



City Clerk
Election Reference
Manual

Johnson County Election Office

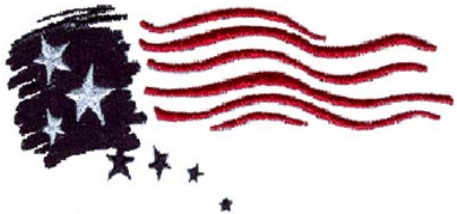


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This manual has been prepared to assist City Hall staff in answering questions regarding filing for elected office and other election-related issues.

Candidates and cities are encouraged to seek their own legal counsel for interpretations of items in this manual.

Listed below is the contact information for the Johnson County Election Office, Secretary of State and Kansas Governmental Ethics Commission.

Johnson County Election Office
2101 E. Kansas City Road, Olathe, KS 66061
Phone (913) 782-3441
Fax (913) 791-1753
Email: election@jocoelection.org

Kansas Governmental Ethics Commission
901 S. Kansas Avenue
Topeka, KS 66612
Phone: (785) 296-4219
Fax: (785) 296-2548
www.accesskansas.org/ethics

Kansas Secretary of State
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612
Phone: (785) 296-4564
www.kssos.org



Filing for a City Office

What are the qualifications to file for a City Office?

An individual seeking an elected city office must be a “qualified elector.” This means that the person must be a registered voter in the city and particular district (if the city is divided into wards) at the time of the election.

Where does a candidate file for office?

Candidates should contact their city as to where to file.

When is the filing Deadline for a City office?

The deadline to file is ten weeks prior to the spring general election (**12 noon**). Beginning in 2017, the filing deadline is noon on June 1st.

Is there a withdrawal date if a candidate decides not to run for office?

Candidates are not permitted to withdraw after the filing deadline. Candidates who wish to withdraw must complete a notarized withdrawal form at the location where they filed.

What filing forms does a candidate need to complete to run for office?

Candidates must complete a Filing Form ([Candidate’s Declaration of Intention](#)). A candidate should contact their city as to where to file this form. The Johnson County Election Office will fax the completed filing form from the first class cities to the GEC (Governmental Ethics Commission).

Candidates must complete the [Statement of Substantial Interests Form](#). This report is filed in the same office where the individual files the statement declaring candidacy for the local office. (KSA 75-4302a). The report is due no later than 10 days after the filing deadline.

What fees are required to run for a City office?

Candidates should check with their cities concerning filing fees and report fees.



Can a candidate file a petition in lieu of the filing fee and how many signatures would be required?

Candidates may file by petition in lieu of paying the filing fee. Candidates should check with their city to determine where to file the petition and the number of required signatures.

What information is required on a petition?

The Nonpartisan Nomination Petition form (CP) is a two-page document that may be obtained from the Johnson County Election Office. Complete the top section of the petition with the candidate's name, office sought, address and other information required before circulating the petition. Make photocopies of the form as needed.

The candidate or petition circulator may circulate the petition throughout the election district. Signers must be registered voters and residents of the district.

The circulator of each page of the petition must witness every signature. No one may sign more than one petition for an office. Petition signers must include their printed name, signature, address, city, zip and date that they signed. All of the petitions must be submitted as a group and turned into the Johnson County Election Office at the same time along with any report fee. Every petition page must be completed on the reverse side and notarized.

The Johnson County Election Office will verify that all of the signatures are valid. Some of the signatures submitted on a petition could be invalid; therefore it is advisable to obtain a least 25 percent more than the required number. This allows time for the candidate to pay the filing fee by the filing deadline in case the petition is found to be invalid.

The deadline for petitions for local office is noon on the date 10 weeks preceding the general election on the first Tuesday in April. Beginning in 2017, petitions must be filed before noon on June 1st. Petitions must be filed within 180 days after the date the first signature is collected.



What Campaign Finance reports are required from first-class city candidates?

The Kansas Governmental Ethics (GEC) will mail the first-class city candidates the reports that they need to complete and file with their office. These include:

[Appointment of Treasurer Form](#). Candidates have ten (10) days after filing to appoint a Treasurer and an additional ten (10) days to file the Appointment of Treasurer form.

Candidates may not take in or spend any campaign funds until the Appointment of Treasurer Form is filed.

[Affidavit of Exemption from Filing Receipts and Expenditures Reports \(Optional\)](#). Completed form is due nine (9) days prior to the primary election. If a candidate anticipates receiving and spending less than \$1,000 in the Primary election and anticipates receiving and spending less than an additional \$1,000 in the General Election, he/she can file an Affidavit of Exemption.

[Receipts and Expenditures Report](#) – Candidate/Treasurer lists all receipts and expenditures for the reporting period. A report is due 6 days before the Primary Election and 6 days prior to the General Election. A Wrap-Up report is due January 10th of the year following the election.

What campaign reports are required from candidates of second and third class cities?

The Johnson County Election Office will mail the second and third class city candidates the reports that they need to complete and file with the Johnson County Election Office. The reports may also be found on the Johnson County Election website. These include:

[Affidavit of Exemption \(Optional\)](#)

Affidavits may be filed by any candidate who anticipates receiving or spending less than \$1,000 in each of the Primary and General Elections. The report is due 9 days before the primary election. If filed, it exempts the candidate from filing the Candidate's Itemized Statement of Personal Election Contributions and Expenditures Reports.

[Candidate's Itemized Statement of Personal Election Contributions and Expenditures Report](#)

Candidates file this report with the Johnson County Election Office within 30 days after the primary, general or special election period in which they were a candidate or received or expended funds. (K.S.A. 25-904).

