

HOUSE BILL No. 2258

By Representative Ballard

on behalf of the League of Women Voters of Lawrence/Douglas County

2-4

1 AN ACT concerning elections; relating to election commissioners;
2 terminating the secretary of state's authority to appoint election
3 commissioners; transferring the jurisdiction, powers and duties for
4 conducting elections in those counties with an election commissioner to
5 the county clerk for such county; amending K.S.A. 19-3419 and
6 repealing the existing section.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 19-3419 is hereby amended to read as follows: 19-
10 3419. (a) *Except as provided in subsection (b)*, in counties of this state
11 having a population exceeding 125,000, as certified to the secretary of
12 state by the director of the division of the budget on the previous July 1 in
13 accordance with K.S.A. 11-201, and amendments thereto, or as otherwise
14 determined pursuant to K.S.A. 11-202, and amendments thereto, there
15 shall be an office of commissioner of elections that shall be administered
16 by an election commissioner. The election commissioner shall be
17 appointed by the secretary of state and shall hold office for a term of four
18 years and until a successor is appointed and qualified. The secretary, in
19 consultation with the chairperson of the board of county commissioners
20 for the county where an election commissioner is to be appointed, shall
21 form a search committee to identify, interview and recommend to the
22 secretary at least three candidates for the position of election
23 commissioner. Such search committee shall include the chairperson of the
24 board of county commissioners for such county, or a county commissioner
25 for such county as designated by the chairperson, a representative of such
26 county's human resources department and three representatives of the
27 secretary of state's office. The secretary of state may remove the election
28 commissioner for official misconduct. Upon occurrence of a vacancy in
29 the office of county election commissioner, the secretary of state shall
30 appoint a successor. If the vacancy occurs before the expiration of a term
31 of office, the appointment shall be for the unexpired term. Such election
32 commissioner shall have been a resident of the state at least two years
33 prior to appointment. Within 10 days after receiving official notice of the
34 appointment and before entering upon the duties of the office, the election
35 commissioner shall take, subscribe and cause to be filed in the office of the

1 secretary of state an oath of office for the faithful discharge of official
2 duties. The election commissioner shall be a resident of the county on the
3 day such election commissioner files the oath of office.

4 *(b) On and after July 1, 2025, the secretary of state shall not appoint*
5 *any person to the office of county election commissioner; including the*
6 *appointment of any person to serve the unexpired term upon a vacancy in*
7 *the office of county election commissioner. Upon the vacancy in the office*
8 *of county election commissioner in any county whether by expiration of*
9 *such officer's term or otherwise, all jurisdiction, powers and duties of such*
10 *office of county election commissioner relating to the conduct, supervision*
11 *and control of elections, including, but not limited to, the registration,*
12 *qualification, challenging and voting of qualified electors at any election*
13 *in any such county, shall be transferred to the county clerk of such county.*
14 *Upon the transfer of such jurisdiction, powers and duties, the county clerk*
15 *shall conduct all elections in such county in accordance with K.S.A. 2024*
16 *Supp. 25-126, and amendments thereto. All files, books, records, papers,*
17 *documents and data pertaining to elections and necessary to the proper*
18 *administration of elections and voter registrations under the jurisdiction*
19 *and control of the office of county election commissioner shall be*
20 *transferred and delivered to the county clerk.*

21 *(c) On such date as no person holds the office of county election*
22 *commissioner in this state, the provisions of article 34 of chapter 19 of the*
23 *Kansas Statutes Annotated shall have no force and effect.*

24 Sec. 2. K.S.A. 19-3419 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.