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MEMORANDUM

To: Chairperson McGinn
Members of the Senate Committee on Local Government

From: The Office of Revisor of Statutes

Date: March 5, 2024

Subject: HB 2661 – Providing for the filling of vacancies on boards of county commissioners due to an increase in the number of commissioners.

House Bill No. 2661 (HB 2661) would amend statutes relating to the filling of vacancies on boards of county commissioners when the vacancies are due to an increase in the number of commissioners. Under current law, when such vacancies occur, the Governor is directed to call an election to fill such vacancies at the next regular election or at a special election.

HB 2661 amends K.S.A. 19-203a to simply require such vacancies be filled at the next regularly held general election. Due to prior debate over what constitutes a “general election,” the bill also explicitly defines that term the same as it is defined under general election law, which is the election held every November.

The bill also adds new provisions that if more than a majority of the commissioners are to be elected at a single election due to the vacancies, then the new members are to be elected to only two-year terms. This ensures that an election of more than a majority of the commissioners only occurs one time. Further, the bill adds new provisions that if the next general election is in an odd-numbered year, then the board of county commissioners may set the new members terms at either one-year or three-years to ensure that such members will be up for reelection in an even-numbered year.

Finally, current law has some circular and contradictory internal cross references to other related statutes. HB 2661 cleans up these cross references so that the provisions governing the election of new commissioners are clear.

If enacted, HB 2661 would become effective on publication in the Kansas Register.