File this report if an Affidavit of Exemption was filed but the candidate exceeded the \$1,000 limit on contributions received or expenses incurred.



Committee Report

Every committee, club, organization, municipality or association designed to promote or oppose a candidate needs to complete this report. The annual statement shall cover the period ending on the preceding December 1st and is due on or before December 31st. An annual report is due from all committees having a balance.

How many filings are needed for a Primary election?

In cities with wards, if there are more than three qualified candidates for any district, a primary is held for such district. The two candidates receiving the greatest number of votes in each district move on to the general election. If there are 3 or fewer qualified candidates for any district, there is no primary election. All of the individuals move on to the general election. Some cities may have chartered out of these statutes.

Cities that have at-large elections would have a primary if there are more than three times the number of candidates as there are positions up for election. Twice the number of candidates as the number of positions up for election and receiving the greatest number of votes would move on to the general election. If there are no more than three times the number of candidates as there are positions up for election, there would be no primary and all of the individuals would move on to the general election. Some cities may have chartered out of these statutes.



Who can be a poll agent?

There are two ways to be designated as an authorized poll agent.

1. Each of the following persons is automatically a poll agent because of the position they hold:
 - a. state or county party chair
 - b. chair of a committee formed to support or oppose a question submitted election
 - c. candidate
 - d. precinct committeeman or woman
 - e. a write-in candidate for statewide office who has filed an affidavit of write-in candidacy with the Secretary of State
2. A person may be appointed to be a poll agent by one of the persons listed above.
[KSA 25-3005a(a)]

How many can be appointed?

Each person authorized to appoint poll agents may appoint one per polling place.
[KSA 25-3005a(b)]

What are the Qualifications?

Appointed poll agents must be registered Kansas voters. If they are members of a candidate's immediate family they are exempt from this qualification (some candidates in the past have appointed relatives from out of state). Also, individuals 14 to 17 years old may be appointed poll agents if they meet all other requirements of an elector (U.S. citizenship, residency).



Appointment process

Appointments must be made in writing on a form approved by the Secretary of State. Form PA is produced by the Secretary of State's office for this purpose. The appointment form must be filed at the county election office up to or on Election Day.

Poll agents must carry their authorization forms with them at any time they are acting as poll agents, and they must present the forms when asked by a precinct or county election worker. Further, they must wear a badge, issued by the county election officer, containing the word "observer" in 32-point type or larger.

When a candidate or precinct committee person is acting as an authorized poll agent, he/she must carry identification supplied by the county election officer.

What poll agents may do

Poll agents may observe the voting process at polling places and may observe the original, intermediate and final canvasses. [KSA 25-3005]

They may request to have an election judge at the original canvass display a ballot to them, but the poll agent may not touch the ballot. [KSA 25-3004]

Limits on poll agents' activities

Poll agents must carry their appointment forms with them. Candidates and precinct committee persons acting as poll agents must carry identification supplied by the county election officer.

Poll agents must act in accordance with statutes, regulations adopted by the Secretary of State, and directives of the county election officer and supervising judge of any polling place. For instance, they are subject to the same statutes prohibiting electioneering, voter intimidation and disorderly conduct as anyone else.

Poll agents may not participate in the administration of ballots or the ballot counting and tabulating process. They may not handle ballots.

Legal references

K.S.A. 25-3004, 25-3005, 25-3005a



Authorized and Appointed Poll Agents

There are two types of poll agents, and the qualifications are different for each.

- Authorized poll agents are persons authorized by law to act as poll agents because of the position they hold.
- Appointed poll agents are persons appointed by authorized poll agents to act as poll agents.

Persons holding the following positions are automatically authorized by law to serve as poll agents:

- Chairpersons of state and county party committees,
- Chairpersons of committees concerned with question submitted elections,
- Candidates,
- Precinct committee persons and
- Write-in candidates who have filed affidavits of write-in candidacy.

Any person named above may use this form to designate one appointed poll agent per polling place.

Appointment

Appointments must be filed with the county election office by mail, hand delivery, fax or electronic method before the person may act as a poll agent.

Statement of Appointment

By the authority vested in me, I, _____, have appointed the bearer
Person making appointment

of this certificate, _____, residing at _____
Appointee's name (Poll Agent) Address

who is (circle one): (a) a registered Johnson County voter (b) a family member
(c) 14-17 years old, a citizen, and a resident of Johnson County

to be a poll agent for the _____ to be held on the _____ day of _____, 20____.
Type of election Day Month Yr.

Printed Name Signature

Title or Position Date Contact Phone #

Important Information
Please Read Rules for Poll Agents

Poll agents *must*

- Carry the appointment form and produce it upon request by an election officer
- Act in accordance with policies adopted by the county election officer and the supervising judge at the polling place
- Comply with state laws and regulations and local rules applicable to poll agents
- Wear a badge identifying them as an observer
- If acting as an appointed poll agent, be a registered Kansas voter or a member of a candidate's family

Poll agents *may*

- Observe the voting process at the polling place where appointed
- Observe the canvass
- Request to be shown a ballot at the original canvass on election day
- If acting as an appointed poll agent, be as young as 14 years of age

Poll agents *may not*

- Approach within three feet of a voting booth or a table used by an election board
- Touch or handle a ballot
- Participate in the administration of ballots or ballot counting
- Hinder or obstruct any voter when entering or exiting a polling place or while voting
- Hinder or obstruct an election board in the performance of its duties