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LEGISLATURE *of* THE STATE *of* KANSAS
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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 14, 2022
Subject: Bill Brief for HCR 5022

House Concurrent Resolution 5022, as amended by House Committee, proposes a constitutional amendment requiring that a sheriff be elected in each county.

Current law in K.S.A. 19-801a provides that: “Except in those counties operating under the provisions of any consolidated law enforcement act, beginning with the general election in 1976, a sheriff shall be elected in each county, for four (4) years.”

HCR 5022 would propose an amendment to section 2 of article 9 of the Constitution of the State of Kansas to make the office of county sheriff a constitutional office. Each county would be required to elect a county sheriff for a term of four years beginning at the time of voting designated by law for such office in effect on January 11, 2022, and every four years thereafter. This requirement would not apply to any county that abolished the office of sheriff prior to January 11, 2022. The HCR would also propose an amendment to section 5 of article 9 of the Constitution of the State of Kansas to provide that a county sheriff could be removed from office only by a recall election or by a writ of quo warranto initiated by the attorney general.

As with all concurrent resolutions proposing amendments to the Constitution of the State of Kansas, the resolution must be adopted by a $\frac{2}{3}$ vote in each chamber to be presented to the general electorate for approval. If HCR 5022 is adopted by this constitutional majority in both chambers, the amendment would then be submitted to the electors of the state at the general election in November 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature.