



To: Senate Ethics and Elections Committee

From: Eric B. Smith, Legal Counsel

Date: February 4, 2015

RE: Opposition to SB 10 (Written Only)

I want to thank Chairman Holmes and the Committee members for allowing the League of Kansas Municipalities to provide written testimony in opposition to SB 10.

The filling of a vacancy on a local governing body is an important function of a mayor and council or commission depending on the local form of government. SB 10 attempts to create a one size fits all solution that is just not needed. SB 10 fails to recognize that in this state there are three classes of cities as well as many different forms of local government. Current state statutes provide a reasonable process for filling vacancies that occur on local governing bodies taking into consideration the different city classes and forms of local government.

The mandate of calling a special election if a vacancy is not filled within 30 days is an unworkable and expensive requirement. For many cities that only have one meeting a month almost any vacancy could result in the waste of taxpayer money being spent on a special election. In several small cities across this state it can be difficult to find citizens willing to serve on the governing body and SB 10 would force the expense of a special election if someone does not agree to serve within the 30 day limit. The special election requirement could force governing bodies into filling a vacancy without the opportunity to properly vet candidates.

In summary, SB 10 has the potential of requiring a governing body to make a decision on filling a vacancy without the time needed to properly vet replacements in order to avoid the cost of a mandated special election. There are three classes of cities and several forms of local government in this state, SB 10 does not take all of the different forms and classes into consideration.

Based on the above reasons the League of Kansas Municipalities respectfully requests that the Committee **not** pass SB 10 out to the full Senate for consideration.