

{As Amended by Senate Committee of the Whole}

Session of 2015

Substitute for SENATE BILL No. 171

By Committee on Ethics and Elections

2-20

1 AN ACT concerning elections and voting; relating to certain
2 municipalities and special districts; amending K.S.A. 2-623, ***{10-120,***
3 ***12-138, 12-344, 12-6a15,*** 13-1221, ***{19-117,*** 19-2760, 19-3505, 19-
4 3507, 24-504, 25-204, 25-209, 25-210, 25-212, 25-610, 25-1115, 25-
5 2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-
6 2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-
7 2804, 25-2901, 25-3503, ***{68-438,*** 71-1408, 71-1412, 71-1413, 71-
8 1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624,
9 ***{12-363, 12-1737, 19-15,116,*** 24-412, 24-414, 24-459, 24-506, 25-
10 205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a,
11 25-2110, 25-2311, 25-3801 ~~and *{,*~~ 42-706 ***{and 72-6433}*** and repealing
12 the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003,
13 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-
14 1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l,
15 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-
16 1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-
17 1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-
18 1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-
19 1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e,
20 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-2762 and 71-
21 1417.

22
23 *Be it enacted by the Legislature of the State of Kansas:*

24 New Section 1. (a) On and after January 1, 2017, all primary
25 elections for members of the governing body and other elected officials of
26 any municipality shall be held on the first Tuesday in August of 2017 and
27 on such date thereafter of odd-numbered years, and all general elections
28 for members of the governing body and other elected officials of any
29 municipality shall be held on the Tuesday succeeding the first Monday in
30 November of 2017 of odd-numbered years and on such date thereafter.

31 (b) ***{(1)}*** The term of members of governing bodies and other elected
32 officials of any municipality that would expire at any time in 2017 shall
33 expire on the second Monday in January of 2018, when newly elected
34 members of the governing body and other newly elected officials shall
35 take office.

36 ***{(2) The term of members of governing bodies and other elected***

1 *officials of any municipality that have been elected to four-year terms*
2 *and which would expire at any time in 2019 shall expire on the second*
3 *Monday in January of 2020, when newly elected members of the*
4 *governing body and other newly elected officials shall take office.}*

5 (c) The governing body of the municipality shall establish by
6 ordinance or resolution terms of office of elected officials to comply with
7 this act.

8 (d) Primary elections for any municipality shall be conducted as
9 provided in K.S.A. 25-202, and amendments thereto. A primary election
10 shall only be required as provided in K.S.A. 25-2021, and amendments
11 thereto, and K.S.A. 25-2108a, and amendments thereto, or as otherwise
12 required by law.

13 (e) The filing deadline for all candidates for any municipality, unless
14 otherwise provided by law, shall be as provided in K.S.A. 25-205, and
15 amendments thereto.

16 (f) Any person who meets the qualifications for the office sought may
17 become a candidate for municipal office by filing a declaration of intent to
18 become a candidate with the county election officer accompanied by a
19 filing fee of \$20.

20 (g) "Municipality" means any city, consolidated city-county created
21 under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2014
22 Supp. 12-360 et seq., and amendments thereto, county adopting a charter
23 under K.S.A. 19-2680 et seq., and amendments thereto, school district, any
24 board of public utilities created under K.S.A. 13-1220 et seq., and
25 amendments thereto, community college, drainage district, extension
26 district created under K.S.A. 2-623 et seq., and amendments thereto,
27 irrigation district, improvement district created under K.S.A. 19-2753 et
28 seq., and amendments thereto, water district created under K.S.A. 19-3501
29 et seq., and amendments thereto, and hospital district created under K.S.A.
30 80-2501 et seq., and amendments thereto. The term does not include any
31 special district where the election of members of the governing body is
32 conducted at a meeting of the special district.

33 (h) Cities may provide for elections of elected officials in even-
34 numbered years in order to provide for staggered terms of office or for
35 three-year terms of office for elected officials.

36 New Sec. 2. All existing ordinances and charter ordinances relating to
37 a city's form of government, except those provisions relating to the timing
38 of city primary and general elections, shall remain in effect until amended
39 or repealed by such city.

40 New Sec. 3. (a) Subject to subsection (b), any city may adopt by
41 ordinance one of the following forms of government:

- 42 (1) Commission;
43 (2) mayor-council;

(a) A city shall continue to operate under its current form of government whether established at an election, or by adoption of a charter ordinance or ordinance until such time that the city's form of government is changed as provided by law.
(b)

1 (3) commission-manager;
2 (4) mayor-council-manager;
3 (5) council-manager; or
4 (6) any other form of government authorized by law or by ordinance
5 or charter ordinance of the city.

