

SENATE BILL No. 325

By Committee on Ethics, Elections and Local Government

1-24

1 AN ACT concerning municipal elections; amending K.S.A. 2017 Supp.
2 19-3505, 25-2022, 25-2023, 25-2120, 25-21a01 and 80-2508 and
3 repealing the existing sections.
4

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

6 Section 1. K.S.A. 2017 Supp. 19-3505 is hereby amended to read as
7 follows: 19-3505. (a) Except as otherwise provided by this section, the
8 governing body of any water district to which this section applies shall be
9 a five-member board holding positions numbered one to five, inclusive.
10 Each member shall be elected and shall hold office from the second
11 Monday in January succeeding such member's election until four years
12 thereafter and until a successor is elected and has qualified.

13 The first election of members of the governing body of any water
14 district created after the effective date of this act shall be held on the first
15 Tuesday in August of any even-numbered year, at which time members
16 shall be elected for terms beginning on September 1 of the same year, and
17 ending on April 30 of the third year following the beginning of such term,
18 to positions numbered three, four and five. At such first election, members
19 shall be elected for terms ending on April 30 of the first year following the
20 beginning of such terms, to positions numbered one and two. Members
21 first elected to positions one and two shall have terms of approximately
22 eight months. Elections shall be held on the Tuesday following the first
23 Monday in November of each odd-numbered year for the member
24 positions whose terms expire in that year.

25 (b) From and after April 30, 1991, the governing body of the water
26 district shall be composed of seven members. At the election held in 1991,
27 positions numbered 1, 2, 6 and 7 shall be elected to four-year terms. At the
28 election in 1993, positions numbered 3, 4 and 5 shall be elected to four-
29 year terms.

30 (c) Elections shall be held on the Tuesday following the first Monday
31 in November of each odd-numbered year for the positions which terms
32 expire in that year. Members shall hold office from the ~~second Monday in~~
33 ~~January~~ *date of the first regularly scheduled meeting of the governing*
34 *body following the final canvass of the election* following such member's
35 election until four years thereafter and until a successor is elected and
36 qualified. All elections shall be nonpartisan and shall be called and

1 conducted by the county election officer. Laws applying to other local
2 elections occurring at the same time and in the same locality shall apply to
3 elections under this act to the extent that the same can be made to apply.
4 Notice of the time and place of holding each election shall be published by
5 the county election officer in a newspaper published in the county in
6 accordance with procedures established in K.S.A. 25-105 and 25-209, and
7 amendments thereto.

8 (d) In January, following each election, the board shall organize and
9 not later than the second regular meeting following each election shall
10 select from among its members a chairperson and a vice-chairperson. The
11 vice-chairperson shall preside over any meetings at which the chairperson
12 is not present. Vacancies occurring during a term shall be filled for the
13 unexpired term by appointment by the remaining members. All members
14 shall take an oath of office as prescribed for other public officials. The
15 members of the board shall be qualified electors in the water district. Prior
16 to accepting office, the water district shall obtain for each member-elect a
17 corporate surety bond to the state of Kansas in the amount of \$10,000,
18 conditioned upon the faithful performance of the member's duties and for
19 the true and faithful accounting of all money that may come into the
20 member's hands by virtue of the office. Such bonds shall be filed in the
21 office of the county clerk for the county in which the major portion of such
22 water district is located after approval by the board of county
23 commissioners of such county.

24 (e) Each member of the board shall receive a monthly salary in an
25 amount determined by the board and shall be reimbursed for all necessary
26 and reasonable expenses incurred in performing official assigned duties.

27 Sec. 2. K.S.A. 2017 Supp. 25-2022 is hereby amended to read as
28 follows: 25-2022. Any board shall have power to fill by appointment any
29 vacancy which occurs thereon, and such appointee shall serve for the
30 unexpired term. When a vacancy occurs, the board shall publish a notice
31 one time in a newspaper having general circulation in the school district
32 stating that the vacancy has occurred and that it will be filled by
33 appointment by the board not sooner than 15 days after such publication. If
34 such vacancy occurs before May 1 of the second year of the term leaving
35 an unexpired term of more than two years such appointee shall serve until
36 ~~the second Monday in January~~ *date of the first regularly scheduled*
37 *meeting of the board following the final canvass of the election* after the
38 following general school election as provided in K.S.A. 25-2023, and
39 amendments thereto.

