

House Concurrent Resolution No. 5022

By Committee on Federal and State Affairs

1-13

1 A PROPOSITION to amend sections 2 and 5 of article 9 of the
2 constitution of the state of Kansas to require that a sheriff be elected in
3 each county for a term of four years.

4
5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
6 *members elected (or appointed) and qualified to the House of*
7 *Representatives and two-thirds of the members elected (or*
8 *appointed) and qualified to the Senate concurring therein:*

9 Section 1. The following proposition to amend the constitution of
10 the state of Kansas shall be submitted to the qualified electors of the state
11 for their approval or rejection: Sections 2 and 5 of article 9 of the
12 constitution of the state of Kansas are hereby amended to read as follows:

13 **"§ 2. County and township officers.** (a) *Except as*
14 *provided in subsection (b), each county shall elect a sheriff for*
15 *a term of four years by a majority of the qualified electors of*
16 *the county voting thereon at the time of voting designated for*
17 *such office pursuant to law in effect on January 11, ~~2021~~ 2022,*
18 *and every four years thereafter.*

19 (b) *The provisions of subsection (a) shall not apply to a*
20 *county that abolished the office of sheriff prior to January 11,*
21 *~~2021~~ 2022. Such county may restore the office of sheriff as*
22 *provided by law and such restoration shall be irrevocable. A*
23 *county that restores the office of sheriff shall elect a sheriff by a*
24 *majority of the qualified electors of the county voting thereon*
25 *for a term of four years. Such sheriff shall have such*
26 *qualifications and duties as provided by law. The time of voting*
27 *for the office of sheriff may be provided for by the legislature*
28 *pursuant to section 18 of article 2 of this constitution.*

29 (c) *The filling of vacancies and the qualifications and*
30 *duties of the office of sheriff shall be as provided by law.*

31 (d) *The legislature shall provide for such other county and*
32 *township officers as may be necessary."*

33 **"§ 5. Removal of officers.** (a) *Except as provided in*
34 *subsection (b), all county and township officers may be*

1 removed from office, in such manner and for such cause, as
2 shall be prescribed by law.

3 *(b) A county sheriff only may be involuntarily removed*
4 *from office by recall election pursuant to section 3 of article 4*
5 *of this constitution or a writ of quo warranto initiated by the*
6 *attorney general."*

7 Sec. 2. The following statement shall be printed on the ballot with
8 the amendment as a whole:

9 *"Explanatory statement.* This amendment would preserve the
10 right of citizens of each county that elected a county sheriff
11 as of January 11, ~~2021~~ **2022**, to continue electing the county
12 sheriff. The amendment would also provide that a county
13 sheriff only may be involuntarily removed from office
14 pursuant to either a recall election or a writ of quo warranto
15 initiated by the attorney general.

16 "A vote for this proposition would preserve the right of citizens
17 of each county that elected a county sheriff as of January 11,
18 ~~2021~~ **2022**, to continue electing the county sheriff via
19 popular vote. The amendment would also direct that a
20 county sheriff only may be involuntarily removed from
21 office pursuant to either a recall election or a writ of quo
22 warranto initiated by the attorney general."

23 "A vote against this proposition would not make any changes to
24 the constitution and would retain current law concerning the
25 election of a sheriff and the procedures for involuntary
26 removal of a sheriff from office."

27 Sec. 3. This resolution, if approved by two-thirds of the members
28 elected (or appointed) and qualified to the House of Representatives and
29 two-thirds of the members elected (or appointed) and qualified to the
30 Senate, shall be entered on the journals, together with the yeas and nays.
31 The secretary of state shall cause this resolution to be published as
32 provided by law and shall cause the proposed amendment to be submitted
33 to the electors of the state at ~~the general election in November in the year~~
34 ~~2022, unless a special election is called at a sooner date by concurrent~~
35 ~~resolution of the legislature, in which case it shall be submitted to the~~
36 ~~electors of the state at the special election~~ *a special election, which is*
37 *hereby called on August 2, 2022, pursuant to section 1 of article 14 of*
38 *the constitution of the state of Kansas, to be held in conjunction with*
39 *the primary election held on such date.*