

**City of Mission  
Special City Council Meeting  
Thursday, May 11, 2017  
6:00 p.m.**

**AGENDA**

1. Charter Ordinance Exempting the City of Mission from the Provisions of K.S.A. 25-2108a Relating to Primary Elections
2. Adjournment



6090 Woodson Road  
Mission, KS 66202  
(913) 676.8350  
[www.missionks.org](http://www.missionks.org)

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**NOTICE OF SPECIAL GOVERNING BODY MEETING**  
**OFFICE OF THE CITY CLERK**  
**MISSION, KANSAS**

TO: Steve Schowengerdt, Mayor

You are hereby notified that there will be a special meeting of the Governing Body at 6:00 p.m., Thursday, May 11, 2017 at Mission City Hall, 6090 Woodson for the purpose of considering the following items:

1. A Charter Ordinance Exempting the City of Mission from the Provisions of K.S.A. 25-2108a Relating to Primary Elections

Witness my hand and the seal of said city this 10th day of May 2017.

State of Kansas )

Johnson County ss. )

City of Mission )

A handwritten signature in blue ink that reads "Martha M. Sumrall".

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Martha M. Sumrall, City Clerk

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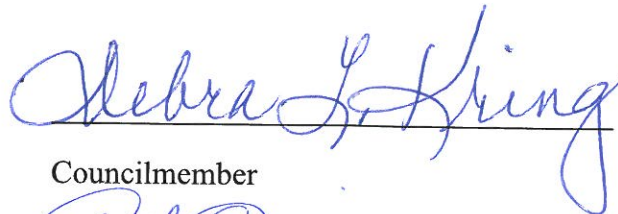
**NOTICE FOR SPECIAL GOVERNING BODY MEETING**

**TO:** Steve Schowengerdt, Mayor

You are hereby requested, in accordance with K.S.A. 14-111, to call a special meeting of the Governing Body of Mission, Kansas, to be held at Mission City Hall, 6090 Woodson at 6:00 p.m., Thursday, May 11, 2017, for the purpose of discussing the item listed below:

1. A Charter Ordinance Exempting the City of Mission from the Provisions of K.S.A. 25-2108a Relating to Primary Elections

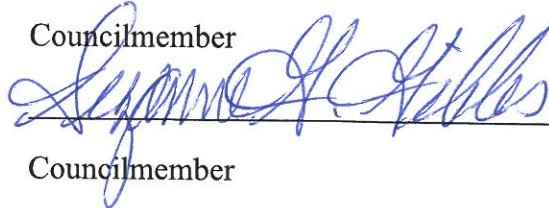
Dated this 10th day of May 2017.

  
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Councilmember

  
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Councilmember

  
\_\_\_\_\_

Councilmember

<b>City of Mission</b>	Item Number:	1.
<b>ACTION ITEM SUMMARY</b>	Date:	May 11, 2017
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

**RE:** Charter Ordinance Related to Primary Elections in the City of Mission

**RECOMMENDATION:** Adopt Charter Ordinance 31 to trigger a primary election when there are more than two (2) candidates who have filed for an office.

**DETAILS:** After a third candidate filed for the Ward IV council position last week, we received a call from the Johnson County Election Office with questions regarding our current code provisions related to primary elections. In reviewing our codes, the Election Office staff was unable to find language that specified a primary was triggered whenever more than **two (2)** candidates filed for the same position, therefore they believed we would be subject to the provisions of K.S.A. 25-2108a (b) which reads as follows:

“In cities in which a district method of election is in effect, if there are more than three qualified candidates for any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any such member district at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.”

Their questions prompted an internal review, and staff confirmed that when we transitioned to November elections in odd-years via Charter Ordinance 27 (October 21, 2015), we also repealed Charter Ordinance 23, which outlined Mission’s requirements for primary elections. Direction provided by the League of Kansas Municipalities at that time (see highlights in attached article) specified that because the statutory election provisions were made uniform, any charter ordinances which existed were repealed.