40 In the latter event, the unexpired term of two years commencing on the
41 ~~second Monday in January~~ *date of the first regularly scheduled meeting of*
42 *the board following the final canvass of the election* after the following
43 general school election shall be filled at such election and the ballots or

1 ballot labels and returns of election with respect to such office shall be
2 designated as follows: "To fill the unexpired term."

3 Sec. 3. K.S.A. 2017 Supp. 25-2023 is hereby amended to read as
4 follows: 25-2023. The term of office of each board member shall
5 commence on the ~~second Monday in January~~ following *date of the first*
6 *regularly scheduled meeting of the board following the final canvass* of the
7 election. Each member elected shall qualify by filing an oath of office with
8 the county election office. Each member elected to a board of education
9 shall hold office until a successor is elected or appointed and qualified and
10 shall serve for a term of four years.

11 Sec. 4. K.S.A. 2017 Supp. 25-2120 is hereby amended to read as
12 follows: 25-2120. The county election officer who conducts the city
13 election shall promptly certify to the city governing body the
14 determination of election results made by the county board of canvassers.
15 The term of office shall commence on the ~~second Monday in January~~ *date*
16 *of the first regularly scheduled meeting of the governing body* following
17 certification of the election.

18 Every person elected or appointed to city office, before entering upon
19 the duties of such office, shall take and subscribe an oath or affirmation as
20 specified in K.S.A. 54-106, and amendments thereto, and every such oath
21 or affirmation shall be filed with the city clerk.

22 Sec. 5. K.S.A. 2017 Supp. 25-21a01 is hereby amended to read as
23 follows: 25-21a01. (a) On and after January 1, 2017, all primary elections
24 for members of the governing body and other elected officials of any
25 municipality shall be held on the first Tuesday in August of 2017 and on
26 such date thereafter of odd-numbered years, and all general elections for
27 members of the governing body and other elected officials of any
28 municipality shall be held on the Tuesday succeeding the first Monday in
29 November of 2017 of odd-numbered years and on such date thereafter.

30 (b) The term of members of governing bodies and other elected
31 officials of any municipality that would expire at any time in 2017 shall
32 expire on the ~~second Monday in January of 2018~~, *date of the first*
33 *regularly scheduled meeting of the governing body following the final*
34 *canvass of the election* when newly elected members of the governing
35 body and other newly elected officials shall take office.

36 (c) The governing body of the municipality shall establish by
37 ordinance or resolution terms of office of elected officials to comply with
38 this act.

39 (d) Primary elections for any municipality shall be conducted as
40 provided in K.S.A. 25-202, and amendments thereto. A primary election
41 shall only be required as provided in K.S.A. 25-2021 and 25-2108a, and
42 amendments thereto, or as otherwise required by law.

43 (e) The filing deadline for all candidates for any municipality, unless

1 otherwise provided by law, shall be as provided in K.S.A. 25-205, and
2 amendments thereto.

3 (f) Any person who meets the qualifications for the office sought may
4 become a candidate for municipal office by filing a declaration of intent to
5 become a candidate with the county election officer accompanied by a
6 filing fee of \$20.

7 (g) "Municipality" means: (1) Any city, consolidated city-county
8 created under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A.
9 2017 Supp. 12-360 et seq., and amendments thereto, school district, any
10 board of public utilities created under K.S.A. 13-1220 et seq., and
11 amendments thereto, community college, drainage district, extension
12 district created under K.S.A. 2-623 et seq., and amendments thereto,
13 irrigation district, improvement district created under K.S.A. 19-2753 et
14 seq., and amendments thereto, water district created under K.S.A. 19-3501
15 et seq., and amendments thereto, and hospital district created under K.S.A.
16 80-2501 et seq., and amendments thereto.

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

20 (h) Cities and hospital districts may provide for elections of elected
21 officials in even-numbered years in order to provide for staggered terms of
22 office or for three-year terms of office for elected officials.

23 Sec. 6. K.S.A. 2017 Supp. 80-2508 is hereby amended to read as
24 follows: 80-2508. (a) Subject to the limitations provided in this act, any of
25 the four methods described in this section may be used in the selection of
26 members of boards. The four methods are:

27 (1) Elections of board members shall be held at the annual meeting of
28 the qualified electors of the hospital district for the positions on the board
29 which are to expire in such year.

