

HOUSE BILL No. 2733

By Committee on Elections

Requested by Representative Sutton

2-5

1 AN ACT concerning state elected officials and certain local government
2 elected officials; requiring that such elected officials be and remain
3 residents of the state and such official's respective district; amending
4 K.S.A. 22a-102, 25-101a, 25-2020, 40-109, 71-1414 and 80-202 and
5 K.S.A. 2025 Supp. 25-1903 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 22a-102 is hereby amended to read as follows: 22a-
9 102. No person shall be eligible for nomination to the office of district
10 attorney unless such person shall have been regularly admitted to practice
11 law in the state of Kansas for five years next preceding his nomination for
12 such office. An attorney who shall have been a county attorney, assistant
13 county attorney or assistant district attorney for the three years
14 immediately preceding nomination as district attorney shall be eligible for
15 nomination. A person so qualified may become a candidate for election to
16 the office of district attorney by either one of the following methods:

17 (a) Any person who is a qualified elector of any judicial district in
18 which a district attorney is to be elected and who is otherwise qualified
19 under this act may petition to be a candidate for district attorney of such
20 judicial district by filing in the office of the secretary of state a petition for
21 candidacy, signed by not less than 5% of the qualified electors of such
22 judicial district who voted for the office of secretary of state at the last
23 preceding general election; or

24 (b) Any person who is a qualified elector of any judicial district in
25 which a district attorney is to be elected and who is otherwise qualified
26 under this act may become a candidate for district attorney of such judicial
27 district by filing in the office of the secretary of state a declaration of intent
28 to be such a candidate and payment therewith of a filing fee in an amount
29 equal to 1% of the annual salary for such office.

30 (c) Any such petition or declaration of intent filed by a candidate to
31 run in the primary election held in accordance with K.S.A. 25-203, and
32 amendments thereto, shall be filed no later than ~~12 noon~~ 12:00 p.m., on the
33 date described in K.S.A. 25-205(a), and amendments thereto. Any such
34 petition or declaration of intent filed by an independent candidate for the
35 office of district attorney shall be filed no later than ~~12 noon~~ 12:00 p.m. on

1 the Monday preceding the date fixed for the holding of primary elections
2 in accordance with K.S.A. 25-203, and amendments thereto. All laws
3 applicable to the election of other state officers shall apply to elections of
4 district attorneys to the extent the same are not in conflict with this act.

5 *(d) Any person who is a candidate for nomination or election to the*
6 *office of district attorney, at the time of election or appointment, and*
7 *during the term of office, shall be and must remain a qualified elector who*
8 *resides in the judicial district. Failure to remain a qualified elector*
9 *residing in the judicial district shall constitute an immediate vacancy in*
10 *the candidacy or office.*

11 Sec. 2. K.S.A. 25-101a is hereby amended to read as follows: 25-
12 101a. (a) On the Tuesday succeeding the first Monday in November in
13 1978, and each four years thereafter, there shall be elected a governor and
14 lieutenant governor running together, a secretary of state, an attorney
15 general, a state treasurer and a state commissioner of insurance.

16 (b) Every candidate for the office of secretary of state, attorney
17 general, state treasurer or state commissioner of insurance shall be a
18 qualified elector of the state of Kansas by the deadline for filing for such
19 office as provided in K.S.A. 25-205, and amendments thereto.

20 (c) Every candidate for the office of governor and lieutenant governor
21 shall be a qualified elector and shall be 25 years of age or older by the
22 deadline for filing for such office as provided in K.S.A. 25-205, and
23 amendments thereto.

24 (d) Every candidate for the office of attorney general must be
25 licensed to practice law within the state of Kansas.

26 *(e) Any person who is a candidate for nomination or election to the*
27 *office of governor, lieutenant governor, secretary of state, attorney*
28 *general, state treasurer or state commissioner of insurance, at the time of*
29 *election or appointment, and during the term of such office, shall be and*
30 *must remain a qualified elector who resides in the state of Kansas. Failure*
31 *to remain a qualified elector residing in Kansas shall constitute an*
32 *immediate vacancy in the candidacy or office.*

33 Sec. 3. K.S.A. 2025 Supp. 25-1903 is hereby amended to read as
34 follows: 25-1903. (a) A person may become a candidate for election to the
35 office of state board member by either one of the methods provided in this
36 section.

37 (1) Any person who is an elector of any board member district may
38 petition to be a candidate for member of the state board from the board
39 member district in which such person resides. Any such person shall file
40 with the secretary of state a petition for the candidacy of such person
41 signed by not less than 200 electors residing in such board member
42 district.

