

HOUSE BILL No. 2661

AN ACT concerning boards of county commissioners; relating to vacancies created by an increase in the number of commissioner districts; providing for the staggering of terms of commissioners elected to fill such vacancies; amending K.S.A. 19-202, 19-203, 19-203a, 19-204 and 19-204a and repealing the existing sections.

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

Section 1. K.S.A. 19-202 is hereby amended to read as follows: 19-202. (a) The board of county commissioners of each county shall consist of three, five or seven qualified electors.

(b) Except as provided in K.S.A. 19-204b, and amendments thereto, one county commissioner shall reside in and represent each commissioner district within the county. During the time that any person is a candidate for nomination or election to office as a member of the board of county commissioners and during the term of office of the county commissioner, such candidate or county commissioner shall be and remain a qualified elector who resides in such person's district.

(c) Except as provided by K.S.A.—19-203 19-203a, and amendments thereto, terms of office for the board of county commissioners shall be staggered in such a way that no more than a simple majority of commissioners is elected at any general election.

(d) Except as provided by K.S.A.—19-203 19-203a, and amendments thereto, all county commissioners shall hold office for a term of four years from the second Monday of January next after their election and until their successors are qualified.

(e) The provisions of subsections (a), (c) and (d) of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 2. K.S.A. 19-203 is hereby amended to read as follows: 19-203. (a) ~~Subject to the provisions of K.S.A. 19-204b, and amendments thereto,~~ *Except as provided in subsection (c),* when a vacancy occurs in the office of a member of the board of county commissioners, ~~if such vacancy shall be filled by appointment of a resident in the district to fill the office for the unexpired term and until a successor is elected and qualified. When a vacancy occurs before May 1 of the first even-numbered year following the commencement of a term of office,~~ ~~if such vacancy shall be filled by the appointment of a resident of such district who shall serve until a successor is elected and qualified at the next general election. Such successor shall assume office on the second Monday of January next following such election.~~

(b) Appointments under this section shall be made in the manner provided by K.S.A. 25-3902, and amendments thereto, for filling vacancies in district offices.

(c) ~~Subject to the provisions of K.S.A. 19-204b, and amendments thereto,~~ Vacancies created by an increase in the number of county commissioner districts in a county pursuant to K.S.A. 19-204, and amendments thereto, shall be filled at an election as provided ~~in~~ by K.S.A. 19-203a, and amendments thereto.

(d) The candidate receiving the highest number of votes in each ~~commission~~ commissioner district shall serve until successors are elected and qualified at the next general election. Such successors shall assume office on the second Monday of January next following their election. ~~If at the next general election following the special election more than a simple majority of commissioners are elected, persons elected to the positions created by an increase in the number of districts shall be elected for two-year terms and until their successors are qualified. Thereafter such members shall be elected to four-year terms and until their successors are qualified.~~

Sec. 3. K.S.A. 19-203a is hereby amended to read as follows: 19-203a. (a) ~~The governor, within five days of~~ *Vacancies created in the office of commissioner by the board of county commissioners adopting*

~~commissioner's adoption of a resolution or by judicial order pursuant to K.S.A. 19-204a, and amendments thereto, dividing the county into the number of districts approved by voters following the an election expanding the size of the board of county commissioners as provided in pursuant to K.S.A. 19-204(c), and amendments thereto, in consultation with the board of county commissioners, shall either: (1) Declare the election to be held at the next regularly scheduled general election; or (2) declare the date of the special election required under K.S.A. 19-203(e), and amendments thereto.~~

~~If the decision is to call a special election, the vacancy election shall be on a day not less than 75 days nor more than 90 days from the date of the board of county commissioners adopting such resolution shall be filled at the next regularly held general election.~~

~~(b) The county chairperson of each political party that has obtained official recognition shall call a convention for a date not less than 15 days and not more than 25 days after the governor's declaration. Such party shall nominate a candidate to fill the vacancies that have occurred due to the expansion of the size of the board of county commissioners.~~

