

As Amended by House Committee

Session of 2007

HOUSE BILL No. 2082

By Committee on Elections and Governmental Organization

1-17

10 AN ACT concerning municipalities; relating to initiative and referen-
11 dum; amending K.S.A. 12-3013 and repealing the existing section.
12

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

14 Section 1. K.S.A. 12-3013 is hereby amended to read as follows: 12-
15 3013. (a) Except as provided in subsection (e), a proposed ordinance *or*
16 *resolution* may be submitted to the governing body of any city *or county*
17 accompanied by a petition as provided by this section. Such petition shall
18 be signed by electors equal in number to at least ~~25% in cities of the first~~
19 ~~class, and 40% in cities of the second and third class, 15%~~ **25%** of the
20 electors who voted at the last preceding regular city *or county* election
21 as shown by the poll books and shall contain a request that the governing
22 body pass the ordinance *or resolution* or submit the same to a vote of the
23 electors. Such ordinance *or resolution* and petition shall be filed with the
24 city clerk *for proposed ordinances or the county clerk for proposed*
25 *resolutions*.

26 The signatures on the petition need not all be appended to one paper,
27 but each signer shall include the signer's place of residence, giving the
28 street and number (if there are street numbers). One person signing each
29 paper shall make oath before an officer competent to administer oaths
30 that such person believes the statements therein and that each signature
31 to the paper appended is the genuine signature of the person whose name
32 it purports to be. If the petition accompanying the proposed ordinance
33 *or resolution* is signed by the required number of electors qualified to
34 sign, the governing body shall either (a) pass such ordinance *or resolution*
35 without alteration within 20 days after attachment of the clerk's certificate
36 to the accompanying petition; or (b) if not passed within 20 days, ~~forthwith~~
37 ~~call a special election, unless a regular city election is to be held within~~
38 ~~90 days thereafter, and at such special or regular city election shall~~ submit
39 the ordinance *or resolution*, without alteration, to the vote of the electors
40 of the city *or county* **at the next regular election scheduled no sooner**
41 **than 90 days thereafter.**

42 (b) The ballots used when voting upon the ordinance *or resolution*
43 shall set forth the proposed ordinance *or resolution* in full or submit the

1 proposed ordinance *or resolution* by title generally descriptive of the con-
2 tents thereof. Each proposed ordinance *or resolution* set forth in full or
3 submitted by title generally descriptive of the contents thereof shall be
4 preceded by the words, “Shall the following be adopted?” If there is more
5 than one proposed ordinance *or resolution* to be voted upon, the different
6 proposed ordinances *or resolutions* shall be separately numbered and
7 printed, and the ballots shall conform to the requirements of K.S.A. 25-
8 605 and amendments thereto.

9 (c) If a majority of the qualified electors voting on the proposed or-
10 dinance *or resolution* votes in favor thereof, such ordinance *or resolution*
11 shall thereupon become a valid and binding ordinance *or resolution* of
12 the city *or county*. Any ordinance *or resolution* proposed by a petition as
13 herein provided and passed by the governing body or adopted by a vote
14 of the electors, shall not be repealed or amended except (1) by a vote of
15 the electors, or (2) by the governing body, if the ordinance *or resolution*
16 has been in effect for 10 years from the date of publication, if passed by
17 the governing body, or from the date of the election, if adopted by a vote
18 of the electors. Any number of proposed ordinances *or resolutions* may
19 be voted upon at the same election, in accordance with the provisions of
20 this section, but there shall not be more than one ~~special~~ election in any
21 period of six months for such purpose. Mayors *or any other city or county*
22 *official* having veto power shall not veto any such ordinance *or resolution*,
23 and if passed by the council or commission the mayor *or other appro-*
24 *priate city or county official* shall sign the ordinance *or resolution*.

25 (d) The governing body may submit a proposition for the repeal of
26 any such ordinance *or resolution*, or for amendments thereto, to be voted
27 upon at any succeeding regular city *or county* election. If such proposition
28 so submitted receives a majority of the votes cast thereon at ~~such the~~
29 election, such ordinance *or resolution* shall thereby be repealed or
30 amended accordingly. Whenever any ordinance, *resolution* or proposition
31 is required by this act to be submitted to the electors of the city *or county*
32 at any election, the city *or county* shall cause such ordinance, *resolution*
33 or proposition to be published once each week for two consecutive weeks
34 in the official city *or county* paper. Such publication shall be not more
35 than 20 or less than five days before the election. Any ordinance *or res-*
36 *olution* heretofore passed or made effective by election under the pro-
37 visions of section 12-107 of the General Statutes of 1949 shall continue
38 in effect but may be amended or repealed as herein provided.

39 (e) The provisions of this section shall not apply to:

- 40 (1) Administrative ordinances *or resolutions*;
- 41 (2) ordinances *or resolutions* relating to a public improvement to be
42 paid wholly or in part by the levy of special assessments; or
- 43 (3) ordinances *or resolutions* subject to referendum or election under

1 another statute.

2 Sec. 2. K.S.A. 12-3013 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.