

To: Chairman Carpenter, House Committee on Elections

From: Deborah Barnes, Staff Attorney

Date: January 26, 2021

RE: Neutral Testimony on HB 2090

Thank you, Chairman Carpenter and committee members for giving the League of Kansas Municipalities the opportunity to bring neutral testimony on HB 2090.

HB 2090 modifies the process for filling temporary vacancies due to military service for elected and appointed positions in Kansas. The League appreciates military service and has no issue with the underlying policy; however, as written, HB 2090 has caused some confusion.

In Section One, “officer” is defined as “any officer or employee of the state of Kansas or any political subdivision thereof.” This would include city elected officials and city employees; however, in Section Three of the bill, it directs that the appointive authority shall appoint a person to temporarily fill such office using the procedures set out in K.S.A. 25-3901 et seq. While K.S.A. 25-3901 addresses procedures for filling county and state offices, it does not address the filling of vacancies at the city level.

If the intent of this legislation is for K.S.A. 73-213 to still apply to cities, we would ask that the appropriate city vacancy statutes be cited in the legislation to prevent any future confusion. We are happy to work with the Revisor on updating HB 2090 to reflect the intent of the Committee. If the intent of this Committee is for K.S.A. 73-213 to no longer apply to cities, we would ask that the definition in Section One be updated accordingly.