

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Elections** recommends **Substitute for SB 171**, as amended by Senate Committee of the Whole, be amended on page 1, in line 24, by striking "2017" and inserting "2016"; in line 26, by striking "2017" and inserting "2016"; in line 27, by striking "odd-numbered" and inserting "even-numbered"; in line 30, by striking "2017" and inserting "2016"; also in line 30, by striking "odd-numbered" and inserting "even-numbered"; in line 32, by striking "2017" and inserting "2016"; in line 33, by striking "2018" and inserting "2017";

On page 2, in line 2, by striking "2019" and inserting "2017"; in line 3, by striking "2020" and inserting "2018"; in line 22, by striking all after the second comma; in line 23, by striking all before "school" and inserting "and"; also in line 23, by striking all after "district"; by striking all in lines 24 through 31; in line 32, by striking all before the period; following line 35, by inserting:

"New Sec. 2. (a) On and after January 1, 2016, all primary elections for members of the governing body and other elected officials of any special district shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years and all general elections for members of the governing body and other elected officials of any special district shall be held on the Tuesday succeeding the first Monday in November of 2017 of odd-numbered years and on such date thereafter.

(b) The term of members of governing bodies and other elected officials of special districts that would expire at any time in 2017 shall expire on the second Monday in January of 2018, when newly elected members of the governing body and other newly elected officials shall

take office. The governing body of the special district shall establish by resolution terms of office of elected officials to comply with this act.

(c) Primary elections for any special district, if otherwise required by law, shall be conducted on the first Tuesday in August in odd-numbered years.

(d) The county election officers, with the assistance of the secretary of state, shall conduct special district primary and general elections in odd-numbered years.

(e) Any person who meets the qualifications for the office sought may become a candidate for the special district office by filing a declaration of intent to become a candidate with the county election officer accompanied by a filing fee of \$20.

(f) All elections for officers of special districts shall be on a non-partisan basis.

(g) The filing deadline for all candidates for any special district unless otherwise provided by law shall be as provided in K.S.A. 25-205, and amendments thereto.

(h) "Special district" means: (1) Any board of public utilities created under K.S.A. 13-1220 et seq., and amendments thereto, community college, drainage district, extension district created under K.S.A. 2-623 et seq., and amendments thereto, irrigation district, improvement district created under K.S.A. 19-2753 et seq., and amendments thereto, water district created under K.S.A. 19-3501 et seq., and amendments thereto, and hospital district created under K.S.A. 80-2501 et seq., and amendments thereto.

(2) The term does not include any special district where the election of members of the governing body is conducted at a meeting of the special district.";

Also on page 2, in line 36, before "All" by inserting "(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)";

Also on page 2, in line 40, after "(b)" by inserting "and section 5, and amendments thereto";

On page 3, in line 16, after "two" by inserting ", three"; following line 21, by inserting:

"New Sec. 5. (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, and amendments thereto.

(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. 6. (a) The governing body shall establish 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. 7. 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 section 5, 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.";

On page 4, in line 3, after the second "the" by inserting "style and form of the"; in line 4, after "ballot" by inserting "and the official general election ballot"; also in line 4, after "offices" by inserting "and special district offices"; in line 8, after "in" by inserting "both even-numbered and"; in line 18,

after "municipalities" by inserting "and special districts"; in line 19, after "(e)" by inserting "The secretary of state shall establish general election procedures for general elections for municipalities and special districts.

(f) County election officers shall conduct municipal elections in even-numbered years and elections in odd-numbered years.

(g)";

Also on page 4, in line 21, by striking "7" and inserting "11";

On page 8, in line 8, by striking "6" and inserting "10"; following line 31, by inserting:

"Sec. 14. K.S.A. 13-1220 is hereby amended to read as follows: 13-1220. ~~In each city of the first class that now has or hereafter acquires a population of more than one hundred thousand inhabitants, which now or hereafter owns and operates a municipal waterworks plant and a municipal electric-light plant, there shall be~~ Any city may establish an administrative agency known as the board of public utilities of such city, to be elected in the manner hereinafter provided. The board shall manage, operate, maintain and control the daily operation of the water plant and electric-light plant of such city, and shall make all such rules and regulations as are necessary for the safe, economical and efficient operation and management of such water plants and electric-light plants. The board may also improve, extend or enlarge the water plants and electric-light plants as hereinafter provided, and furnish a supply of water, light, heat and power for domestic, industrial and municipal purposes.";

