

HOUSE BILL No. 2492

By Committee on Elections

Requested by Representative Wasinger

1-21

1 AN ACT concerning municipalities; relating to vacancies in municipal
2 governing bodies; requiring a special election within 60 days of the
3 vacancy if the vacant position has not been filled; amending K.S.A. 12-
4 104a and repealing the existing section.

5

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

7 Section 1. K.S.A. 12-104a is hereby amended to read as follows: 12-
8 104a. (a) The purpose of this section is to provide an orderly and prompt
9 means of filling vacancies in the governing body of a municipality.
10 Prolonged vacancies in the governing body of a municipality deprive
11 citizens of their right to representation and act as impediments to the
12 orderly function of government of municipalities.

13 (b) As used in this section, the following terms are defined as
14 follows:

15 (1) "Governing body" shall include the mayor and members of the
16 council, the mayor and commissioners or the chairperson and members of
17 the board of supervisors, depending on the form of government of the city
18 or the consolidated city and county.

19 (2) "Municipality" means any city or any consolidated city and
20 county.

21 (c) Except as provided in subsection (d), the governing body of any
22 municipality ~~where once a vacancy exists shall notify the county election~~
23 ~~officer of such vacancy. The governing body shall appoint, by a majority~~
24 ~~vote of the remaining members, a person to fill the vacancy within 60 days~~
25 ~~of the vacancy. If the appointment is not made within the 60-day time~~
26 ~~frame, the governing body shall pass a resolution calling for county~~
27 ~~election officer shall call a special election to fill such vacancy to be held~~
28 ~~within 45 days of the passage of such resolution. Candidates for the vacant~~
29 ~~office shall file for such office as provided in K.S.A. 25-2110a, and~~
30 ~~amendments thereto. The special election shall be conducted by the county~~
31 ~~election officer. The candidate receiving the highest number of votes for~~
32 ~~the vacant position shall assume such office upon certification of the~~
33 ~~election results.~~

34 (d) The provisions of subsection (c) shall not apply to any
35 municipality which has a procedure for filling vacancies in its governing

1 body and which has filled such vacancies within 60 days of the vacancy.

2 Sec. 2. K.S.A. 12-104a is hereby repealed.

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