43 (2) Any person who is an elector of any board member district may

1 become a candidate for member of the state board from the board member
2 district in which such candidate resides by filing in the office of the
3 secretary of state a declaration of intent to be such a candidate and
4 payment of a filing fee in the amount of \$25.

5 (b) Any such petition or declaration of intention filed by a candidate
6 to run in the primary election held in accordance with K.S.A. 25-203, and
7 amendments thereto, shall be filed no later than 12:00-noon p.m., June 1,
8 prior to such primary election, or if such date falls on Saturday, Sunday or
9 a holiday, then before 12:00-noon p.m. of the next following day that is not
10 a Saturday, Sunday or a holiday. Any such petition or declaration of
11 intention filed by an independent candidate for the office of state board
12 member shall be filed no later than 12:00-noon p.m. on the Monday
13 preceding the date fixed for the holding of primary elections in accordance
14 with K.S.A. 25-203, and amendments thereto.

15 (c) *Any person who is a candidate for nomination or election to the
16 office of state board of education, at the time of election or appointment,
17 and during the term of office, shall be and must remain a qualified elector
18 who resides in the state board of education district. Failure to remain a
19 qualified elector residing in the state board of education district shall
20 constitute an immediate vacancy in the candidacy or office.*

21 Sec. 4. K.S.A. 25-2020 is hereby amended to read as follows: 25-
22 2020. (a) When a district method of election is in effect in any school
23 district, a person may become a candidate for election to board member by
24 any one of the following methods:

25 (1) Any person who is an elector in any member district may petition
26 to be a candidate for board member from the member district in which
27 such person resides. Any such person shall file with the county election
28 officer, a petition for such candidacy signed by not-less fewer than 50
29 electors residing in such member district or by a number of such electors
30 equal to not less than 10% of the electors residing in such member district,
31 whichever is less.

32 (2) Any person who is an elector in any school district may petition to
33 be a candidate for board member at-large from the school district in which
34 such person resides. Any such person shall file with the county election
35 officer, a petition for such candidacy signed by not-less fewer than 50
36 electors residing in such school district.

37 (3) Any person who is an elector in any member district may become
38 a candidate for board member from the member district in which such
39 person resides by filing with the county election officer a declaration of
40 intention to become such a candidate, and payment therewith of a filing
41 fee in the amount of \$20. Such declaration shall be prescribed by the
42 secretary of state.

43 (4) Any person who is an elector in any school district may become a

1 candidate for board member at-large from the school district in which such
2 person resides by filing with the county election officer a declaration of
3 intention to become such a candidate, and payment therewith of a filing
4 fee in the amount of \$20. Such declaration shall be prescribed by the
5 secretary of state.

6 (5) Any such petition or declaration shall specify the member position
7 for which the person is a candidate.

8 (b) When the election at large method is in effect in any school
9 district, a person may become a candidate for election to board member by
10 either one of the following methods:

11 (1) Any person who is an elector of the school district may petition to
12 be a candidate for board member. Any such person shall file with the
13 county election officer a petition for such candidacy signed by not-less
14 fewer than 50 electors residing in the school district.

15 (2) Any person who is an elector in the unified school district may
16 become a candidate for board member by filing with the county election
17 officer a declaration of intention to become such a candidate, and payment
18 therewith of a filing fee in the amount of \$20. Such declaration shall be
19 prescribed by the secretary of state.

20 (3) Any such petition or declaration which is for an unexpired term of
21 a member shall so specify.

22 (c) Any such petition or declaration of intent must be filed before the
23 filing deadline as prescribed in K.S.A. 25-205, and amendments thereto.
24 No candidate shall be permitted to withdraw from candidacy after the
25 filing deadline.

26 (d) Within three days from the date of the filing of a nomination
27 petition or a declaration of intention to become a candidate for board
28 member, the county election officer shall determine the validity of such
29 petition or declaration.

30 (e) If a nomination petition or declaration is found to be invalid, the
31 county election officer shall notify the candidate on whose behalf the
32 petition or declaration was filed that such nomination petition or
33 declaration has been found to be invalid and the reason for the finding.
34 Such candidate may make objection to the finding of invalidity by the
35 county election officer in accordance with K.S.A. 25-308, and
36 amendments thereto.