However, as we researched the matter further, including conversations with the League, we determined that the majority of cities in Johnson County who elect Council-members by district have, in fact, chartered out from the provisions of K.S.A. 25-2101 *et. seq.*, specifically K.S.A. 12-2108a, to trigger a primary in the event there are more than two (2) candidates for any office. The table below summarizes those cities who currently require a primary election when there are more than two (2) candidates:

Related Statute/City Ordinance:	Mission Municipal Code Chapter 110, Article I
Line Item Code/Description:	NA
Available Budget:	NA

<b>City of Mission</b>	Item Number:	1.
<b>ACTION ITEM SUMMARY</b>	Date:	May 11, 2017
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

City	Primary = More than 2 candidates	Primary = More than 3 candidates
Bonner Springs		X
Fairway	X	
Leawood		X
Lenexa	X	
Merriam	X	
Mission		X
Olathe	X	
Overland Park	X	
Prairie Village	X	
Roeland Park	X	
Shawnee	X	

Therefore, it seems returning to the previous practice of holding a primary election when more than two (2) candidates have filed, is an option for Mission. Staff has drafted a charter ordinance which would lower the threshold for a primary from “more than three candidates” to “more than two candidates.” This takes us back to our previous position, allows for one candidate in the general election to clearly win a majority of the vote, and maintains more consistency with other cities in Johnson County. The greatest benefit of leaving things as they are is that Mission could avoid the expense of a primary election. Primary costs can be difficult to predict, but in Mission, could be expected to range from a low of approximately \$5,000 to between \$8,000 - \$10,000 depending on the number of wards impacted.

Staff requested this issue be considered at a special meeting because we have a narrow window to consider options in order for any changes to be in place prior to the August 1st primary. Passage of a charter ordinance requires a  $\frac{2}{3}$  vote of the Governing Body (6 votes). The Mayor votes in the case of a charter ordinance. The charter ordinance becomes effective 61 days after its second publication unless there is a public petition for a referendum on this issue.

Related Statute/City Ordinance:	Mission Municipal Code Chapter 110, Article I
Line Item Code/Description:	NA
Available Budget:	NA

<b>City of Mission</b>	Item Number:	1.
<b>ACTION ITEM SUMMARY</b>	Date:	May 11, 2017
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

A charter ordinance modifying the requirements for primary elections in Mission is attached. The Council's options and alternatives are outlined briefly below:

Option 1 - Do nothing

If the Council takes no action, there would only be a primary election if more than three (3) candidates filed for any position. Currently, this only impacts Ward IV, where three candidates have filed. If we do nothing, all three candidate's names would appear on the November 2017 General Election ballot. Assuming no additional filings, this would save us the cost of the primary election in 2017 (approximately \$5,000 for one ward).

Option 2 - Do nothing now and consider revisions for future election

The Council could decide to take no action at this time, advancing three candidates to the general election and then consider a charter ordinance to make a change in future elections. Assuming no additional filings, this would save us the cost of the primary election in 2017 (approximately \$5,000 for one ward).

Option 3 - Adopt a charter ordinance to trigger a primary when there are more than two candidates

The Council could adopt a Charter ordinance lowering the threshold to trigger a primary election when more than two candidates file for any position. This would return us to the previous practice and be more in line with other surrounding cities in Johnson County. Because a charter ordinance is not effective until 61 days after its second publication, we have a limited window within which to consider this option.

If you have questions prior to tonight's meeting, please do not hesitate to contact me.

Related Statute/City Ordinance:	Mission Municipal Code Chapter 110, Article I
Line Item Code/Description:	NA
Available Budget:	NA

# Best Practices

by Michael Koss

## Transitioning to November Elections

This year, the Kansas Legislature passed HB 2104 (the Act), which moved city elections from April of odd-years to November of odd-years. Because the Act is a compromise version of multiple bills, it contains numerous ambiguities and contradictions. This article provides guidance on what cities should do to comply with the Act and to adjust for the timing changes.

### Timing, Terms, and Primary Elections

Three subsections of the Act authorize cities to continue using numerous combinations of staggered or non-staggered terms:

- L. 2015, ch. 88, sec. 7(c) requires that cities establish by ordinance the terms of office of their elected officials;
- L. 2015, ch. 88, sec. 9(c)(2) allows governing bodies to establish by ordinance terms of two, three, or four years; and
- L. 2015, ch. 88, sec. 7(h) allows cities to hold elections in November of even-numbered years for the purposes of staggering elections or to establish three-year terms of office.

Whatever election cycles a city establishes, terms of office must now begin on the second Monday in January following the certification of the election.<sup>1</sup> Previous language from K.S.A. 25-2120 stated that these terms began at the “first regular meeting of the governing body following certification of the election results.” If your city has incorporated this statutory language into an ordinance, that ordinance should be changed to reflect the new commencement date. Since commencement is now tied to a specific date rather than a meeting, it may also be appropriate for cities to amend their regular meeting ordinance. Creating an additional regular meeting on the second Monday in January following certification of an election would allow all newly elected officials to take their oaths of office on the day that their terms begin. Alternatively, cities could call a special meeting on that date, specifically for newly elected officials to take their seats.

