

False Representation of an Election Official; Political Party Nominations; Voting Equipment; Senate Sub. for HB 2056

Senate Sub. for HB 2056 amends various provisions of election law concerning the crime of false representation of an election official, nominations by political parties, and the testing of certain voting equipment before an election.

False Representation of an Election Official

The bill amends the conduct included under the election crime of false representation of an election official to add the intent to cause a person to believe that the person is an election official.

The bill removes the criterion of “engaging in conduct that gives the appearance of being an election official.” The bill also clarifies that engaging in conduct 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 that the person engaging in the conduct is an election official, will be a qualifying criminal act.

Political Party Nominations

The bill amends election law regarding nominations for elected office to require that any person nominated for an elected office accept such nomination and restrict the number of nominations a person may accept to one nomination.

Nominations by Political Parties Not Participating in Primaries

Continuing law authorizes any recognized political party that does not participate in a primary election to, by means of a delegate or mass convention or caucus, nominate one person for each office that is to be filled at the next election and file a certificate of such nomination. [Note: Recognized political parties in Kansas that currently do not participate in primary elections include the Libertarian Party, No Labels Kansas, and United Kansas.]

The bill requires any person listed on a certification of nomination to submit a signed and notarized declaration stating they accept the party’s nomination for the designated office. The bill prohibits any person from being a party’s nominee until the declaration is submitted according to law.

Restriction on Number of Nominations

The bill clarifies that no person may accept more than one nomination for the same office. The bill further prohibits any person from becoming a candidate for a different political party or as an independent candidate for office at a general election if such person has:

- Received and accepted a party nomination from a political party not participating in a primary election;
- Filed a declaration of intention to become a candidate for an office; or
- Filed a valid nomination petition to be an independent candidate.

Changing Political Party Nomination

The bill, prior to the filing deadline established in statute, permits a person who has either received and accepted a party nomination, filed a declaration of intention to become a candidate, or filed a valid nomination petition to be an independent candidate to become a candidate for a different political party or an independent candidate if such person has:

- Declined a party nomination;
- Withdrawn from candidacy after nomination; or
- Withdrawn from a nomination.

Enforcement

The bill directs the Secretary of State to enforce the provisions of the bill for all federal and state elected offices and directs the appropriate county election officer to enforce the provisions of the bill for all county and township elected offices.

Testing Voting Equipment

Prior law required automatic vote tabulating equipment and optical scanning equipment to be tested within five days before the date of an election to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. The bill changes the number of days before the date of an election for such required testing from within 5 days to within 30 days.