

SENATE BILL No. 10

By Senator HALEY

1-5

Proposed Amendments for SB 10
Senate Committee on Elections
February 19, 2015
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Office of Revisor of Statutes

1 AN ACT concerning municipalities; dealing with filling vacancies in
2 governing bodies; amending K.S.A. 12-344 and K.S.A. 2014 Supp. 12-
3 363 and repealing the existing sections.
4

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

6 New Section 1. (a) The purpose of this section is to provide an
7 orderly and prompt means of filling vacancies in the governing body of a
8 municipality. Prolonged vacancies in the governing body of a
9 municipality deprive citizens of their right to representation and act as
10 impediments to the orderly function of government of municipalities.

11 (b) As used in this section, the following terms are defined as
12 follows:

13 (1) "Governing body" shall include the mayor and members of the
14 council, the mayor and commissioners or the chairman and members of
15 the board of supervisors, depending on the form of government of the city
16 or the consolidated city and county.

17 (2) "Municipality" means any city or any consolidated city and
18 county.

19 (c) The governing body of any municipality where a vacancy exists
20 shall appoint, by a majority vote of the remaining members, a person to fill
21 the vacancy within 30 days of the vacancy. If the appointment is not made
22 within the 30-day time frame, the governing body shall pass a resolution
23 calling for a special election to fill such vacancy to be held within 45 days
24 of the passage of such resolution. Candidates for the vacant office shall file
25 for such office as provided in K.S.A. 25-2110a and amendments thereto.
26 The special election shall be conducted by the county election officer. The
27 candidate receiving the highest number of votes for the vacant position
28 shall assume such office upon certification of the election result.

29 Sec. 2. K.S.A. 12-344 is hereby amended to read as follows: 12-344.

30 (a) Any plan submitted by the commission shall provide for the exercise of
31 powers of local legislation and administration not inconsistent with the
32 constitution or other laws of this state.

33 (b) If the commission submits a plan providing for the consolidation
34 of certain city and county offices, functions, services and operations, the
35 plan shall:

36 (1) Include a description of the form, structure, functions, powers and

chief law enforcement officer of such
municipality shall appoint a person to
fill such vacancy