

HOUSE BILL No. 2022

By Committee on Elections

Requested by Representative Waggoner

1-16

AN ACT concerning elections; ~~clarifying when special elections may be held~~ **requiring that any special election be held on the first Tuesday after the first Monday in April or on the same day as a general or primary election**; amending *K.S.A. 25-2006 and 25-2019* and *K.S.A. 2024 Supp. 10-120, 25-1115 and 25-2502* and repealing the existing ~~section~~ **sections**.

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

Section 1. K.S.A. 2024 Supp. 10-120 is hereby amended to read as follows: 10-120. (a) Whenever an election is required for the issuance of bonds for any purpose by any municipality other than an irrigation district or where a different procedure for giving notice of the election is specifically provided by law, upon compliance with the legal requirements necessary and precedent to the call for the election, the proper municipal officers shall call an election. The election shall be held within 60 days after compliance with the necessary requirements, or within 90 days, should the longer period include the date of a general election on the date of a general election, primary election or special election, as such terms are defined in K.S.A. 25-2502, and amendments thereto.

(b) Notice of the election shall be published in a newspaper of general circulation in the municipality once each week for two consecutive weeks. The first publication shall be not less than 21 days prior to the election. Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall be published not less than 21 days prior to the election and shall remain on the website until the day after the election. The notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued and shall be signed by the county election officer. The election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in the municipality.

Sec. 2. K.S.A. 2024 Supp. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the elections held on the Tuesday following the first Monday in November of both even-numbered

1 *and odd-numbered years, and in the case of an election of any officers to*
2 *fill vacancies held on a date other than the Tuesday following the first*
3 *Monday in November, the election at which any such officer is finally*
4 *elected.*

5 *(b) "Primary election" means the elections held on the first*
6 *Tuesday in August of both even-numbered and odd-numbered years and*
7 *any other preliminary election held on a date other than the first*
8 *Tuesday in August at which part of the candidates for election to any*
9 *national, state, county, city, school or other municipal office are*
10 *eliminated by the process of the election but at which no officer is finally*
11 *elected.*

12 *(c) "Special election" means any election that is not a general or*
13 *primary election, including, but not limited to, any mail ballot election*
14 *conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A*
15 *special election shall not be held within 45 days of a general or primary*
16 *election but may be held on the same day as a general or primary election*
17 *held on the first Tuesday after the first Monday in April of any year or on*
18 *the same day as a general or primary election.*

19 **Sec. 3. K.S.A. 25-2006 is hereby amended to read as follows: 25-**
20 **2006. As used in article 20 of chapter 25 of the Kansas Statutes Annotated,**
21 **and amendments thereto:**

22 *(a) "General election" means the election held for school officers*
23 *on the Tuesday following the first Monday in November of odd-*
24 *numbered years, and in the case of special elections of any school*
25 *officers to fill vacancies, the election at which any such officer is finally*
26 *elected.*

27 *(b) "Primary election" means the election held on the first Tuesday*
28 *in August of each odd-numbered year, and any other preliminary*
29 *election at which part of the candidates for special election to any school*
30 *office are eliminated by the process of the election but at which no*
31 *officer is finally elected.*

32 *(c) "Special election" means any election held on the first Tuesday*
33 *after the first Monday in April of any year or on the same day as a general*
34 *or primary election.*

35 **Sec. 4. K.S.A. 25-2019 is hereby amended to read as follows: 25-**
36 **2019. (a) No school district shall call or hold more than one special bond**
37 **election at a time other than on the same date as a primary or general**
38 **election, at a special election or the election of board of education**
39 **members within any one calendar year; nor shall any special bond**
40 **election be held within sixty (60) days before or after a general election or**
41 **election of members of the board of education of such district. The**
42 **provisions of this act shall not prohibit the planning for or consideration**
43 **of any bond election during the period between authorized bond**

1 *elections, nor shall this act prohibit notice or other preparation for*
2 *election during such period.*

3 *(b) The provisions of this act shall have no application to any*
4 *capital outlay tax levy or election for authorization thereof.* This act shall
5 apply to every school district offering any of grades one to twelve and to
6 community junior colleges.

7 *(c) This section shall not apply to bond elections held for the*
8 *purpose of replacing, or repairing and equipping school buildings or*
9 *facilities destroyed or substantially damaged by fire, windstorm, flood or*
10 *other casualty, if approval for such election is obtained from the state*
11 *board of education.*

12 Section 1. **Sec. 5.** K.S.A. 2024 Supp. 25-2502 is hereby amended to
13 read as follows: 25-2502.(a) "General election" means the elections held
14 on the Tuesday following the first Monday in November of both even-
15 numbered and odd-numbered years, and in the case of an election of any
16 officers to fill vacancies held on a date other than the Tuesday following
17 the first Monday in November, the election at which any such officer is
18 finally elected.

19 (b) "Primary election" means the elections held on the first Tuesday
20 in August of both even-numbered and odd-numbered years and any other
21 preliminary election held on a date other than the first Tuesday in August
22 at which part of the candidates for election to any national, state, county,
23 township, city, school or other municipal office are eliminated by the
24 process of the election but at which no officer is finally elected.

25 (c) "Special election" means any election ~~that is not a general or~~
26 ~~primary election, including, but not limited to, any mail ballot election~~
27 ~~conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A~~
28 ~~special election shall not be held within 45 days of before or after a~~
29 ~~general or primary election but may be held on the~~ *first Tuesday after the*
30 *first Monday in April of any year or on the* same day as a general or
31 primary election.

32 Sec. 2. **6.** *K.S.A. 25-2006 and 25-2019 and K.S.A. 2024 Supp. 10-*
33 *120, 25-1115 and 25-2502-is* are hereby repealed.

34 Sec. 3. **7.** This act shall take effect and be in force from and after its
35 publication in the statute book.