

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2006

As Amended by Senate Committee of the Whole

Brief*

HB 2006, as amended, would address how vacancies on county commissions are filled when the vacancies are created by an increase in the number of county commissioner districts pursuant to KSA 2016 Supp.19-204. The bill would remove the requirement that the Governor appoint the new members and would replace it with a requirement to hold an election.

The bill would authorize either an election in conjunction with the next regularly scheduled general election or a special election. The bill would require the Governor, in consultation with the board of county commissioners and within five days of the board of county commissioners adopting a resolution expanding the size of the board of county commissioners, to either declare the election be held with the regularly scheduled general election or declare the date of the special election. If the decision is to call a special election, the bill would require the date be not less than 75 days and not more than 90 days from the date of the board of county commissioners adopting the resolution to expand the board's size.

The bill would also prescribe how candidates would be nominated to fill the vacancies, requiring each county chairperson of an officially recognized political party to call a county convention for a date not less than 15 days and not more than 25 days after the Governor's declaration of an election to nominate a candidate to fill the vacancies. Independent candidates could be nominated by petition of not

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

less than 5 percent of the qualified electors within the county commission district. The bill would require the petition to be filed with the county election officer within 25 days of the Governor's declaration.

Finally, the bill would require the candidate who receives the highest number of votes in each commission district to serve until successors are elected and qualified at the next general election.

Background

In the House Committee on Local Government hearing, testimony in support of the bill was provided by Representative Claeys, who introduced the bill, and a representative of the Kansas Association of Counties (KAC). Both conferees noted the change was requested by the Governor, and citizens served by the county commission should have the opportunity to vote for their new commissioners.

Written-only neutral testimony was received from the Secretary of State.

No other testimony was provided.

The House Committee amended the bill to provide clarification on the time frame of special elections held to fill board vacancies that result from the expansion of a county board of commissioners, and to clarify the candidate nomination process.

The House Committee of the Whole amended the bill to change the event that requires the Governor to call a countywide special election.

In the Senate Committee on Ethics, Elections and Local Government hearing, proponents included Senator Berger and a KAC representative. Senator Berger requested an amendment to provide an option between selecting the new

commission members at a regularly scheduled odd-numbered year election and holding a special election.

The Senate Committee adopted the amendment requested by Senator Berger.

The Senate Committee of the Whole amended the bill to replace the option of selecting commissioners at the next regularly scheduled odd-numbered year election with the option of selecting them at the next regularly scheduled general election.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KAC states countywide elections tend to be the most expensive elections to conduct for county governments and estimates the cost to conduct a countywide election can range from \$2 to \$4 per registered voter. Additionally, the League of Kansas Municipalities estimates no fiscal effect on cities. A fiscal note on the bill, as amended by the Senate Committee, providing the option of holding the election with a regularly scheduled election, was not available at the time of Committee action. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.