

CHAPTER VI. ELECTIONS

- Article 1. City Elections
- Article 2. Wards

ARTICLE 1. CITY ELECTIONS

6-101. ELECTION OF GOVERNING BODY AND MUNICIPAL JUDGE. (a) There shall be no primary elections for city officers. There shall be elected on the first Tuesday succeeding the first Monday in April, 1989, and every four years thereafter, a mayor. Each ward of the city shall be represented by, and shall elect, two councilmen. There shall be elected on the first Tuesday succeeding the first Monday in April, 1987, and every four years thereafter, one councilman from each of the wards of the city and there shall be elected on the first Tuesday, succeeding the first Monday in April, 1989, and every four years thereafter, one councilman from each of the wards of the city. There shall be elected on the first Tuesday succeeding the first Monday in April, 1989, and every four years thereafter, a judge of the municipal court. The mayor, councilmen and municipal judge shall hold their offices for a term of four years.

(b) Candidates for the office of mayor shall be at least 21 years of age on the date of the election and shall be a resident and qualified elector of and within the city. Candidates for councilman shall be at least 21 years of age on the date of the election and shall be a resident and qualified elector of the ward for which they stand for election from. Candidates for office of the judge of the municipal court shall be an attorney in good standing and licensed to practice law within the State of Kansas and a qualified elector of the city. Should any person be elected to the office of mayor or judge of the municipal court and thereafter move their place of domicile to outside the limits of the city, then such person shall cease to be mayor or judge of the municipal court and a vacancy shall be deemed to exist and said vacancy shall be filled as herein provided. In the event that any person elected to the council should change their place of domicile to outside the ward from which they were elected then a vacancy shall be deemed to exist for such position of councilman and said vacancy shall be filled as herein provided.

(c) In the event that a vacancy in the office of council member should occur by reason of resignation, with or without acceptance by the mayor, death, removal from office for cause, or change of residency to outside the ward from which said council member was elected, the vacancy shall be filled in the following manner:

(i) In the event that the vacancy occurs more than 60 days prior to the filing deadline for the next regular city council election, the city clerk shall, within 10 days of the occurrence of the vacancy, cause notice of such vacancy to be mailed to every residence in the ward in which the vacancy occurred. The notice of the vacancy shall be in substantially the following form:

"A vacancy exists in the position of council member from your ward. A special election will be held to elect a successor to fill the vacancy. Candidates for the position of council member must be at least 21 years of age on the date of the

election and a resident and qualified elector of the ward for which they stand for election from. Anyone wishing to be a candidate for the remaining term which expires _____, 20____ should contact the city clerk and obtain a statement of candidacy. In order to be a candidate, the statement of candidacy together with a filing fee of \$10.00 or in lieu of such filing fee, a petition signed by 50 qualified electors of the ward or by at least one percent of the number of ballots cast in the ward in the last general city election, whichever is less, must be filed with the city clerk by _____, 20____. Notice of the vacancy shall be published once in the official city newspaper not later than 14 days after the vacancy occurs. The city clerk shall, within five days of the occurrence of the vacancy, notify the Election Commissioner that a special election will need to be held within the city and shall obtain from the Election Commissioner a date for such election consistent with the time provided in (iii) hereof.

(ii) Any person desiring to be a candidate must file the statement of candidacy and pay the filing fee or submit the proper petition by 5:00 p.m on the 20th day following the mailing of the notice.

(iii) The city shall hold a special election for the purpose of electing a council member from among those persons who has properly filed a statement of candidacy as hereinbefore set forth. Such special election shall be held not less than 60 days nor more than 70 days following the date upon which such vacancy occurred. Only qualified electors within the ward in which the vacancy occurred shall be entitled to vote. The candidate receiving the greatest number of votes upon certification of the results by the county election officer shall assume the position of councilmember at the first regular meeting of the governing body following certification of the election.

(iv) Failure to follow the precise procedure provided herein shall not invalidate the results of any election held hereunder.

(v) In the event that the vacancy occurs less than 60 days prior to the filing deadline for the next regular city council election, the vacancy shall not be filled prior to the next regular city council election and the candidate receiving the greatest number of votes for the vacancy position at the next regular city council election shall fill the vacancy for the remaining term.

(vi) If at any time there are more than two vacancies existing in the office of council member or in the event no person files a statement of candidacy as provided herein to fill the vacancy council position, the mayor, upon the advice and consent of a majority of the remaining council members, shall appoint a suitable resident and qualified elector of the ward in which said vacancy occurs to complete the unexpired term of office.

