

HOUSE BILL No. 2022

By Committee on Elections

Requested by Representative Waggoner

1-16

1 AN ACT concerning elections; ~~clarifying when special elections may be~~
2 ~~held~~ **requiring that any special election be held on the first Tuesday**
3 **after the first Monday in April or on the same day as a general or**
4 **primary election**; amending **K.S.A. 25-2006 and 25-2019 and K.S.A.**
5 **2024 Supp. 10-120, 25-1115 and 25-2502 and repealing the existing**
6 **section sections.**

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 **{New Section 1. (a) Whenever an election is required for the**
10 **issuance of bonds by any municipality, such election shall be called and**
11 **held on the date of the next primary or general election, as specified in**
12 **the resolution calling such election. Any law that specifies an election**
13 **date for such election shall take precedence over the provisions of this**
14 **section and such election shall be held on the specified election date.**

15 **(b) No municipality shall call or hold more than one bond election**
16 **at a time other than on the same date as a primary or general election**
17 **within any one calendar year. The provisions of this subsection shall not**
18 **prohibit the planning for or consideration of any bond election during**
19 **the period between authorized bond elections, nor shall this subsection**
20 **prohibit notice or other preparation for election during such period.**
21 **This subsection shall not apply to bond elections held for the purpose of**
22 **replacing, or repairing and equipping municipal buildings or facilities**
23 **destroyed or substantially damaged by fire, windstorm, flood or other**
24 **casualty.**

25 **(c) This section shall be a part of and supplemental the general**
26 **bond laws of this state.}**

27 ~~Section 1.~~ **{Sec. 2.} K.S.A. 2024 Supp. 10-120 is hereby amended to**
28 **read as follows: 10-120. (a) Whenever an election is required for the**
29 **issuance of bonds for any purpose by any municipality other than an**
30 **irrigation district or where a different procedure for giving notice of the**
31 **election is specifically provided by law, upon compliance with the legal**
32 **requirements necessary and precedent to the call for the election, the**
33 **proper municipal officers shall call an election. The election shall be**

1 ~~held within 60 days after compliance with the necessary requirements, or~~
2 ~~within 90 days, should the longer period include the date of a general~~
3 ~~election on the date of a general election; {or} primary election or special~~
4 ~~election,~~ as such terms are defined in K.S.A. 25-2502, and amendments
5 thereto.

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

18 *Sec. ~~2~~ {3.} K.S.A. 2024 Supp. 25-1115 is hereby amended to read as*
19 *follows: 25-1115. (a) "General election" means the elections held on the*
20 *Tuesday following the first Monday in November of both even-numbered*
21 *and odd-numbered years, and in the case of an election of any officers to*
22 *fill vacancies held on a date other than the Tuesday following the first*
23 *Monday in November, the election at which any such officer is finally*
24 *elected.*

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

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

39 *Sec. ~~3~~ {4.} K.S.A. 25-2006 is hereby amended to read as follows:*
40 *25-2006. As used in article 20 of chapter 25 of the Kansas Statutes*
41 *Annotated, and amendments thereto:*

42 *(a) "General election" means the election held for school officers*
43 *on the Tuesday following the first Monday in November of odd-*

1 *numbered years, and in the case of special elections of any school*
2 *officers to fill vacancies, the election at which any such officer is finally*
3 *elected.*

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

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

12 ~~Sec. 4. {5.}~~ *K.S.A. 25-2019 is hereby amended to read as follows:*
13 *25-2019. (a) No school district shall call or hold more than one special*
14 *bond election at a time other than on the same date as a primary or*
15 *general election, at a special election or the election of board of education*
16 *members within any one calendar year; nor shall any special bond*
17 *election be held within sixty (60) days before or after a general election or*
18 *election of members of the board of education of such district. The*
19 *provisions of this act shall not prohibit the planning for or consideration*
20 *of any bond election during the period between authorized bond*
21 *elections, nor shall this act prohibit notice or other preparation for*
22 *election during such period.*

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

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

32 ~~Section 1. Sec. 5. {6.}~~ *K.S.A. 2024 Supp. 25-2502 is hereby amended*
33 *to read as follows: 25-2502.(a) "General election" means the elections held*
34 *on the Tuesday following the first Monday in November of both even-*
35 *numbered and odd-numbered years, and in the case of an election of any*
36 *officers to fill vacancies held on a date other than the Tuesday following*
37 *the first Monday in November, the election at which any such officer is*
38 *finally elected.*

39 (b) *"Primary election" means the elections held on the first Tuesday*
40 *in August of both even-numbered and odd-numbered years and any other*
41 *preliminary election held on a date other than the first Tuesday in August*
42 *at which part of the candidates for election to any national, state, county,*
43 *township, city, school or other municipal office are eliminated by the*

1 process of the election but at which no officer is finally elected.

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

9 Sec. ~~2-6~~, {7.} ***K.S.A. 25-2006 and 25-2019 and K.S.A. 2024 Supp.***
10 ***10-120, 25-1115 and 25-2502*** ~~is~~ ***are*** hereby repealed.

11 Sec. ~~3-7~~, {8.} This act shall take effect and be in force from and after
12 its publication in the statute book.