6 (b) Any city which has operated for four or more years under a form
7 of government may abandon such form and adopt a different form of
8 government. The provisions of K.S.A. 12-184, and amendments thereto,
9 shall govern the procedure for the adoption or abandonment of such form
10 of government.

11 (c) The governing body of the city may establish by ordinance any of
12 the following:

13 (1) The powers and duties of the governing body, including the mayor
14 and other elected officials;

15 (2) the terms of office of members of the governing body, including
16 the mayor and other elected officials of either two or four years;

17 (3) the election by ward or district of members of the governing body,
18 if applicable;

19 (4) the powers and duties of the city manager, if applicable;

20 (5) the administrative departments of the city; and

21 (6) other matters deemed appropriate by the governing body.

22 ~~New Sec. 4.~~ (a) All unified school districts shall make suitable school
23 buildings available for polling places at the request of a county election
24 officer for the county in which all or any portion of the school district is
25 located.

26 (b) The county election officer shall give not less than ~~90~~ {365} days'
27 notice to the superintendent of the school district of the need to use one or
28 more school buildings as polling places for any primary or general
29 election.

30 (c) The terms "primary election" and "general election" shall have the
31 meanings as provided in K.S.A. 25-2502, and amendments thereto.

32 New Sec. 5. (a) The secretary of state shall develop a public
33 information program to inform the public generally of changes made as a
34 result of moving spring elections to fall elections. Such public information
35 program shall include, at a minimum, the explanation of which public
36 office elections are being transferred from spring to fall elections. The
37 program shall include the use of advertisements and public service
38 announcements as well as posting of information on the opening pages of
39 the official internet websites of the secretary of state and county election
40 officers. The secretary of state and county election officers shall develop
41 dedicated websites to provide voter education and sample ballots for
42 elections.

43 (b) The county election officers in consultation with the secretary of

See Attachment A

And by renumbering remaining section accordingly

New Sec. 4. (a) Any city may adopt the commission-manager, mayor-council manager or council manager form of government in the manner herein provided and shall thereafter be governed by the provisions of this act. A proposition to adopt such form of government must first be submitted to a vote of the qualified electors of the city at any primary or general election. The governing body of the city may submit the proposition by resolution and must submit it upon the filing of a petition signed by at least 10% of the qualified electors of the city. The petition shall be headed "Petition for an election of the city of _____, Kansas, to vote on the adoption of the _____ (commission-manager, mayor-council manager or council manager) form of government," and shall be addressed to the governing body of the city, and be filed with the election officer of the county in which the city is located. The petition shall conform to the requirements of article 36 of chapter 25 of the Kansas Statutes Annotated and amendments thereto, and its sufficiency shall be determined in the manner therein provided and shall be certified to the city clerk by the county election officer.

(b) The resolution or the petition shall establish the membership and terms of office of the governing body. Upon the adoption of a resolution or the certification of a petition as provided in this section, the governing body of the city shall submit the proposition at the next primary or general election. Notice thereof shall be published in the manner provided by K.S.A. 25-105.

(c) The form of the ballots to be used at the election shall be as follows:

"Shall the city of _____ adopt the _____ (commission-manager, mayor-council manager or council manager) form of government and become a city operating under such form of government?"

Yes ☐ [] No ☐ []

If a majority of the votes cast shall be in favor of adopting the commission-manager, mayor-council manager or council manager plan of government, then at the next regular city election the governing body of the city shall be elected as provided in the resolution or petition.

New Sec. 5. (a) The governing body shall be established by ordinance the qualifications, oath and powers and duties and terms of office of the governing body.

(b) Any action taken by the city governing body shall be by a majority vote of the members unless a greater number of votes are specifically required by another provision of law.

(c) The city governing body shall appoint a city manager to be responsible for the administration and affairs of the city. The city manager shall see that all laws and ordinances are enforced. The city manager shall serve at the pleasure of the governing body.

(d) The city manager shall appoint and remove all heads of departments and all subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone.

New Sec. 6. Any city operating under the provisions of this act may abandon the commission-manager, mayor-council manager or council manager form of city government in the same manner as is provided in new section 4, and amendments thereto, for the adoption of such form of city government except as herein otherwise provided, and except that the word "abandonment" instead of the word "adoption" shall be used in the petition therefor, and the word "abandon" instead of the word "adopt" shall be used in the form of the ballot and in the election proclamation. If a majority of votes cast upon the proposition shall be in favor of abandoning the commission-manager, mayor-council manager or council manager form of city government, then the city shall operate under the alternative form of government established in the resolution or petition.