Many cities of the second and third class have chartered out of K.S.A. 14-201, K.S.A. 14-1204, K.S.A. 15-201, and K.S.A. 15-1302 to change the length or stagger the terms of their governing body.<sup>2</sup> Cities do not need to change these charter ordinances unless they specifically reference an April election. If the charter ordinance does reference April, the city should amend it to reflect the November election date. Cities of the first class should also amend their ordinances to reflect this change. For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act requires the city to adopt an ordinance establishing terms.<sup>3</sup> The League has developed several

model ordinances for this purpose, which you can view at <http://www.lkm.org/resources/ordinances/elections>.

Some cities have passed charter ordinances exempting themselves from the provisions of K.S.A. 25-2107 in order to hold elections in April of even-years, and/or exempted themselves from K.S.A. Supp. 25-2108a to avoid holding a primary election. Because K.S.A. 25-2101, *et seq.* has been made uniform by the Act, it is the League’s opinion that these charter ordinances are now repealed.<sup>4</sup> For cities that have held elections in April of even-years, the League recommends that they pass an ordinance establishing a new election cycle using either odd-year or even-year November elections. For cities that had exempted themselves from the statutory primary election rules, they now must comply with K.S.A. 25-2108a. For cities with odd-year elections, that have also adopted ordinances incorporating the old April odd-year election language in K.S.A. 25-2107, these ordinances should be amended to reflect the changes to the statute.

The Act authorizes cities to hold partisan elections after passing an ordinary ordinance. However, the Hatch Act prohibits federal employees and active duty military officers from running for partisan offices. Changing to partisan elections would also impact a city’s primary election process. Any city considering holding partisan elections is encouraged to call the League to discuss these issues.

### Transitions

Once a city establishes terms, it needs to consider how current office-holders will transition their terms to the new election cycle. The Act only contains one section controlling term transitions. L. 2015, ch. 88, sec. 7(a) states that terms that would have ended in April 2017 will now end in January 2018, when the officials elected in the November 2017 general election take office.<sup>5</sup> The Act does not address the transition for city officials whose terms end in April 2016, 2018, or 2019. It is the League’s opinion that, because all filing deadline and primary election statutes accommodating spring elections have been amended or repealed, cities that previously held even-year elections do not have the authority to hold a final April general election in 2016. The League is considering introducing legislation next session that will extend officials’ terms that end in April 2016, 2018, or 2019, until the January of the following year when those elected in the November general election take office. However, it’s not certain that that legislation will pass, and even if it does, it may not be in time to deal with those officials whose terms would have ended in April 2016.

Because a legislative solution is uncertain, it may be advisable for cities with terms ending in April 2016 to use the authority in L. 2015, ch. 88, sec. 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to stay on the even-year cycle) or January 2018 (if the city wants to move those terms to the odd-year cycle).<sup>6</sup> This extension should be included in the same ordinance that establishes or amends the terms of office of the elected officials.

Cities could also choose to do nothing, and the current office-holders would continue in office until the next election for that office.<sup>7</sup> *Murray v. Payne*, 137 Kan. 685 (1933), explains that, where the legislature has changed municipal terms of office so that there is an interim period between when one term was to end and the new term is to begin, the current office-holders continue in office until the newly-elected officials take office. Therefore, if no action is taken regarding the extension of terms for elected officials whose terms were to end in April 2016, those officials will continue in office until the term commences for the next person elected to that position (the commencement date would be determined by the city's ordinance). The same rule applies to officials whose terms end in 2018 or 2019 – an ordinance can be passed extending their terms, or the city can do nothing, and the officials will continue in office until the term commences for the next person elected to that office.

Some officials have expressed concern that action taken by officials during these interim transition periods will not be binding, which could expose cities to potential litigation from parties seeking to invalidate governing body actions during this period. Luckily, the Kansas Supreme Court has already addressed this issue. In *Hale v. Bischoff*, 53 Kan. 301 (1894), the Court stated that, “[a]n officer whose official term has expired, but who remains in possession of the office, having full control thereof and exercising the functions of the same, is an officer de facto, and all of his acts, within the limits of his official power, are valid as respects the public and third persons.” Therefore, cities should not worry that action taken during these interim periods could be invalidated by subsequent litigation.

