

SENATE Substitute for HOUSE BILL No. 2056

AN ACT concerning elections; requiring a person listed on a certificate of nomination for a minor political party to accept such nomination by a notarized declaration; prohibiting such person from becoming a candidate for another political party; relating to the election crime of false representation of an election official; requiring specific intent of the offender as an element of such criminal offense; extending the time for testing election equipment; amending K.S.A. 25-302, 25-304, 25-306 and 25-2438 and K.S.A. 2024 Supp. 25-4411 and 25-4610 and repealing the existing sections.

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

Section 1. K.S.A. 25-302 is hereby amended to read as follows: 25-302. (a) Any recognized political party, except those authorized to participate in a primary election pursuant to K.S.A. 25-202, and amendments thereto, may by means of a delegate or mass convention or caucus of qualified voters belonging to such party for the state or municipality, or any lawfully organized portion of either, for which such convention or caucus is held, nominate one person for each office that is to be filled ~~therein~~ at the next ensuing election, ~~and~~. Subject to the provisions of this act, *such political party shall* file a certificate of such nominations so made. A convention or caucus for nominating persons for national, state, district, or county offices shall be called by the state chairperson of the party, or if there be no state chairperson by the party's candidate for governor at the preceding general election.

~~Every such~~(b) *Each certificate of nomination shall be signed by the presiding officer and a the secretary of the convention or caucus making such nominations. In each case* The persons signing the certificates shall ~~add to their signatures their places~~ *include each such person's place of residence with each such person's signature*, and shall make and subscribe an oath that, to the best of ~~their~~ *such person's* knowledge and belief, such certificates and the statements therein made are true; ~~and~~. A certificate that such oath has been taken and administered shall be made and signed on such certificate of nomination by the officer before whom ~~the same~~ *such oath* was taken.

(c) *A person listed on a certificate of nomination shall submit a signed declaration stating that such person accepts the nomination of the party submitting such certificate of nomination for the designated office. Such declaration shall be acknowledged by an individual authorized to perform notarial acts in this state pursuant to K.S.A. 53-5a10, and amendments thereto. No person shall be a party's nominee pursuant to this section until such declaration is submitted in accordance with this act.*

Sec. 2. K.S.A. 25-304 is hereby amended to read as follows: 25-304. (a) All certificates of nomination shall be in writing, ~~shall~~ and contain the name of each person nominated, ~~with~~ such person's residence and the office for which *such person* is nominated.

(b) Party certificates of nomination *issued by a party convention or caucus pursuant to K.S.A. 25-302, and amendments thereto, by the secretary of state pursuant to K.S.A. 25-3205, and amendments thereto, or by a county election officer pursuant to K.S.A. 25-3110, and amendments thereto,* shall designate the political party ~~which~~ that the convention, primary election or caucus making the nominations represented.

(c) When electors for president and ~~vice-president~~ *vice president* of the United States are nominated, the names of the candidates for president and ~~vice-president~~ *vice president* may also be shown on the certificates. Independent nomination petitions for presidential electors shall contain the names of each elector and the names of the candidates for president and ~~vice-president~~ *vice president* of the United States, together with the residence of each elector and candidate.

(d) The provisions of this section shall not apply to city or school elections, nor to the election of officers for which it is provided by law to be elected at the time of city and school elections.

Sec. 3. K.S.A. 25-306 is hereby amended to read as follows: 25-306. ~~Unless a person declines a nomination pursuant to K.S.A. 25-306e, and amendments thereto, withdraws from candidacy pursuant to K.S.A. 25-306a, and amendments thereto, or withdraws from a~~

~~nomination pursuant to K.S.A. 25-306b, and amendments thereto:~~

(a) ~~No person shall be eligible to~~ may accept more than one nomination for the same office.

(b) ~~No person shall be eligible for nomination to an office pursuant to K.S.A. 25-303 or 25-304, and amendments thereto, if such person has filed either a declaration of intention to become a candidate for the same office or has filed a nomination petition for the same office~~ (1) *If a person has: (A) Received and accepted a party nomination pursuant to K.S.A. 25-302, and amendments thereto; (B) filed a declaration of intention to become a candidate for an office pursuant to K.S.A. 25-206, and amendments thereto; or (C) filed a valid nomination petition to be an independent candidate pursuant to K.S.A. 25-303, and amendments thereto, such person shall not become a candidate for a different political party or as an independent candidate for office at a general election through either of the two procedures not previously used by such person unless such person has satisfied the provisions of paragraph (2).*

(2) *A person who has met one of the conditions described in paragraph (1) shall only become a candidate for a different political party or as an independent candidate for office at a general election through one of the other procedures described in paragraph (1) if, prior to the filing deadline established by K.S.A. 25-205, and amendments thereto, such person has: (A) Declined a party nomination pursuant to K.S.A. 25-306e, and amendments thereto; (B) withdrawn from candidacy after nomination pursuant to K.S.A. 25-306a, and amendments thereto; or (C) withdrawn from a nomination pursuant to K.S.A. 25-306b, and amendments thereto.*

(c) ~~No person shall be eligible to file either a declaration of intention to become a candidate for an office or a nomination petition for an office if such person has accepted a nomination for the same office pursuant to K.S.A. 25-303 or 25-304, and amendments thereto~~ *The provisions of this section shall be enforced by the secretary of state for all federal and state elected offices and by the appropriate county election officer for all county and township elected offices.*

Sec. 4. K.S.A. 25-2438 is hereby amended to read as follows: 25-2438. (a) False representation of an election official is knowingly engaging in any of the following conduct by phone, mail, email, website or other online activity or by any other means of communication while not holding a position as an election official:

(1) Representing oneself as an election official; *or*

(2) ~~engaging in conduct that gives the appearance of being an election official; or~~

(3) ~~engaging in conduct that would cause another person, including, but not limited to, using an official seal or other insignia of the secretary of state or any county election office in any communication with voters, with the intent to cause a person to believe a that the person engaging in such conduct is an election official.~~

(b) False representation of an election official is a severity level 7, nonperson felony.

(c) As used in this section, "election official" means the secretary of state, or any employee thereof, any county election commissioner or county clerk, or any employee thereof, or any other person employed by any county election office.

Sec. 5. K.S.A. 2024 Supp. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) ~~Within five~~ 30 days prior to the date of the election, the county election officer shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of

the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure; and shall include for each office one or more ballots ~~which~~ *that* have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The equipment, programs and ballots shall be secured and retained by the county election officer.

Sec. 6. K.S.A. 2024 Supp. 25-4610 is hereby amended to read as follows: 25-4610. (a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) ~~Within five~~ 30 days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used and on the county website, if the county has a website. The test shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked ~~as~~ to record a predetermined number of valid votes for each candidate and on each question submitted; and shall include for each office one or more ballots ~~which~~ *that* have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. The test shall be repeated within five business days after the completion of the canvass. The programs and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.

Sec. 7. K.S.A. 25-302, 25-304, 25-306 and 25-2438 and K.S.A. 2024 Supp. 25-4411 and 25-4610 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

\_\_\_\_\_  
HOUSE adopted  
Conference Committee Report\_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended\_\_\_\_\_

SENATE adopted  
Conference Committee Report\_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*