

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 K.S.A. 2016 Supp. 19-203 is hereby repealed.~~

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