

## SENATE BILL No. 392

By Committee on Federal and State Affairs

1-27

1 AN ACT concerning elections; relating to the withdrawal of candidacy for  
2 office; prohibiting the filling of a vacancy in the joint candidacy of the  
3 governor and lieutenant governor; providing for when a candidate may  
4 withdraw in city, school district and community college elections;  
5 amending K.S.A. 25-2020, 25-2106, 25-4003 and 71-1414 and  
6 repealing the existing sections.  
7

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

9 Section 1. K.S.A. 25-2020 is hereby amended to read as follows: 25-  
10 2020. (a) (1) When a district method of election is in effect in any school  
11 district, a person may become a candidate for election to board member by  
12 any one of the following methods:

13 (1)(A) Any person who is an elector in any member district may  
14 petition to be a candidate for board member from the member district in  
15 which such person resides. Any such person shall file with the county  
16 election officer, a petition for such candidacy signed by not less than 50  
17 electors residing in such member district or by a number of such electors  
18 equal to not less than 10% of the electors residing in such member district,  
19 whichever is less.

20 (2)(B) Any person who is an elector in any school district may  
21 petition to be a candidate for board member at-large from the school  
22 district in which such person resides. Any such person shall file with the  
23 county election officer, a petition for such candidacy signed by not less  
24 than 50 electors residing in such school district.

25 (3)(C) Any person who is an elector in any member district may  
26 become a candidate for board member from the member district in which  
27 such person resides by filing with the county election officer a declaration  
28 of intention to become such a candidate, and payment therewith of a filing  
29 fee in the amount of \$20. Such declaration shall be prescribed by the  
30 secretary of state.

31 (4)(D) Any person who is an elector in any school district may  
32 become a candidate for board member at-large from the school district in  
33 which such person resides by filing with the county election officer a  
34 declaration of intention to become such a candidate, and payment  
35 therewith of a filing fee in the amount of \$20. Such declaration shall be  
36 prescribed by the secretary of state.

1       (5)(2) Any such petition or declaration shall specify the member  
2 position for which the person is a candidate.

3       (b) (1) When the election at large method is in effect in any school  
4 district, a person may become a candidate for election to board member by  
5 either one of the following methods:

6       (1)(A) Any person who is an elector of the school district may  
7 petition to be a candidate for board member. Any such person shall file  
8 with the county election officer a petition for such candidacy signed by not  
9 less than 50 electors residing in the school district.

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

15       (3)(2) Any such petition or declaration ~~which~~ that is for an unexpired  
16 term of a member shall so specify.

17       (c) (1) Any such petition or declaration of intent ~~must~~ shall be filed  
18 before the filing deadline as prescribed in K.S.A. 25-205, and amendments  
19 thereto. No candidate shall be permitted to withdraw from candidacy after  
20 the filing deadline, *except that a candidate shall be withdrawn from an*  
21 *election if:*

22       (A) *The candidate certifies to the county election officer that such*  
23 *candidate is withdrawing because of severe medical hardship on the*  
24 *candidate or the candidate's immediate family. Such candidate shall send*  
25 *the county election officer a certification of the severe medical hardship*  
26 *signed by a physician; or*

27       (B) *the candidate certifies to the county election officer that such*  
28 *candidate no longer resides in the district for which the candidate filed for*  
29 *office.*

30       (2) *If the county election officer receives a certification as described*  
31 *in subparagraph (1) on or before September 1 of the year of the election,*  
32 *such candidate's name shall be withdrawn and shall not be printed on the*  
33 *ballots.*

34       (3) *If a candidate dies on or before September 1 of the year of the*  
35 *election, such candidate's name shall be withdrawn and shall not be*  
36 *printed on the ballots.*

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

41       (e) If a nomination petition or declaration is found to be invalid, the  
42 county election officer shall notify the candidate on whose behalf the  
43 petition or declaration was filed that such nomination petition or

1 declaration has been found to be invalid and the reason for the finding.  
2 Such candidate may make objection to the finding of invalidity by the  
3 county election officer in accordance with K.S.A. 25-308, and  
4 amendments thereto.