~~(c) Independent candidates may be nominated by petition of not less than 5% of the qualified electors within the county commission district. Any such petition shall be filed with the county election officer within 25 days of the governor's declaration.~~

~~(1) If at the next regularly held general election more than a simple majority of commissioners are elected, persons elected to the positions created by an increase in the number of commissioner districts shall be elected for two-year terms and shall serve until their successors are qualified. Thereafter, such commissioners shall be elected to four-year terms and shall serve until their successors are qualified.~~

~~(2) If the next regularly held general election is in an odd-numbered year, persons elected to the positions created by an increase in the number of commissioner districts shall be elected for either one-year or three-year terms as determined by the board of county commissioners so as to prevent the election of more than a simple majority of commissioners at any subsequent general election. Such persons shall serve until their successors are qualified.~~

~~(c) For purposes of this section, "general election" means the same as defined in K.S.A. 25-2502, and amendments thereto.~~

Sec. 4. K.S.A. 19-204 is hereby amended to read as follows: 19-204. (a) ~~Subject to the provisions of K.S.A. 19-204b, and amendments thereto, and subject to the provisions of~~ *Except as provided by* K.S.A. 19-204a, and amendments thereto, the board of county commissioners, on the day of the organization of the board or as soon thereafter as may be possible, shall meet and divide the county into three commissioner districts or such number of districts as is prescribed by resolution of the board, as compact and equal in population as possible, and number them. Such districts shall be subject to alteration at least once every three years.

(b) In Shawnee county, each district shall include residents of both the incorporated and unincorporated areas of the county. The number of residents in each district from the unincorporated area of the county shall be as equal in number, as possible. Such districts shall be subject to alteration at least once every three years.

~~If the districts do not meet the requirements of this subsection, the districts shall be altered to comply with such requirements no later than 30 days following the effective date of this act.~~

(c) The board of county commissioners of any county, by resolution, may divide the county into three, five or seven commissioner districts, as compact and equal in population as possible, but no such resolution ~~which~~ *that* would effect a change in the number of commissioner districts shall take effect until it has been approved by a majority of the qualified electors of the county voting thereon at the next general election following not less than 60 days the adoption of

such resolution, in which all the qualified electors of the county are entitled to vote. Upon the presentation of a petition to the board of county commissioners, signed by electors equal in number to 5% of the qualified electors of the county and verified by the county election officer, requesting that the number of commissioner districts be changed, the board of county commissioners shall cause such proposition to be submitted to the voters of the county at the next general election, following not less than 60 days the presentation of such petition, in which all of the qualified electors of the county are entitled to vote. In the event that more than one such petition is presented to the board of county commissioners prior to a general election, and any of such petitions conflicts with any other such petition with respect to the number of commissioner districts requested, the board of county commissioners shall decide, by majority vote thereon, which of the propositions shall be submitted to the voters at the next such general election. If a majority of the electors voting at such election shall be in favor of changing the number of commissioner districts, the board of county commissioners shall provide for the division of the county into commissioner districts as provided in K.S.A. 19-204a, and amendments thereto.

(d) No change in the number of commissioner districts shall become effective in any county within four years of the effective date of any previous change in the number of commissioner districts in such county.

(e) The provisions of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 5. K.S.A. 19-204a is hereby amended to read as follows: 19-204a. ~~Subject to the provisions of K.S.A. 19-204b, and amendments thereto,~~ When the voters of a county approve a change in the number of county commissioner districts at an election held under K.S.A. 19-204(c), and amendments thereto, the board of county commissioners, on or before January 1 immediately following such election, shall adopt a resolution dividing the county into the number of districts approved by the voters. If the board of county commissioners fails to adopt such resolution within the time prescribed, the chief judge of the district court of the county, on or before the following January 31, shall order the county divided into the appropriate number of districts.

Sec. 6. K.S.A. 19-202, 19-203, 19-203a, 19-204 and 19-204a are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.