On page 11, following line 24 by inserting "(a) The water district election shall be held in each election precinct, a part or all of which is located within such water district, except that if no other election is being held in a given election precinct on the same date as the water district election, the county election officer may provide one or more convenient voting places where the water district electors of such precinct may vote, which may be a voting place located in another precinct. The county election officer shall designate such voting places and the persons entitled to vote thereat in the election

notice. The county election officer shall make a report in writing to the board of county commissioners of such election precincts and voting places, which report shall be filed with the county clerk of the county or counties in which such precincts and voting places are located and an entry thereof made upon the journal of the board or boards of county commissioners of such county or counties and if any change shall be made in such voting precincts and voting places by the county election officer, the same shall in like manner be reported to the board or boards of county commissioners, filed and entered. The polls for any election held under this act shall be open between the hours of 7 a.m. and 7 p.m.";

Also on page 11, in line 25, by striking "(a)" and inserting "(b)"; in line 30, by striking "6" and inserting "10";

On page 12, following line 21, by inserting:

"(c) Where the only election being conducted in an election precinct or voting place is the water district election, the cost of providing judges and clerks in such precinct or voting place shall be borne entirely by the water district, but where held in conjunction with other elections, the cost shall be prorated in the manner provided by article 22 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

(d) At least five days before any election, the county election officers of the various counties within which a portion of such district is located, in cooperation with the water district board, shall determine the voting areas where no other elections will be held in conjunction with the water district and the names of all qualified electors residing in the water district and located in such precincts and shall determine the election precincts which contain only a part of the water district and the names of all qualified electors residing in the water district and in such election precincts. A list of the qualified electors determined shall be furnished by the county election officer to the judges of the voting precincts or voting places where such electors are entitled to vote.";

Also on page 12, in line 22, by striking "(b)" and inserting "(e)"; in line 23, by striking "(c)" and inserting "(f)"; also in line 23, by striking "part or all" and inserting "the entirety"; in line 25, before the period by inserting "and a separate list of their names need not be furnished"; following line 39, by inserting:

"(g) A voter shall not be eligible to vote in any election precinct other than the one in which such person resides unless no election is being held in such precinct, in which event, such voter shall be entitled to vote in the voting place designated by the county election officer.

(h) Such list furnished by the county election officer to the judges of each precinct shall be conclusive at all elections, except that one desirous of voting, whose name does not appear on such list, may proceed to the county election officer of the county and such officer may administer oaths and affirm witnesses to determine the right of anyone to vote who may claim erroneous omission from such list, and if such officer issues a certificate entitling the voter to vote, such certificate shall be accepted by the judges and clerks of the election. The list so furnished by the county election officer shall be conclusive at all elections held within the same year that the list is furnished.";

On page 13, in line 19, by striking "6" and inserting "10";

On page 16, by striking all in lines 1 through 12; in line 15, after "for" by inserting "municipal,";

On page 19, in line 5, by striking "odd-numbered"; in line 6, by striking all before "qualified" and inserting "even-numbered year elections and in odd-numbered years when needed. Persons shall become"; in line 17, by striking "6" and inserting "10, and amendments thereto"; following line 17, by inserting:

"(j) Primary elections for candidates for special district elections shall be held when required by law. Persons shall become qualified to become a candidate in the same manner as provided in subsection (i).";

Also on page 19, in line 39, after "state" by inserting "and county election officers"; in line 40, after "municipal" by inserting "and special district"; in line 41, before "odd-numbered" by inserting "both even-numbered and"; following line 41, by inserting:

"(d) The secretary of state shall utilize the procedures established in this section to the extent applicable for special district elections conducted in the fall of odd-numbered years.";

On page 20, in line 7, by striking "municipal" and inserting "special district"; in line 8, by striking the first comma and inserting "and"; also in line 8, by striking all after "printed"; also in line 9, by striking all before the period and inserting "by the county election officer";

On page 21, in line 9, after "regulations" by inserting "adopted on or before July 1, 2016,"; in line 10, after "names" by inserting "as provided by law"; in line 13, after "all" by inserting "municipal,"; also in line 13, after "the" by inserting "municipal,"; in line 19, after "(b)" by inserting "Except as provided in subsection (e),";

On page 23, in line 7, after "(e)" by inserting "The secretary of state by rules and regulations adopted on or before July 1, 2016, shall develop the official primary election ballot to place all municipal primary elections at the top of the ballot.

(f)";

Also on page 23, in line 8, by striking "municipal" and inserting "special district"; in line 42, after "(b)" by inserting "The secretary of state by rules and regulations adopted on or before July 1, 2016, shall develop the official general election ballot to place all municipal elections at the top of the ballot.

(c)";

On page 24, in line 1, by striking "municipalities" and inserting "special districts"; also in line 1, after "regulations" by inserting "adopted on or before July 1, 2016"; in line 4, after the first "for" by inserting "municipal,"; in line 5, after the second "the" by inserting "municipal offices followed by

the"; in line 19, after "(c)" by inserting "The secretary of state by rules and regulations adopted on or before July 1, 2016, shall develop the order of arrangement of municipal offices on the general election ballot.