(d) In the event that a vacancy in the office of judge of the municipal court should occur by reason of resignation, with or without acceptance by the mayor, death, removal from office for cause, or change of residency to outside the limits of the city, the mayor, upon the advice and consent of a majority of the council members, shall appoint a suitable resident and qualified elector of the city to fill the vacancy in the office of judge of the municipal court to complete the unexpired term. Any person appointed to fill such a vacancy in the office of judge of the municipal court shall be an attorney in good standing and licensed to practice law in the State of Kansas.

(e) In the event of a vacancy occurring in any appointive office, the mayor shall, by and with the consent of the city council, appoint a person to fill the vacancy. Such appointment shall be made within 60 days of the occurrence of such vacancy

and the person so appointed shall serve for the remainder of the unexpired term. Any person so appointed shall meet the requirements of this ordinance applicable to such position.

(f) No person shall hold or occupy more than one office of the city, whether elective or appointive, at the same time.

(g) For purposes of this section, the phrase removal from office for cause shall refer to removal pursuant to section 1-318(h) of the Code of the City of Roeland Park, Kansas.

(h) In the event that a vacancy in the office of the mayor should occur because of death, resignation, removal from office for cause, change of residency to outside the limits of the city, then, if the president of the council has executed a non-candidacy statement as hereinafter set forth, he or she shall become the mayor until his or her successor is elected as hereinafter provided. If the president of the council has not executed a non-candidacy statement, then the most senior councilman (determined by most recent continuous time in office) who has executed a non-candidacy statement shall serve as mayor until his or her successor is elected. In the event there is not one councilman who is the most senior then the council shall choose the mayor from among the most senior councilmen who have executed non-candidacy statements. A successor to the mayor shall be selected in the following manner:

(i) In the event that the vacancy occurs more than 60 days prior to the filing deadline for the next regular city election at which a mayor would be elected, the city clerk shall, within 10 days of the occurrence of the vacancy cause a notice to be mailed to every residence in the city. The notice shall be in substantially the following form:

"A vacancy existed in the office of Mayor of the City; such vacancy has been temporarily filled. However, a special election will be held to elect a successor to fill the unexpired term of the Mayor of the City. Candidates for the position of Mayor must be at least 21 years of age on the date of the election and a resident and qualified elector of the City. Anyone wishing to be a candidate for the remaining term which expires _____, 20__ should contact the city clerk and obtain a statement of candidacy. In order to be a candidate, the statement of candidacy together with a filing fee of \$10 or in lieu of such filing fee, a petition signed by 50 qualified electors of the City or by at least one percent of the number of ballots cast and counted in the last general city election, whichever is less, must be filed with the city clerk by _____, 20__."

A copy of the Notice shall be published once in the official city newspaper not later than 14 days after the vacancy occurs.

The city clerk shall, within five days of the occurrence of the vacancy, notify the Election Commissioner that a special election will need to be held within the city and shall obtain from the Election Commissioner a date for such election consistent with the time provided in (iii) hereof.

(ii) Any person desiring to be a candidate must file the statement of candidacy and pay the filing fee or submit the proper petition by 5:00 p.m. on the 20th day following the mailing of the notice.

(iii) The city shall hold a special election for the purpose of electing a Mayor from among those persons who have properly filed a statement of candidacy as hereinbefore set forth. Such special election shall be held not less than 60 days nor more than 70 days following the date upon which such vacancy occurred. Only

qualified electors of the city shall be entitled to vote. The candidate receiving the greatest number of votes upon certification of the results by the county election officer shall assume the position of Mayor at the first regular meeting of the governing body following certification of the election.

(iv) Failure to follow the precise procedure provided herein shall not invalidate the results of any election held hereunder.

(v) In the event that the vacancy occurs less than 60 days prior to the filing deadline for the next regular city election at which a Mayor would be elected, the procedure provided herein shall not apply and the candidate receiving the greatest number of votes for the position of Mayor at such regular city election shall succeed to the office of Mayor.

The non-candidacy statement shall be in substantially the following form:

The undersigned councilman of the City of Roeland Park hereby states that I will not be a candidate for the position of Mayor to fill the unexpired term caused by the vacancy in office of the Mayor occurring more than 60 days prior to the filing deadline for the next regular city election at which the Mayor would be elected or if such vacancy has occurred within 60 days of such filing deadline, I will not be a candidate for the position of Mayor in the next regular city election at which a mayor would be chosen. I agree not to file a statement of candidacy for such position and further agree that any such statement filed by me or on my behalf shall be void and of no force or effect and that the Election Commissioner shall not include my name on any list of candidates for the position of mayor at any election conducted under the provisions of this subsection.