#### **Appointments and Statement Of Substantial Interests Deadlines**

Several city officials have pointed out that the new term commencement dates no longer correspond to appointment dates for city officers. However, only mayor-council cities of the third class are required to make appointments during a specific month. K.S.A. 15-204 states that appointments for these cities are to be made “at the first regular meeting in May of each year...” For cities that have chartered out of this statute, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses). For mayor-council cities of the third class that have not chartered out of K.S.A. 15-204, or do not plan on doing so, appointments should continue to take place at the first regular meeting in May. The League is considering introducing legislation to amend this statute so the appointment month corresponds to the new commencement day for elected officials.

For mayor-council cities of the second class, and commission cities of the second and third class, state statutes do not designate a specific month for appointments; they only designate that the terms of appointed officers be for one year.<sup>8</sup> However, since those appointments likely have taken place during meetings in April or May in the past (depending on the city's ordinance), without action, new officials who take office in January would now have to wait three to four months to vote on renewing the city appointee's one-year terms. Any cities that have not chartered out of these statutes may want to consider amending their ordinances so that appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of the current appointee's one-year terms in April or May can simply be ignored, so those officials continue in office as “holdovers” until the next, newly-established February appointment meeting. Cities of the first class that have not chartered out of K.S.A. 13-527 must establish terms of city officers by ordinance, so they may need to consider a similar ordinance amendment and transition process.

Another statute that was not changed to correspond to the new election cycle is K.S.A. 75-4302a, which requires that statements of substantial interests be filed:

- By an individual appointed on or before April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of that year.
- By an individual appointed after April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, within 15 days after the appointment.
- By any individual holding an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of any year if, during the preceding calendar year, any change occurred in the individual's substantial interests.

These dates continue in effect even though they no longer correspond with municipal election dates. The League is considering legislation to amend the dates in this statute.

#### **Filing Deadlines and Requirements**

The Act also contains numerous changes to candidate filing requirements. Unfortunately, it has contradictory language regarding the new candidate filing deadline. Read together, L. 2015, ch. 88, sec. 15(b) and L. 2015, ch. 88, sec. 15(c) seem to indicate that, for cities meeting the primary election thresholds in K.S.A. 25-2108a, the candidate filing deadline is June 1, and for cities not meeting the thresholds, the filing deadline is September 1. However, L. 2015, ch. 88, sec. 52 of the Act states that the filing deadline for all city candidates is June 1.<sup>9</sup> The League believes the intent was for L. 2015, ch. 88, sec. 52 to apply only to cities required to have a primary election under K.S.A. Supp. 25-2108a. We are seeking



clarification on this issue from the secretary of state, pursuant to his authority under L. 2015, ch. 88, sec. 15(d) and L. 2015, ch. 88, sec. 15(g). However, until that occurs, or there is legislation resolving the conflict, cities should operate under the assumption that the filing deadline for all city candidates is June 1.

The Act also changed rules for the notification of vacant offices, candidate filing fees, where candidates must file for office, and nomination petitions. City clerks must now inform the county election officer of all city offices to be voted on at the next election not later than May 1 of every year that the city has an election.<sup>10</sup> Also, the filing fee for city office is now \$20 for all sizes of cities.<sup>11</sup> Additionally, candidates may no longer file through the city clerk's office - all candidate filings must take place at the county election office.<sup>12</sup> Finally, cities must establish by ordinance the number of qualified electors of the city that must sign a nomination petition.<sup>13</sup> The League has developed a model ordinance to meet this requirement.<sup>14</sup> Because of the increased filing fee for cities of the second and third class, the League encourages cities to create a low threshold for nomination petitions, so that potential candidates have an inexpensive means of filing for city office.

### City Manager Form of Government

To move elections to November for all cities, the legislature repealed what was commonly known as the City Manager Plan Act (the CMPA), which over sixty Kansas cities had used to adopt the city manager form of government. City managers and city attorney's across the state expressed alarm at the repeal of these statutes, and the potential to use ordinary ordinances to overturn voter-approved adoptions of the CMPA for those city governments. The League responded by introducing an amendment recodifying the core parts of the CMPA, and retaining the continued operation of the CMPA for those cities that had adopted it. In L. 2015, ch. 88, sec. 8(a), the League amendment establishes that cities shall continue to operate under current forms of government adopted via an election (which is how cities were required to adopt the CMPA). In L. 2015, ch. 88, sec. 9(a), our amendment makes a city's ability to adopt a new form of government with an ordinance subject to the recodified version of the CMPA, which continues to require an election for adoption. Finally, L. 2015, ch. 88, sec. 's 10 through 12 contain the new language of the uniform CMPA, including provisions requiring that its abandonment can only occur via an election. For these reasons, it is the League's opinion that cities that have adopted the city manager form of government by election now operate under the provisions in L. 2015, ch. 88, sec. 's 10 through 12. If a city desires, it may affirm this fact by stating as much in an ordinary ordinance. The League has developed a model ordinance for this purpose.<sup>15</sup>