37 (f) *Any person who is a candidate for nomination or election to the
38 office of school board member, at the time of election or appointment, and
39 during the term of office, shall be and must remain a qualified elector who
40 resides in the member or at-large district. Failure to remain a qualified
41 elector residing in the member or at-large district shall constitute an
42 immediate vacancy in the candidacy or office.*

43 Sec. 5. K.S.A. 40-109 is hereby amended to read as follows: 40-109.

1 (a) The commissioner of insurance shall be an elector of this state, and
2 shall be a person well versed and experienced in the business of insurance
3 and matters relating thereto; and he shall give his personal presence and
4 attention to the duties of his office; but in no case shall such commissioner
5 of insurance be in the employment of any insurance company or have any
6 official connection with any insurance company, or any financial interest
7 in any insurance company other than as a policyholder.

8 (b) *Any person who is a candidate for nomination or election to the
9 office of commissioner of insurance, at the time of election or
10 appointment, and during the term of such office, shall be and must remain
11 a qualified elector who resides in the state of Kansas. Failure to remain a
12 qualified elector residing in Kansas shall constitute an immediate vacancy
13 in the candidacy or office.*

14 Sec. 6. K.S.A. 71-1414 is hereby amended to read as follows: 71-
15 1414. (a) (1) In college districts where a district method of election is in
16 effect, a person may become a candidate for election to trustee of a
17 community college by any one of the following methods:

18 (A) Any person who is an elector of any member district may petition
19 to be a candidate for member from the member district in which such
20 person resides. Any such person shall file with the election officer a
21 petition for such person's candidacy signed by not-less *fewer* than 50
22 electors residing in such person's member district.

23 (B) Any person who is an elector of any member district may become
24 a candidate for member from the member district in which such person
25 resides by filing with the election officer a declaration of intent to be such
26 a candidate, and payment therewith of a filing fee in the amount of \$20.

27 (C) If a community college adopts and implements a seven member
28 board of trustees plan, any person who is an elector of the college district
29 may petition to be a candidate for the at-large member position. Any such
30 person shall file with the county election officer a petition for such
31 candidacy signed by not-less *fewer* than 50 electors residing in such
32 college district.

33 (D) If a community college adopts and implements a seven member
34 board of trustees plan, any person who is an elector of the college district
35 may become a candidate for the at-large member position by filing with
36 the county election officer a declaration of intent to be such a candidate,
37 and payment therewith of a filing fee in the amount of \$20.

38 (2) Every petition or declaration of intent filed under this subsection
39 must specify the member position for which the person is a candidate.

40 (b) In college districts where the election-at-large method of election
41 is in effect, a person may become a candidate for election to trustee of a
42 community college by either one of the following methods:

43 (1) Any person who is an elector of the college district may petition

1 to be a candidate for trustee. Any such person shall file with the election
2 officer a petition for such person's candidacy signed by ~~not less~~ *fewer* than
3 50 electors residing in the college district.

4 (2) Any person who is an elector of the college district may become a
5 candidate for trustee by filing with the election officer a declaration of
6 intent to be such a candidate, and payment therewith of a filing fee in the
7 amount of \$20.

8 (c) Every petition or declaration of intent filed under this section must
9 be filed on or before ~~12 noon~~ 12:00 p.m. on June 1 of each odd-numbered
10 year as provided in K.S.A. 25-205 and 25-21a03, and amendments thereto;
11 and ~~K.S.A. 25-205~~, and amendments thereto.

12 (d) *Any person who is a candidate for nomination or election to the
13 office of community college trustee, at the time of election or appointment,
14 and during the term of office, shall be and must remain a qualified elector
15 who resides in the member or at-large district. Failure to remain a
16 qualified elector residing in the member or at-large district shall
17 constitute an immediate vacancy in the candidacy or office.*

18 Sec. 7. K.S.A. 80-202 is hereby amended to read as follows: 80-202.
19 (a) Every person elected to the office of trustee, clerk or treasurer of any
20 township, or road overseer of any road district, shall be an elector of the
21 township or road district at the time of such election or appointment, and
22 shall take and subscribe the oath of office prescribed by law. The oath shall
23 be filed in the office of the county clerk. In the event any such officer shall
24 become a nonresident of the township or road district, the office shall
25 become vacant.

26 (b) *Any person who is a candidate for nomination or election to the
27 office of trustee, clerk or treasurer of any township, or road overseer of
28 any road district, at the time of election or appointment, and during the
29 term of office, shall be and must remain a qualified elector who resides in
30 the township or road district. Failure to remain a qualified elector
31 residing in the township or road district shall constitute an immediate
32 vacancy in the candidacy or office.*

33 Sec. 8. K.S.A. 22a-102, 25-101a, 25-2020, 40-109, 71-1414 and 80-
34 202 and K.S.A. 2025 Supp. 25-1903 are hereby repealed.

35 Sec. 9. This act shall take effect and be in force from and after its
36 publication in the statute book.