

Kansas Recall Petition Guidelines

The following guidelines summarize procedures and minimum requirements found in Kansas Statutes Annotated 25-4301 through 25-4331 for the recall of an elected official. *Seeking the counsel of an attorney in preparing a recall petition is strongly recommended.*

Who can be Recalled

The statutes define two categories of elected officials that can be recalled: State Officers and Local Officers. National officeholders and judicial officers are not subject to recall.

State Officers are defined as persons holding these offices: Governor, State Senator, State Representative, State Board of Education Member, and those elected on a state-wide basis – Secretary of State, Attorney General, State Treasurer, and Insurance Commissioner. Statutes specifically addressing recall of these officers are found in K.S.A. 25-4305 through 25-4317. Procedures and requirements for recalling state officers are different from those for local officers, and are handled at the state level.

Local Officers are defined as any elected official other than state officers or those not subject to recall. Statutes specifically addressing recall of these officers are found in K.S.A. 25-4318 through 25-4331. Procedures and requirements for recalling these officers are handled at the local level.

Local Officer Recall Procedure

1. Form a recall committee of three registered electors of the election district
2. Prepare a recall petition using Form RP – Recall Petition; *the recall committee is strongly urged to seek legal counsel in preparing the petition.* Include on each page of a petition for recall of a local officer:
 - a. **Name and Office** of local officer to be recalled
 - b. **Grounds for Recall** described in particular in not more than 200 words. Grounds for recall are: conviction of a felony, misconduct in office or failure to perform duties prescribed by law. “Misconduct in office” means a violation of law by the officer that impacts the officer’s ability to perform the official duties of the office.
 - c. **A Statement** that the petitioners are registered electors of the election district of the local officer sought to be recalled.
 - d. **Names and Addresses** of the three registered electors of the election district of the officer sought to be recalled who comprise the recall committee
 - e. **A Statement of Warning** that any person who signs a name other than that person’s own name to a petition for recall of a local officer, or who knowingly signs more than once for the same proposition at one election, or who signs the petition knowing he or she is not a registered elector is guilty of a class B misdemeanor

- f. **A Statement** that a list of all sponsors authorized to circulate the recall petitions may be examined in the office of the county election officer.
3. File a copy of the petition with the County Election Officer
 - a. A petition may not be filed during the first 120 days or the last 180 days of a person's term of office
 - b. The copy of the petition filed must be signed by the members of the recall committee in the presence of the County Election Officer
 - c. File a list of all sponsors authorized to circulate the recall petitions along with the copy of the petition
 - d. Upon request, the County Election Officer shall notify the recall committee of the official number of votes cast for all candidates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled
4. County Election Officer transmits the copy of the petition to the district attorney to determine sufficiency of the grounds for recall and the format of the petition. The district attorney has five days to make the determination and notify the county election officer and the recall committee. An "insufficient" determination shall include whether:
 - a. The facts do not support the grounds for recall as stated in the petition for recall;
 - b. The petition is not substantially in the required form;
 - c. The petition was filed during the first 120 days ... or within less than 180 days of the termination of the term of office of the officer sought to be recalled;
 - d. The person named in the petition is not a local officer;
 - e. There is an insufficient number of required signatures of any kind;
 - f. The local officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
 - g. The application does not conform to any other requirement of the recall act.
5. Upon receiving notice that a petition is sufficient, the petition may be circulated.
 - a. The number of signatures required is not less than 40% of the total votes cast for all candidates for the office of the local officer sought to be recalled at the last general election for the current term of office of the local officer to be recalled, divided by the number of people elected
 - b. The petition must be circulated in person by a sponsor and only in the election district where the sponsor resides
 - c. The petition cannot be circulated in more than one county
 - d. The names must be signed in ink
 - e. A person who signed the petition may withdraw his or her name by giving written notice to the county election officer before the final petition is filed
 - f. Each sponsor must complete a notarized Affidavit and attach it to the petition pages the sponsor circulated before filing the final petition; the Affidavit is on second page of the Recall Petition form
6. File the final petition with the County Election Officer

- a. The necessary signatures of registered voters must be secured and filed within 90 days from the date the recall committee receives the determination from the county attorney
 - b. Within 30 days of receiving the petition the County Election Officer will review the petition and notify the recall committee and the local officer if the petition was properly or improperly filed, including having a sufficient number of valid signatures
7. The election will be held between 60 and 90 days after notification that enough signatures were on the petition
- a. Within ten days of the notification, the officer sought to be recalled may make a statement of not more than 200 words in justification of his or her conduct, which will be maintained in the Election Office for public inspection.
 - b. The wording of the ballot question will be: "Shall (*name of official*) be recalled from the office of _____?". Provision shall be made for marking the question "Yes" or "No."
 - c. If the officer is recalled, the office will be vacant the day after the date the election is certified by the county board of canvassers. The vacancy in office will be filled in the same way that a vacancy caused by other reasons is filled. The person who was recalled is not eligible to be appointed to fill the vacancy
8. Monies received and/or expended in consideration of a recall effort must be reported pursuant to K.S.A. 25-901:

25-901. Election campaign finance in cities, unified school districts, community colleges and townships; organizations promoting or opposing candidates or propositions to have treasurer and keep accounts of receipts and expenditures; filing of annual statements; contents; time of filing; state political party committee accounts, audited. Every committee, club, organization, municipality or association designed to promote or engaged in promoting the success or defeat of any party or the election or defeat of any candidate or candidates for any city of the second and third class, unified school district, except unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year any community college or township office, or the adoption or defeat of any question submitted at any city, unified school district, community college, township or county election, shall have a treasurer, and shall cause to be kept a detailed account of all moneys or property or other thing of value received by it, and of the manner in which the same shall be expended; and shall file annually with the county election officer of the county in which such committee, club, organization or association has its headquarters a statement of all its receipts and expenditures, showing in detail from whom such moneys or property or other thing of value were received, to whom such moneys or property or other thing of value were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof.

The annual statement herein required shall be filed on or before December 31, such statement shall cover the period ending on December 1 immediately preceding...

Office of the Secretary of State / Elections Division Form
Petition For Recall of Elected Official RP

I, the undersigned, hereby seek the recall of _____ from the office of _____,
on the ground(s) that: (state specific grounds)

and declare that I am a registered elector of _____ County, Kansas, and of the election district of the officer named above.

	Signature of Signer	Name of Signer (Print)	Street Number or Rural Route (as registered)	Name of City	Date of Signing
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

NOTE:

- It is a class B misdemeanor to sign a name other than your own name to this petition, to knowingly sign more than once for the recall of the same officer at the same election or to sign this petition knowing you are not a registered elector.
- The following comprise the recall committee:

Printed Name

Signature

Residence Address

3. A list of all sponsors authorized to circulate petitions for this recall may be examined in the office of the _____ County election officer.

Affidavit

STATE OF KANSAS

COUNTY OF _____

} ss.

I, _____, affiant hereto, am a sponsor of this recall petition, the only person that has circulated this copy of the petition. The signatures found hereon were made in my actual presence and to the best of my knowledge the signatures are those of the persons whose names they purport to be. I have circulated this petition in the manner provided by K.S. A. 25-4301 et seq., and being duly sworn state the grounds for recall are true.

Signature of Sponsor

Address of Sponsor

Subscribed and sworn to before me this _____ day of _____, 20_____.

(SEAL)

Person Authorized to Administer Oaths

My appointment expires _____, 20_____.