30 (2) Board members shall be appointed by the governing bodies of the
31 political subdivisions joining in the operation and maintenance of the
32 hospital.

33 (3) (A) Elections of board members for four-year terms shall be held
34 on the Tuesday following the first Monday in November of odd-numbered
35 years for the positions on the board which are to expire in such year. All
36 positions shall be at-large. Each board member shall take office on the
37 ~~second Monday in January~~ *date of the first regularly scheduled meeting of*
38 *the board following the final canvass of the election* following the date of
39 election.

40 (B) Any person desiring to become a candidate for board member
41 shall file with the county election officer of the county in which the
42 political subdivisions joining in the operation and maintenance of the
43 hospital, or the greater portion of the area thereof, are located, before the

1 filing deadline specified in K.S.A. 25-2109, and amendments thereto,
2 either a petition signed by not less than 50 electors eligible to vote for a
3 candidate or a declaration of intent to become a candidate together with a
4 filing fee in the amount of \$20.

5 (C) The county election officer of the county specified in paragraph
6 (B) shall prepare the ballots for such election including ballots for that
7 portion of the district located in any other county. The county election
8 officers of each county shall conduct the election in their respective
9 counties, and the board of county canvassers of each such county shall
10 certify the results of the votes cast in its county to the board of county
11 canvassers in the county in which the ballots for the election were
12 prepared.

13 (D) Ballots shall be prepared in such manner that each voter is
14 instructed to vote for the same number of candidates as the number of
15 positions to be filled. Such instruction shall specify that the voter may vote
16 for fewer than the total number of candidates for which the voter is
17 qualified to vote.

18 (4) (A) Elections of board members for three-year or four-year terms
19 shall be held on the Tuesday succeeding the first Monday in November of
20 each year for the positions on the board which are to expire in such year.
21 All positions shall be at-large. Each board member shall take office on the
22 ~~second Monday in January~~ *date of the first regularly scheduled meeting of*
23 *the board following the final canvass of the election.*

24 (B) Any person desiring to become a candidate for board member
25 shall file with the county election officer of the county in which the
26 political subdivisions joining in the operation and maintenance of the
27 hospital, or the greater portion of the area thereof, are located, before the
28 filing deadline specified in K.S.A. 25-2109, and amendments thereto,
29 either a petition signed by not less than 50 electors eligible to vote for a
30 candidate or a declaration of intent to become a candidate together with a
31 filing fee in the amount of \$20.

32 (C) The county election officer of the county specified in paragraph
33 (B) shall prepare the ballots for such election including ballots for that
34 portion of the district located in any other county. The county election
35 officers of each county shall conduct the election in their respective
36 counties, and the board of county canvassers of each such county shall
37 certify the results of the votes cast in its county to the board of county
38 canvassers in the county in which the ballots for the election were
39 prepared.

40 (D) Ballots shall be prepared in such manner that each voter is
41 instructed to vote for the same number of candidates as the number of
42 positions to be filled. Such instruction shall specify that the voter may vote
43 for fewer than the total number of candidates for which the voter is

1 qualified to vote.

2 (b) If the method of selection of members of the board of any hospital
3 is the method provided for in subsection (a)(1) or (2), such method of
4 selection may be changed to the method provided for in subsection (a)(3)
5 or (4) by majority vote of the qualified electors voting at an annual
6 meeting thereof. Whenever the method of selection of members of a board
7 is changed to the method provided for in subsection (a)(3) or (4), the term
8 of each member serving on the board at the time of the change of method
9 of selection shall expire on May 1 of the year in which the term of such
10 member is to expire, except that for the purpose of electing members to the
11 board at a time to coincide with elections for other purposes, the board
12 may extend the term of any member for not to exceed one year from the
13 date such member's term would otherwise expire and the board of Sublette
14 hospital district may change prior to the election the length of term for one
15 member to be elected at the 1997 election from four years to two years. If
16 the members of the board are currently selected pursuant to subsection (a)
17 (3), the method of selection may be changed to the method provided for in
18 subsection (a)(4) by a majority vote of the board members.

19 Sec. 7. K.S.A. 2017 Supp. 19-3505, 25-2022, 25-2023, 25-2120, 25-
20 21a01 and 80-2508 are hereby repealed.

21 Sec. 8. This act shall take effect and be in force from and after its
22 publication in the statute book.