

HOUSE BILL No. 2661

By Committee on Local Government

Requested by Representative Titus

2-1

1 AN ACT concerning boards of county commissioners; relating to
2 vacancies created by an increase in the number of commissioner
3 districts; providing for the staggering of terms of commissioners
4 elected to fill such vacancies; amending K.S.A. 19-202, 19-203, 19-
5 203a, 19-204 and 19-204a and repealing the existing sections.
6

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

8 Section 1. K.S.A. 19-202 is hereby amended to read as follows: 19-
9 202. (a) The board of county commissioners of each county shall consist
10 of three, five or seven qualified electors.

11 (b) Except as provided in K.S.A. 19-204b, and amendments thereto,
12 one county commissioner shall reside in and represent each commissioner
13 district within the county. During the time that any person is a candidate
14 for nomination or election to office as a member of the board of county
15 commissioners and during the term of office of the county commissioner,
16 such candidate or county commissioner shall be and remain a qualified
17 elector who resides in such person's district.

18 (c) Except as provided by K.S.A. ~~19-203~~ 19-203a, and amendments
19 thereto, terms of office for the board of county commissioners shall be
20 staggered in such a way that no more than a simple majority of
21 commissioners is elected at any general election.

22 (d) Except as provided by K.S.A. ~~19-203~~ 19-203a, and amendments
23 thereto, all county commissioners shall hold office for a term of four years
24 from the second Monday of January next after their election and until their
25 successors are qualified.

26 (e) The provisions of subsections (a), (c) and (d) of this section may
27 be modified by the adoption of a charter for county government in any
28 county which has established a charter commission pursuant to law.

29 Sec. 2. K.S.A. 19-203 is hereby amended to read as follows: 19-203.

30 (a) ~~Subject to the provisions of K.S.A. 19-204b, and amendments thereto,~~
31 *Except as provided in subsection (c)*, when a vacancy occurs in the office
32 of a member of the board of county commissioners, ~~if such vacancy~~ shall
33 be filled by appointment of a resident in the district to fill the office for the
34 unexpired term and until a successor is elected and qualified. When a
35 vacancy occurs before May 1 of the first even-numbered year following

1 the commencement of a term of office, ~~it~~ *such vacancy* shall be filled by
2 the appointment of a resident of such district who shall serve until a
3 successor is elected and qualified at the next general election. Such
4 successor shall assume office on the second Monday of January next
5 following such election.

6 (b) Appointments under this section shall be made in the manner
7 provided by K.S.A. 25-3902, and amendments thereto, for filling
8 vacancies in district offices.

9 (c) ~~Subject to the provisions of K.S.A. 19-204b, and amendments~~
10 ~~thereto,~~ Vacancies created by an increase in the number of county
11 commissioner districts in a county pursuant to K.S.A. 19-204, and
12 amendments thereto, shall be filled at an election as provided ~~in~~ by K.S.A.
13 19-203a, and amendments thereto.

14 (d) The candidate receiving the highest number of votes in each
15 ~~commission~~ *commissioner* district shall serve until successors are elected
16 and qualified at the next general election. Such successors shall assume
17 office on the second Monday of January next following their election. ~~If at~~
18 ~~the next general election following the special election more than a simple~~
19 ~~majority of commissioners are elected, persons elected to the positions~~
20 ~~created by an increase in the number of districts shall be elected for two-~~
21 ~~year terms and until their successors are qualified. Thereafter such~~
22 ~~members shall be elected to four-year terms and until their successors are~~
23 ~~qualified.~~

24 Sec. 3. K.S.A. 19-203a is hereby amended to read as follows: 19-
25 203a. (a) ~~The governor, within five days of~~ *Vacancies created in the office*
26 *of commissioner* by the board of county ~~commissioners adopting~~
27 *commissioner's adoption of a resolution or by judicial order pursuant to*
28 *K.S.A. 19-204a, and amendments thereto,* dividing the county into the
29 number of districts approved by voters following ~~the an~~ election
30 expanding the size of the board of county commissioners ~~as provided in~~
31 *pursuant to K.S.A. 19-204(c), and amendments thereto, in consultation*
32 *with the board of county commissioners, shall either: (1) Declare the*
33 *election to be held at the next regularly scheduled general election; or (2)*
34 *declare the date of the special election required under K.S.A. 19-203(e),*
35 *and amendments thereto.*

36 If the decision is to call a special election, the vacancy election shall be
37 on a day not less than 75 days nor more than 90 days from the date of the
38 board of county commissioners adopting such resolution *shall be filled at*
39 *the next regularly held general election.*

40 (b) ~~The county chairperson of each political party that has obtained~~
41 ~~official recognition shall call a convention for a date not less than 15 days~~
42 ~~and not more than 25 days after the governor's declaration. Such party~~
43 ~~shall nominate a candidate to fill the vacancies that have occurred due to~~

1 the expansion of the size of the board of county commissioners.

