

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2641

As Amended by Senate Committee on
Elections and Local Government

Brief*

HB 2641, as amended, clarifies who is allowed to vote in certain drainage district elections as follows:

- ! In drainage districts organized under KSA 24-401 *et seq.*—This clarification would be accomplished by defining the term “taxpayers” to include any person who owns any real or tangible property in the district and who pays taxes assessed on this property.

- ! In drainage districts incorporated under the provisions of KSA 24-458 *et seq.* (*i.e.*, where owners of three-fifths of the land are nonresidents)—This clarification would be accomplished by (a) defining “qualified person” as any taxpayer 18 years of age or older, whether a resident of the district or not; (b) defining “taxpayer” as any owner of real estate in the district (with specified exceptions); and (c) authorizing a qualified person who is not an individual to designate an individual to cast its vote or to serve as a director of the district.

Background

KSA 24-414 addresses the election of boards of directors for drainage districts within counties or cities. The statute distinguishes between counties based on population when prescribing who may vote in the elections, by allowing only those qualified electors who are taxpayers and residents to vote in counties with more than 150,000 persons. However, the statute does not currently define who is considered a taxpayer.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Shawnee County Election Commissioner testified in favor of the bill, explaining that some drainage district elections are run by county election officers. This presents difficulties, because qualifications to vote in a drainage district election are different from the qualifications to vote in the election being held at the same time. One of the challenges is the lack of a definition of taxpayer. Written testimony from the Wyandotte County Election Commissioner indicated the original bill was brought, in part, because of a 1999 lawsuit in Wyandotte County, involving the lack of a definition.

The House Committee on Ethics and Elections amended the bill to remove the original Section 2.

The Senate Committee on Elections and Local Government reinstated the original Section 2, clarifying who may vote in drainage districts in which the owners of three-fifths of the acreage are nonresidents.

The fiscal note issued on the original bill (*i.e.*, the bill as reconstituted by the Senate Elections and Local Government Committee) stated that, while the Kansas Association of Counties indicated passage of HB 2641 could create administrative costs for county election officials, there was no way to determine the extent of those costs.