

SENATE BILL No. 496

By Committee on Judiciary

1-29

9 AN ACT concerning district judges and district magistrate judges;
10 amending K.S.A. 25-101 and 25-312a and repealing the existing
11 sections.
12

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

14 Section 1. K.S.A. 2007 Supp. 25-101 is hereby amended to read as
15 follows: 25-101. On the Tuesday succeeding the first Monday in Novem-
16 ber of each even-numbered year, there shall be held a general election
17 to elect officers as follows:

18 (a) At each alternate election, prior to the year in which the term of
19 office of the president and vice-president of the United States will expire,
20 there shall be elected the electors of president and vice-president of the
21 United States to which the state may be entitled at the time of such
22 election;

23 (b) at each such election, when the term of a United States senator
24 for this state shall expire during the next year, there shall be elected a
25 United States senator;

26 (c) at each such election there shall be elected the representatives in
27 congress to which the state may be entitled at the time of such election;

28 (d) at each alternate election, prior to the year in which their regular
29 terms of office will expire, there shall be elected a governor, lieutenant
30 governor, secretary of state, attorney general, state treasurer and state
31 commissioner of insurance;

32 (e) at each such election there shall be elected such members of the
33 state board of education as provided by law;

34 (f) at each such election, when, in a judicial district in which judges
35 of the district court are elected, the term of any district judge expires
36 during the next year, ~~or a vacancy in a district judgeship has been filled~~
37 ~~by appointment more than 30 days prior to the election,~~ there shall be
38 elected a district judge of such judicial district;

39 (g) at each such election, when, in a judicial district in which judges
40 of the district court are elected, the term of any district magistrate judge
41 expires during the next year, ~~or a vacancy in a district magistrate judgeship~~
42 ~~has been filled by appointment more than 30 days prior to the election,~~
43 there shall be elected a district magistrate judge of such judicial district;

1 (h) at each alternate election, prior to the year in which the regular
2 term of office of state senators shall expire, there shall be elected a state
3 senator in each state senatorial district;

4 (i) at each election there shall be elected a representative from each
5 state representative district;

6 (j) at each alternate election there shall be elected, in each county, a
7 county clerk, county treasurer, register of deeds, county or district attor-
8 ney, sheriff and such other officers as provided by law;

9 (k) at each alternate election, in counties that may by law be entitled
10 to elect such officer, there shall be elected a county surveyor; *and*

11 (l) at each election, when the term of county commissioner in any
12 district in any county shall expire during the next year, there shall be
13 elected from such district a county commissioner.

14 This section shall apply to the filling of vacancies only so far as is con-
15 sistent with the provisions of law relating thereto.

16 Sec. 2. K.S.A. 25-312a is hereby amended to read as follows: 25-
17 312a. (a) Except as otherwise provided in K.S.A. 20-2903 through 20-
18 2913, and amendments thereto, *and in subsection (b)*, whenever a vacancy
19 occurs in the office of judge of the district court, it shall be filled ~~by~~
20 ~~appointment by the governor~~ *in accordance with provisions of K.S.A. 25-*
21 *3902, and amendments thereto, by district convention.* If the vacancy
22 occurs on or after May 1 of the second year of the term, the person so
23 appointed shall serve for the remainder of the unexpired term and until
24 a successor is elected and qualified. If the vacancy occurs before May 1
25 of the second year of the term, the person appointed to fill the vacancy
26 shall serve until a successor is elected and qualified at the next general
27 election to serve the remainder of the unexpired term. Any appointment
28 made by the governor as required by this section shall be made ~~within~~
29 ~~60 days after the vacancy occurs~~ *as provided under provisions of K.S.A.*
30 *25-3902, and amendments thereto.*

31 (b) *Vacancies shall be filled for district magistrate judges elected un-*
32 *der provisions of K.S.A. 20-336, and amendments thereto, in accordance*
33 *with provisions of K.S.A. 25-3902, and amendments thereto, by district*
34 *convention in the county where such judge was elected.*

35 Sec. 3. K.S.A. 25-101 and 25-312a are hereby repealed.

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