The savings clause in L. 2015, ch. 88, sec. 8 for existing forms of government also applies to all existing charter ordinances related to a city's form of government. Therefore, it is the League's opinion that cities that have adopted the CMPA via election, but have chartered out of some of its provisions, continue to operate under L. 2015,

ch. 88, sec. 's 10 through 12, and those sections are supplemented by the city's charter ordinances relating to its form of government.

### Filling Governing Body Vacancies

The Act also creates new rules for filling governing body vacancies. The intent of L. 2015, ch. 88, sec. 's 71 through 73 is to require cities to hold special elections to fill vacancies in the governing body if those vacancies are not filled within sixty days. However, these sections conflict with a number of current statutes, and there are numerous ways to interpret their effect. L. 2015, ch. 88, sec. 71 requires vacancies in the governing body be filled by a majority vote of its remaining members if a city does not have a policy to fill governing body vacancies. This directly conflicts with K.S.A. 15-201, which requires that mayors in mayor-council cities of the third class fill vacancies with the consent of the council. The League has identified two different ways to interpret L. 2015, ch. 88, sec. 's 71 through 73:

- Treat these sections as a separate, standalone vacancy-filling process, which would allow cities to choose to use them OR ignore them and use the city's own vacancy-filling process or the statutory process for its respective class and form of city. If the city chose the latter interpretation, it could ignore the special election requirement for vacancies not filled within sixty days; OR
- Read L. 2015, ch. 88, sec. 's 71 through 73 together with existing vacancy-filling statutes. Under this interpretation, cities may fill their vacancies using their own procedure for filling vacancies (or, if none, a majority of the remaining governing body members), and if the vacancy isn't filled after sixty days, a special election must be held to fill it.

The League anticipates that L. 2015, ch. 88, sec. 's 71 through 73 will be codified in a non-uniform article of the statute books, and we encourage cities to consider chartering out of their requirements.

### Conclusion

Ending 154 years of spring elections will be a cumbersome process for many cities, but the legislature has created several mechanisms to deal with the move to November. We hope this article provides useful guidance for your city's transition, but if you have any questions, please do not hesitate to contact the League or your city attorney.

☀ *Michael Koss is Legal Counsel & Member Services for the League of Kansas Municipalities. He can be reached at [mkoss@lkm.org](mailto:mkoss@lkm.org) or (785) 354-9565. He would like to thank the League staff and city officials who contributed to the creation of this article.*

*\*You can view the sources for this article on the next page.*

## Actions required of cities by the Act

- If an ordinance, charter ordinance, or city code section states that the commencement date of terms of office for elected officials is the "first regular meeting of the governing body following certification of the election results," it should be changed to "the second Monday in January following certification of odd-year elections" (or even-year elections, if the city chooses to have an even-year cycle).
- Any ordinances, charter ordinances, or city code sections that reference an April election should be amended to reflect the new November election day.
- For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act requires the city to adopt an ordinance establishing their terms.
- Cities that have held elections in April of even-years should pass an ordinance establishing a new odd-year November or even-year November election cycle.
- City clerks should update their annual calendars to reflect the new May 1 deadline for notifying county election officers of all city offices to be voted on at the next election every year that the city has an election.
- Cities must establish by ordinance the number of qualified electors of the city which must sign a nomination petition.

## Actions that cities may take to help transition to November elections

- To allow elected officials to take office on the day their terms begin, cities should consider amending their regular meeting ordinance so that there is a regular meeting held on the second Monday in January following certification of odd-year elections (or even-year elections, if the city chooses to have an even-year cycle).
- Since charter ordinances exempting cities from the primary election rules in K.S.A. Supp. 25-2108a are now ineffective, to reduce confusion, the city should consider repealing those charter ordinances.
- For mayor-council cities of the third class that have chartered out of K.S.A. 15-204, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses).
- Mayor-council cities of the second class, commission cities of the second and third class, and cities of the first class that have not chartered out of K.S.A. 13-527, should consider amending their ordinances so that officer appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of all current appointee's one-year terms in April or May can simply be ignored, and the officials can continue in office as "holdovers" until the next, newly-established appointment meeting.
- For cities with terms ending in April 2016, it may be advisable to use the authority in New Section 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to stay on the even-year cycle) or January 2018 (if the city wants to move those terms to the odd-year cycle). The same can be done for officials whose terms end in April of 2018 or 2019.
- Cities may affirm that they continue to operate under the city manager form of government by passing an ordinance stating as much.
- Depending on where L. 2015, ch. 88, sec. 's 71 through 73 are placed in the statute book, cities should consider chartering out of their requirements.

