 of this subsection. If there are more than two (2) candidates for such  
15 unexpired term, the county election officer shall call and there shall  
16 be held, a primary election. The names of the two (2) candidates  
17 for such unexpired term receiving the greatest number of votes shall  
18 appear on the ballots in the general election.

19 (d) No ballot in a primary school election shall have either names  
20 or write-in blanks for any board member position unless more than  
21 two (2) candidates have filed for such position.

22 (e) On the ballots in general school elections, blank lines for the  
23 name of write-in candidates shall be printed at the end of the list  
24 of candidates for each different office equal to the number to be  
25 elected thereto. The purpose of such blank lines shall be to permit  
26 the voter to ~~insert~~ write the name of any person not printed on  
27 the ballot for whom such voter desires to vote for such office. *Names*  
28 *of candidates for which a write-in vote is cast shall be in the hand-*  
29 *writing of the voter.* No lines for write-in candidates shall appear  
30 on primary school election ballots.

31 Sec. 8. K.S.A. 25-2116 is hereby amended to read as follows:  
32 25-2116. (a) No blank lines for write-in candidates shall appear on  
33 primary city election ballots.

34 (b) On the ballots in general city elections, blank lines for the  
35 name of write-in candidates shall be printed at the end of the list  
36 of candidates for each different office equal to the number to be  
37 elected thereto. The purpose of such blank lines shall be to permit  
38 the voter to ~~insert~~ write the name of any person not printed on  
39 the ballot for whom he desires to vote for such office. *Names of*  
40 *candidates for which a write-in vote is cast shall be in the hand-*  
*writing of the voter.*

41 Sec. 9. K.S.A. 25-2903 is hereby amended to read as follows:  
42 25-2903. Except as otherwise provided by law, if a voter desires to

, or if the voter is sick, physically disabled  
or illiterate and has received assistance in  
marking the ballot, in the handwriting of the  
person who has assisted such voter in marking  
the ballot

1 vote for a person whose name is not on the ballot, the voter shall  
 2 write the name of such person in the blank space, if any is provided,  
 3 under the appropriate title of the office. *Names of candidates for*  
 4 *which a write-in vote is cast shall be in the handwriting of the voter.*  
 5 Failure to make a cross or check mark in the square to the right of  
 6 such name shall not invalidate that portion of the ballot unless it is  
 7 impossible to determine the voter's intention. If no blank space is  
 8 provided for writing in the name of a person whose name is not on  
 9 the ballot, voters may not vote for any person whose name is not  
 10 on the ballot.

11 Sec. 10. K.S.A. 71-1415 is hereby amended to read as follows:  
 12 71-1415. (a) In any college district having a district method and in  
 13 which there are more than two candidates for a member position,  
 14 the election officer shall call, and there shall be held, a primary  
 15 election. The names of the two candidates receiving the greatest  
 16 number of votes for any member position shall appear on the ballots  
 17 in the general election.

18 (b) In any college district having the election-at-large method  
 19 and in which there are more than two times the number of candidates  
 20 as there are trustees to be elected, the election officer shall call,  
 21 and there shall be held, a primary election. The names of twice the  
 22 number of candidates as there are trustees to be elected who receive  
 23 the greatest number of votes in the primary shall appear on the  
 24 ballots in the general election.

25 (c) In the general election, there shall appear on the ballots a  
 26 line appropriate for write-in candidates. No lines for write-in can-  
 27 didates shall appear on the primary election ballots. *Names of can-*  
 28 *didates for which a write-in vote is cast shall be in the handwriting*  
 29 *of the voter.*

30 Sec. 11. K.S.A. 1992 Supp. 25-3002 is hereby amended to read  
 31 as follows: 25-3002. (a) The rules prescribed in this section shall  
 32 apply to:

- 33 (1) The original canvass by election boards;
- 34 (2) intermediate and final canvasses by county boards of
- 35 canvassers;
- 36 (3) final canvass by the state board of canvassers;
- 37 (4) all election contests; and
- 38 (5) all other officers canvassing or having a part in the canvass
- 39 of any election.

40 (b) Rules for canvassers:

- 41 (1) No ballot, or any portion thereof, shall be invalidated by any
- 42 technical error unless it is impossible to determine the voter's in-
- 43 tention. *The vote for a write-in candidate shall be counted even*

, or if the voter is sick, physically disabled  
 or illiterate and has received assistance in  
 marking the ballot, in the handwriting of the  
 person who has assisted such voter in marking  
 the ballot

, or if the voter is sick, physically disabled  
 or illiterate and has received assistance in  
 marking the ballot, in the handwriting of the  
 person who has assisted such voter in marking  
 the ballot

1 *though the last name is misspelled or the initial letters of the given*  
 2 *name are transposed or omitted in part or altogether if the intention*  
 3 *of the voter is apparent.* Determination of the voter's intention shall  
 4 rest in the discretion of the board canvassing in the case of a canvass  
 5 and in the election court in the case of an election contest *and shall*  
 6 *be determined upon the basis of a preponderance of the evidence*  
 7 *presented.*

8 (2) The occurrences listed in this subpart (2) shall not invalidate  
 9 the whole ballot but shall invalidate that portion, and that portion  
 10 only, in which the occurrence appears. The votes on such portion  
 11 of the ballot shall not be counted for any candidate listed or written  
 12 in such portion, but the remainder of the votes in other portions of  
 13 the ballot shall be counted. The occurrences to which this subpart  
 14 (2) shall apply are:

15 (A) Whenever a voting mark shall be made in the square at the  
 16 left of the name of more than one candidate for the same office,  
 17 except when the ballot instructs that more than one candidate is to  
 18 be voted.

19 (B) Whenever a voting mark is placed in the square at the left  
 20 of a space where no candidate is listed.

21 (c) A write-in vote for those candidates for the offices of governor  
 22 and lieutenant governor shall not be counted unless the pair of  
 23 candidates have filed an affidavit of candidacy pursuant to K.S.A.  
 24 25-305 and amendments thereto, and:

25 (1) Both candidates' names are written on the ballot; or

26 (2) only the name of the candidate for governor is written on  
 27 the ballot.

28 (d) A write-in vote for those candidates for the offices of president  
 29 and vice-president shall not be counted unless the pair of candidates  
 30 have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and  
 31 amendments thereto, and:

32 (1) Both candidates' names are written on the ballot; or

33 (2) only the name of the candidate for president is written on  
 34 the ballot.

35 (e) *A write-in vote for any candidate shall not be counted unless*  
 36 *the name of the candidate is in the handwriting of the voter and*  
 37 *appears on the line provided for such purpose.*

38 Sec. 12. K.S.A. 25-213a, 25-2021, 25-2116, 25-2903 and 71-1415  
 39 and K.S.A. 1992 Supp. 25-213, 25-612, 25-616, 25-617, 25-618 and  
 40 25-3002 are hereby repealed.

41 Sec. 13. This act shall take effect and be in force from and after  
 42 its publication in the statute book.

, or if the voter is sick, physically disabled  
 or illiterate and has received assistance in  
 marking the ballot, in the handwriting of the  
 person who has assisted such voter in marking  
 the ballot

A write-in vote for any one office which is  
 not handwritten as required by this act shall  
 not invalidate the vote for any other office  
 on such ballot.