2 ~~(e) Independent candidates may be nominated by petition of not less~~
3 ~~than 5% of the qualified electors within the county commission district.~~
4 ~~Any such petition shall be filed with the county election officer within 25~~
5 ~~days of the governor's declaration.~~

6 *(1) If at the next regularly held general election more than a simple*
7 *majority of commissioners are elected, persons elected to the positions*
8 *created by an increase in the number of commissioner districts shall be*
9 *elected for two-year terms and shall serve until their successors are*
10 *qualified. Thereafter, such commissioners shall be elected to four-year*
11 *terms and shall serve until their successors are qualified.*

12 *(2) If the next regularly held general election is in an odd-numbered*
13 *year, persons elected to the positions created by an increase in the number*
14 *of commissioner districts shall be elected for either one-year or three-year*
15 *terms as determined by the board of county commissioners so as to*
16 *prevent the election of more than a simple majority of commissioners at*
17 *any subsequent general election. Such persons shall serve until their*
18 *successors are qualified.*

19 *(c) For purposes of this section, "general election" means the same*
20 *as defined in K.S.A. 25-2502, and amendments thereto.*

21 Sec. 4. K.S.A. 19-204 is hereby amended to read as follows: 19-204.

22 ~~(a) Subject to the provisions of K.S.A. 19-204b, and amendments thereto,~~
23 ~~and subject to the provisions of Except as provided by K.S.A. 19-204a, and~~
24 ~~amendments thereto, the board of county commissioners, on the day of the~~
25 ~~organization of the board or as soon thereafter as may be possible, shall~~
26 ~~meet and divide the county into three commissioner districts or such~~
27 ~~number of districts as is prescribed by resolution of the board, as compact~~
28 ~~and equal in population as possible, and number them. Such districts shall~~
29 ~~be subject to alteration at least once every three years.~~

30 (b) In Shawnee county, each district shall include residents of both
31 the incorporated and unincorporated areas of the county. The number of
32 residents in each district from the unincorporated area of the county shall
33 be as equal in number, as possible. Such districts shall be subject to
34 alteration at least once every three years.

35 ~~If the districts do not meet the requirements of this subsection, the~~
36 ~~districts shall be altered to comply with such requirements no later than 30~~
37 ~~days following the effective date of this act.~~

38 (c) The board of county commissioners of any county, by resolution,
39 may divide the county into three, five or seven commissioner districts, as
40 compact and equal in population as possible, but no such resolution ~~which~~
41 *that* would effect a change in the number of commissioner districts shall
42 take effect until it has been approved by a majority of the qualified electors
43 of the county voting thereon at the next general election following not less

1 than 60 days the adoption of such resolution, in which all the qualified
2 electors of the county are entitled to vote. Upon the presentation of a
3 petition to the board of county commissioners, signed by electors equal in
4 number to 5% of the qualified electors of the county and verified by the
5 county election officer, requesting that the number of commissioner
6 districts be changed, the board of county commissioners shall cause such
7 proposition to be submitted to the voters of the county at the next general
8 election, following not less than 60 days the presentation of such petition,
9 in which all of the qualified electors of the county are entitled to vote. In
10 the event that more than one such petition is presented to the board of
11 county commissioners prior to a general election, and any of such petitions
12 conflicts with any other such petition with respect to the number of
13 commissioner districts requested, the board of county commissioners shall
14 decide, by majority vote thereon, which of the propositions shall be
15 submitted to the voters at the next such general election. If a majority of
16 the electors voting at such election shall be in favor of changing the
17 number of commissioner districts, the board of county commissioners
18 shall provide for the division of the county into commissioner districts as
19 provided in K.S.A. 19-204a, and amendments thereto.

20 (d) No change in the number of commissioner districts shall become
21 effective in any county within four years of the effective date of any
22 previous change in the number of commissioner districts in such county.

23 (e) The provisions of this section may be modified by the adoption of
24 a charter for county government in any county which has established a
25 charter commission pursuant to law.

26 Sec. 5. K.S.A. 19-204a is hereby amended to read as follows: 19-
27 204a. ~~Subject to the provisions of K.S.A. 19-204b, and amendments~~
28 ~~thereto,~~ When the voters of a county approve a change in the number of
29 county commissioner districts at an election held under K.S.A. 19-204(c),
30 and amendments thereto, the board of county commissioners, on or before
31 January 1 immediately following such election, shall adopt a resolution
32 dividing the county into the number of districts approved by the voters. If
33 the board of county commissioners fails to adopt such resolution within
34 the time prescribed, the chief judge of the district court of the county, on or
35 before the following January 31, shall order the county divided into the
36 appropriate number of districts.

37 Sec. 6. K.S.A. 19-202, 19-203, 19-203a, 19-204 and 19-204a are
38 hereby repealed.

39 Sec. 7. This act shall take effect and be in force from and after its
40 publication in the Kansas register.