5 Sec. 2. K.S.A. 25-2106 is hereby amended to read as follows: 25-  
6 2106. (a) "Filing deadline" means the hour, date or time after which it is  
7 provided by law *that* no person may become a candidate for election to  
8 public office. ~~After the effective date of this act.~~

9 (b) (1) No candidate shall be permitted to withdraw—~~his~~ from  
10 candidacy after the filing deadline, *except that a candidate shall be*  
11 *withdrawn from an election if:*

12 (A) *The candidate certifies to the county election officer that such*  
13 *candidate is withdrawing because of severe medical hardship on the*  
14 *candidate or the candidate's immediate family. Such candidate shall send*  
15 *the county election officer a certification of the severe medical hardship*  
16 *signed by a physician; or*

17 (B) *the candidate certifies to the county election officer that such*  
18 *candidate no longer resides in the district for which the candidate filed for*  
19 *office.*

20 (2) *If the county election officer receives a certification as described*  
21 *in subparagraph (1) on or before the September 1 of the year of the*  
22 *election, such candidate's name shall be withdrawn and shall not be*  
23 *printed on the ballots.*

24 (3) *If a candidate dies on or before September 1 of the year of the*  
25 *election, such candidate's name shall be withdrawn and shall not be*  
26 *printed on the ballots.*

27 Sec. 3. K.S.A. 25-4003 is hereby amended to read as follows: 25-  
28 4003. (a) The candidates for governor and lieutenant governor shall be  
29 nominated and elected jointly as provided in this act.

30 (b) *No vacancy in the candidacy of governor or lieutenant governor*  
31 *shall be filled after a joint candidacy has been filed with the secretary of*  
32 *state. If such vacancy occurs for any reason, then such joint candidacy is*  
33 *terminated. The remaining candidate may file a new joint candidacy with*  
34 *another individual in accordance with all statutory requirements for such*  
35 *filing, including payment of the filing fee.*

36 Sec. 4. K.S.A. 71-1414 is hereby amended to read as follows: 71-  
37 1414. (a) (1) In college districts where a district method of election is in  
38 effect, a person may become a candidate for election to trustee of a  
39 community college by any one of the following methods:

40 (A) Any person who is an elector of any member district may petition  
41 to be a candidate for member from the member district in which such  
42 person resides. Any such person shall file with the election officer a  
43 petition for such person's candidacy signed by not less than 50

1 electors residing in such person's member district.

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

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

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

17 (2) Every petition or declaration of intent filed under this subsection  
18 ~~must~~ *shall* specify the member position for which the person is a  
19 candidate.

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

23 (1) Any person who is an elector of the college district may petition  
24 to be a candidate for trustee. Any such person shall file with the election  
25 officer a petition for such person's candidacy signed by ~~not less~~ *fewer* than  
26 50 electors residing in the college district.

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

31 (c) (1) Every petition or declaration of intent filed under this section  
32 ~~must~~ *shall* be filed on or before ~~12 noon~~ 12:00 p.m. on June 1 of each odd-  
33 numbered year as provided in K.S.A. 25-205 and 25-21a03, and  
34 amendments thereto, ~~and K.S.A. 25-205, and amendments thereto. No~~  
35 *candidate shall be permitted to withdraw from candidacy after the filing*  
36 *deadline, except that a candidate shall be withdrawn from an election if:*

37 (A) *The candidate certifies to the county election officer that such*  
38 *candidate is withdrawing because of severe medical hardship on the*  
39 *candidate or the candidate's immediate family. Such candidate shall send*  
40 *the county election officer a certification of the severe medical hardship*  
41 *signed by a physician; or*

42 (B) *the candidate certifies to the county election officer that such*  
43 *candidate no longer resides in the district for which the candidate filed for*

1       *office.*

2       *(2) If the county election officer receives a certification as described*  
3       *in subparagraph (1) on or before the September 1 of the year of the*  
4       *election, such candidate's name shall be withdrawn and shall not be*  
5       *printed on the ballots.*

6       *(3) If a candidate dies on or before September 1 of the year of the*  
7       *election, such candidate's name shall be withdrawn and shall not be*  
8       *printed on the ballots.*

9       Sec. 5. K.S.A. 25-2020, 25-2106, 25-4003 and 71-1414 are hereby  
10      repealed.

11      Sec. 6. This act shall take effect and be in force from and after its  
12      publication in the statute book.