(C.O. No. 12, Sec. 4; C.O. No. 14, Secs. 2:3)

6-102. RECALL. The recall of elected city officers shall be handled as provided by K.S.A. 25-4318 et seq. (Code 1986)

ARTICLE 2. WARDS

- 6-201. DIVISION OF CITY INTO WARDS. The City of Roeland Park, Kansas, a city of the second class, shall be divided into four wards for election purposes pursuant to the provisions of K.S.A. 14-103. (Code 1977, 4-201; Code 1986)
- 6-202. WARD ONE. The first ward of the city shall comprise and embrace that part of the city beginning at the intersection of the north city limit line with the center line of Roe Boulevard; thence west along the north city limits to the center line of Nall Avenue, being the westerly city limit; thence south and west along the west city limit line to the center line of Sycamore Drive; thence east along the center line of Sycamore Drive to the center line of Alder Drive; thence easterly along the center line of Alder Drive to the center line of Sherwood Drive; thence northeasterly along the center line of Sherwood Drive to the center line of Rosewood Drive; thence southeasterly along the center line of Rosewood Drive to the center line of Roe Boulevard; thence north and northwest along the center line of Roe Boulevard to the point of beginning. (Ord. 725, Sec. 1; Code 2003)
- 6-203. WARD TWO. The second ward of the city shall comprise and embrace that part of the city beginning at the intersection of the center line of Roe Boulevard and the center line of 52nd Street Terrace; thence east along the center line of 52nd Street Terrace to the center line of Buena Vista Drive; thence northwesterly along the center line of Buena Vista Drive to the center line of 50th Street; thence northeasterly along the center line of 50th Street to the center line of Clark Drive; thence northwesterly along the center line of Clark Drive to the center line of Elledge Drive; thence northeasterly along the center line of Elledge Drive to the center line of Parish Drive; thence southeasterly along the center line of Parish Drive to the center line of 48th Street; thence northeasterly and easterly along the center line of 48th Street to the center line of Neosho Avenue; thence south along the center line of Neosho Avenue to the center line of 49th Street; thence east along the center line of 49th Street to the center line of Howe Drive; thence south along the center line of Howe Drive to the center line of 50th Street; thence easterly along the center line of 50th Street to the center line of Mission Road, being the east city limit; thence north along the east city limit line to the center line of 47th Street, being the north city limit; thence west along the north city limit line to the center line of Roe Boulevard; thence southeasterly and south along the center line of Roe Boulevard to the point of beginning. (Ord. 725, Sec. 2; Code 2003)
- 6-204. WARD THREE. The third ward of the city shall comprise and embrace that part of the city beginning at the intersection of the west city limit line and the center line of Sycamore Drive; thence east along the center line of Sycamore Drive to the center line of Alder Drive; thence easterly along the center line of Alder Drive to the center line of Sherwood Drive; thence northeasterly along the center line of Sherwood Drive to the center line of Rosewood Drive; thence southeasterly along the center line of Rosewood Drive to the center line of Roe Boulevard; thence south along the center line of Roe Boulevard to the center line of Johnson Drive, being the south city limit; thence westerly and northwesterly along the south city limit line to its intersection with the west city limit line; thence north along the west city limit line to the point of beginning. (Ord. 725, Sec. 3; Code 2003)

6-205.

WARD FOUR. The fourth ward of the city shall comprise and embrace that part of the city beginning at the intersection of the center line of Roe Boulevard and the center line of 52nd Street Terrace; thence east along the center line of 52nd Street Terrace to the center line of Buena Vista Drive; thence northwesterly along the center line of Buena Vista Drive to the center line of 50th Street; thence northeasterly along the center line of 50th Street to the center line of Clark Drive; thence northwesterly along the center line of Clark Drive to the center line of Elledge Drive; thence northeasterly along the center line of Elledge Drive to the center line of Parish Drive; thence southeasterly along the center line of Parish Drive to the center line of 48th Street; thence northeasterly and easterly along the center line of 48th Street to the center line of Neosho Avenue; thence south along the center line of Neosho Avenue to the center line of 49th Street; thence east along the center line of 49th Street to the center line of Howe Drive; thence south along the center line of Howe Drive to the center line of 50th Street; thence easterly along the center line of 50th Street to the center line of Mission Road, being the east city limit; thence south along the east city limit line to its intersection with the south city limit line; thence westerly along the south city limit line to the center line of Roe Boulevard; thence north along the center line of Roe Boulevard to the point of beginning.

(Ord. 725, Sec. 4; Code 2003)