(d)";

Also on page 24, in line 20, by striking "municipalities" and inserting "special districts and cities, if needed,"; in line 21, after "regulations" by inserting "adopted on or before July 1, 2016";

On page 25, in line 18, after "general" by inserting "election"; also in line 18, after "ballot" by inserting "style"; in line 19, after "regulations" by inserting "adopted on or before July 1, 2016"; following line 19, by inserting:

"(c) The official general election ballot style for special districts shall be established by rules and regulations adopted on or before July 1, 2016.";

On page 29, in line 27, by striking "odd-numbered" and inserting "even-numbered"; in line 31, by striking "following the first Monday"; in line 32, by striking "odd-numbered" and inserting "even-numbered";

On page 30, in line 19, by striking "odd-"; in line 20, by striking "numbered" and inserting "even-numbered"; in line 22, by striking "odd-numbered" and inserting "even-numbered"; following line 30, by inserting:

"Sec. 39. K.S.A. 25-2017a is hereby amended to read as follows: 25-2017a. The clerk of the board of education of every school district shall certify to the county election officer of the home county of the school district a list of all school offices to be voted upon at each school election, any boundary changes of member districts since the last preceding election and the voting plan to be used as defined in K.S.A. 25-2005, and amendments thereto, not later than ~~January~~ May 1 of each ~~odd-numbered~~ even-numbered year. A copy of the above information shall be furnished to the county election officer of every county in which a part of the territory of the school district is located.";

Also on page 30, in line 34, by striking all after "(b)"; in line 35, by striking all before "the" and inserting "On or before June 10 of even-numbered years,";

On page 31, in line 4, by striking all after "(d)"; by striking all in line 5; in line 6, by striking "thereto," and inserting "On or before June 10 of each even-numbered year,"; in line 15, by striking all after "(e)"; by striking all in line 16; in line 17, by striking "thereto," and inserting "On or before September 1 of each even-numbered year,";

On page 34, by striking all in lines 1 through 3; in line 4, by striking all before the period; in line 23, after "each" by inserting "even-numbered and"; in line 24, after "year" by inserting ", if needed,"; in line 30, after "each" by inserting "even-numbered and"; in line 31, after "year" by inserting ", if needed";

On page 37, in line 4, before "as" by inserting "in the various possible orders in rotation and"; following line 5, by inserting:

"Sec. 51. K.S.A. 25-2118 is hereby amended to read as follows: 25-2118. The city clerk shall certify to the county election officer a list of all city offices to be voted upon at each city election not later than ~~January~~ May 1 of every year that such city has a city election.";

On page 40, by striking all in lines 34 through 43;

On page 41, by striking all in lines 1 through 25;

On page 44, in line 36, by striking "6" and inserting "10";

On page 48, in line 19, by striking "6" and inserting "10"; in line 39, by striking "even-numbered" and inserting "odd-numbered"; in line 40, by striking "odd-numbered" and inserting "even-numbered";

On page 49, in line 18, by striking "odd-numbered" and inserting "even-numbered";

On page 51, by striking all in lines 9 through 43;

By striking all on pages 52 through 60;

On page 61, by striking all in lines 1 through 36;

On page 63, in line 14, by striking "1" and inserting "66";

On page 64, in line 4, by striking "1" and inserting "66"; in line 5, by striking "10-120, 12-138,"; also in line 5, by striking "12-6a15,"; in line 13, after "12-1038," by inserting "13-1220,"; also in line 13, by striking "19-117,"; in line 15, after "25-2017," by inserting "25-2017a,"; in line 16, after "25-2115," by inserting "25-2118,"; in line 17, by striking "68-438"; in line 19, by striking ", 12-1737, 19-15,116,"; in line 21, by striking ", 25-3801"; also in line 21, by striking the fourth comma and inserting "and"; also in line 21, by striking "and 72-6433";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "10-120,"; in line 3, by striking "12-138,"; also in line 3, by striking ", 12-6a15"; also in line 3, before "13-1221," by inserting "13-1220,"; also in line 3, by striking "19-117,"; in line 4, by striking "25-204,"; in line 5, after "25-2017," by inserting "25-2017a,"; in line 6, after "25-2115," by inserting "25-2118,"; in line 7, by striking "68-438,"; in line 9, by striking "12-1737, 19-15,116,"; in line 11, by striking ", 25-3801"; also in line 11, by striking the third comma and inserting "and"; also in line 11, by striking "and 72-6433"; and the bill be passed as amended.

Chairperson