

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2006

By Representative Claeys

12-19

1 AN ACT concerning counties; relating to the expansion of the board of
2 county commissioners; amending K.S.A. 2016 Supp. 19-203 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 19-203 is hereby amended to read as
7 follows: 19-203. (a) Subject to the provisions of K.S.A. 2016 Supp. 19-
8 204b, and amendments thereto, when a vacancy occurs in the office of a
9 member of the board of county commissioners, it shall be filled by
10 appointment of a resident in the district to fill the office for the unexpired
11 term and until a successor is elected and qualified. When a vacancy occurs
12 before May 1 of the first even-numbered year following the
13 commencement of a term of office, it shall be filled by the appointment of
14 a resident of such district who shall serve until a successor is elected and
15 qualified at the next general election. Such successor shall assume office
16 on the second Monday of January next following such election.

17 (b) ~~Except as provided by subsection (c),~~ Appointments under this
18 section shall be made in the manner provided by K.S.A. 25-3902, and
19 amendments thereto, for filling vacancies in district offices.

20 (c) Subject to the provisions of K.S.A. 2016 Supp. 19-204b, and
21 amendments thereto, vacancies created by an increase in the number of
22 county commissioner districts in a county pursuant to K.S.A. 19-204, and
23 amendments thereto, shall be filled ~~by appointment of the governor. The~~
24 ~~governor shall make such appointments within 30 days of the date of the~~
25 ~~adoption of the resolution dividing the county into commissioner districts~~
26 ~~or within 30 days of the date of the order of the district court dividing the~~
27 ~~county into commissioner districts as required by K.S.A. 19-204a, and~~
28 ~~amendments thereto. Such appointees at a special election as provided in~~
29 ~~subsection (d) section 2, and amendments thereto.~~

30 (d) ~~Following the certification of the elections results expanding the~~
31 ~~board of county commissioners and the adoption of the resolution dividing~~
32 ~~the county into commissioner districts as required by K.S.A. 19-204a, and~~
33 ~~amendments thereto, the board of county commissioners shall pass a~~
34 ~~resolution calling for a special election to fill the vacancies. The election~~

1 ~~shall be held within 45 days of the passage of the resolution. Candidates~~
 2 ~~for the office shall file for the offices as provided in K.S.A. 25-205, and~~
 3 ~~amendments thereto. The candidate receiving the highest number of votes~~
 4 ~~in each commission district shall serve until successors are elected and~~
 5 ~~qualified at the next general election. Such successors shall assume office~~
 6 ~~on the second Monday of January next following their election. If at the~~
 7 ~~next general election following such appointments, the special election~~
 8 ~~more than a simple majority of commissioners are elected, persons elected~~
 9 ~~to the positions created by an increase in the number of districts shall be~~
 10 ~~elected for two year terms and until their successors are qualified.~~
 11 ~~Thereafter such members shall be elected to four year terms and until their~~
 12 ~~successors are qualified. The provisions of this subsection shall apply to~~
 13 ~~positions created by an increase in the number of districts at the election~~
 14 ~~held in November 1990 and all such elections thereafter.~~

15 **New Sec. 2. (a) The governor, within five days of the {board of**
 16 **county commissioners adopting a resolution dividing the county into**
 17 **the number of districts approved by voters following the} election**
 18 **expanding the size of the board of county commissioners as provided**
 19 **in K.S.A. 19-204(c), and amendments thereto, shall declare the date of**
 20 **the special election required under K.S.A. 19-203(c), and amendments**
 21 **thereto. The vacancy election shall be on a day not less than 75 days**
 22 **nor more than 90 days from the date of the election approving the**
 23 **expansion of such county commission {board of county commissioners**
 24 **adopting such resolution}.**

25 **(b) The county chairperson of each political party that has**
 26 **obtained official recognition shall call a convention for a date not less**
 27 **than 15 days and not more than 25 days after the governor's**
 28 **declaration. Such party shall nominate a candidate to fill the vacancy**
 29 **{vacancies} that has {have} occurred due to the expansion of the size**
 30 **of the board of county commissioners.**

31 **(c) Independent candidates may be nominated by petition of not**
 32 **less than 5% of the qualified electors within the county commission**
 33 **district. Any such petition shall be filed with the county election officer**
 34 **within 25 days of the governor's declaration.**

35 ~~Sec. 3.~~ K.S.A. 2016 Supp. 19-203 is hereby repealed.

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

Strike in line 19

in consultation with the board of county commissioners, shall either:
 (1) Declare the election to be held at the next regularly scheduled
 election in August; or (2)

¶
 If the decision is to call a special election,