## Potential legislative and regulatory actions by the League

- Potential amendment to K.S.A. 15-204 so that the appointment of city officers occurs closer to the time when elected officials take office.
- Potential amendment to the statement of substantial interest filing deadlines in K.S.A. 75-4302a.
- Potential creation of term extensions for officials whose terms are to end in April of 2016, 2018, or 2019, until January of the following year when those elected in the November general election take office.
- The League will seek clarification from the Secretary of State regarding the apparent conflict between L. 2015, ch. 88, sec. 15(c) and L. 2015, ch. 88, sec. 52.

## Find sample documents to help with your city's transition at <http://www.lkm.org/resources/ordinances/elections>

- Sample ordinances establishing terms of office, and sample ordinances and resolutions extending terms of office.
- A sample ordinance establishing the number of qualified electors of the city which must sign a nomination petition.
- Sample ordinance affirming that a city continues to operate under the city manager form of government.

### Sources

1. L. 2015, ch. 88, sec. 57.
2. For example, to lengthen terms from two to four years, with three council members elected in one year and two council members and the mayor elected two years later.
3. L. 2015, ch. 88, sec. 7(c).
4. *See generally Bigs v. City of Wichita*, 271 Kan. 455 (2001) (discussing the Legislature's ability to make a nonuniform state law uniform by amending the nonuniform provision, and that any charter ordinances opting out of those statute are repealed).
5. *See generally Murray v. Payne*, 137 Kan. 685 (1933) (discussing the Legislature's power to require incumbent city officials holding four-year terms of office to continue in office until the next city election).
6. *See generally Molinari v. Bloomberg*, 564 F.3d 587 (2d Cir. 2009) (discussing the authority of municipalities to extend the terms of sitting elected officials).
7. *But see Wilson v. Clark*, 63 Kan. 505 (1901) (indicating that cities may have Home Rule authority to declare offices with interim terms as vacant).
8. *See* K.S.A. 14-201, K.S.A. 14-1501 and K.S.A. 15-1601.
9. A similar reference is made in L. 2015, ch. 88, sec. 7(d), but its reference to K.S.A. 25-202 appears to be a drafting error.
10. L. 2015, ch. 88, sec. 56.
11. L. 2015, ch. 88, sec. 7(f); L. 2015, ch. 88, sec. 29(i).
12. L. 2015, ch. 88, sec. 53(a).
13. L. 2015, ch. 88, sec. 53(b).
14. <http://www.lkm.org/resources/ordinances/elections>
15. <http://www.lkm.org/resources/ordinances/elections>

CHARTER ORDINANCE NO. 31

A CHARTER ORDINANCE EXEMPTING THE CITY OF MISSION, KANSAS FROM THE PROVISIONS OF K.S.A. 25-2108a RELATING TO PRIMARY ELECTIONS FOR MAYOR AND CITY COUNCIL MEMBERS, AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

**Section 1.** The City of Mission, Kansas, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, elects to exempt itself from the applicability of the provisions of K.S.A. 25-2108a, which do not apply uniformly to all cities. The City of Mission, KS provides substitute provision on the same subject as hereinafter provided.

**Section 2. PRIMARY CITY ELECTIONS**

- A. A primary election shall be held on the first Tuesday in August of odd-numbered years if needed to reduce the number of candidates for each office in the general election to no more than two (2) candidates. The two (2) candidates receiving the greatest number of votes for each office shall advance to the general election.
- B. In the event there are not more than two (2) candidates for any one office, there shall be no primary election and the names of such candidates shall be placed on the general City election ballot.

**Section 3.** This Charter Ordinance shall be published once a week for two (2) consecutive weeks in the official city newspaper.

**Section 4.** This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless a Petition for Referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective if approved by the majority of electors voting.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, by not less than two-thirds of the members elect voting in favor thereof this 11th day of May, 2017.

APPROVED BY THE MAYOR this 11th day of May, 2017.

\_\_\_\_\_  
Steve Schowengerdt, Mayor

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk