

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2006

By Representative Claeys

12-19

1 AN ACT concerning counties; relating to the expansion of the board of
2 county commissioners; amending K.S.A. 2016 Supp. 19-203 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 19-203 is hereby amended to read as
7 follows: 19-203. (a) Subject to the provisions of K.S.A. 2016 Supp. 19-
8 204b, and amendments thereto, when a vacancy occurs in the office of a
9 member of the board of county commissioners, it shall be filled by
10 appointment of a resident in the district to fill the office for the unexpired
11 term and until a successor is elected and qualified. When a vacancy occurs
12 before May 1 of the first even-numbered year following the
13 commencement of a term of office, it shall be filled by the appointment of
14 a resident of such district who shall serve until a successor is elected and
15 qualified at the next general election. Such successor shall assume office
16 on the second Monday of January next following such election.

17 (b) ~~Except as provided by subsection (e),~~ Appointments under this
18 section shall be made in the manner provided by K.S.A. 25-3902, and
19 amendments thereto, for filling vacancies in district offices.

20 (c) Subject to the provisions of K.S.A. 2016 Supp. 19-204b, and
21 amendments thereto, vacancies created by an increase in the number of
22 county commissioner districts in a county pursuant to K.S.A. 19-204, and
23 amendments thereto, shall be filled ~~by appointment of the governor. The~~
24 ~~governor shall make such appointments within 30 days of the date of the~~
25 ~~adoption of the resolution dividing the county into commissioner districts~~
26 ~~or within 30 days of the date of the order of the district court dividing the~~
27 ~~county into commissioner districts as required by K.S.A. 19-204a, and~~
28 ~~amendments thereto. Such appointees at a special election as provided in~~
29 **subsection (d) section 2, and amendments thereto.**

30 (d) ~~Following the certification of the elections results expanding the~~
31 ~~board of county commissioners and the adoption of the resolution dividing~~
32 ~~the county into commissioner districts as required by K.S.A. 19-204a, and~~
33 ~~amendments thereto, the board of county commissioners shall pass a~~
34 ~~resolution calling for a special election to fill the vacancies. The election~~
35 ~~shall be held within 45 days of the passage of the resolution. Candidates~~
36 ~~for the office shall file for the offices as provided in K.S.A. 25-205, and~~

1 ~~amendments thereto.~~ *The candidate receiving the highest number of votes*
2 *in each commission district shall serve until successors are elected and*
3 *qualified at the next general election. Such successors shall assume office*
4 *on the second Monday of January next following their election. If at the*
5 *next general election following—such appointments, the special election*
6 *more than a simple majority of commissioners are elected, persons elected*
7 *to the positions created by an increase in the number of districts shall be*
8 *elected for two year terms and until their successors are qualified.*
9 *Thereafter such members shall be elected to four year terms and until their*
10 *successors are qualified.* ~~The provisions of this subsection shall apply to~~
11 ~~positions created by an increase in the number of districts at the election~~
12 ~~held in November 1990 and all such elections thereafter.~~

13 **New Sec. 2. (a) The governor, within five days of the election**
14 **expanding the size of the board of county commissioners as provided**
15 **in K.S.A. 19-204(c), and amendments thereto, shall declare the date of**
16 **the special election required under K.S.A. 19-203(c), and amendments**
17 **thereto. The vacancy election shall be on a day not less than 75 days**
18 **nor more than 90 days from the date of the election approving the**
19 **expansion of such county commission.**

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

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

30 ~~Sec. 2. 3.~~ K.S.A. 2016 Supp. 19-203 is hereby repealed.

31 ~~Sec. 3. 4.~~ This act shall take effect and be in force from and after its
32 publication in the statute book.