

November 29, 2018

SENT ELECTRONICALLY

Mayor Mike Kelly
Roeland Park City Council Members
4600 W. 51st Street
Roeland Park, KS 66205

Mr. Mayor and Council:

The Johnson County Election Office has received numerous phone calls inquiring about a special election in Ward 1 of Roeland Park to fill a vacancy due to an impending resignation by Becky Fast who will be assuming the role of County Commissioner, District 1, in January of 2019.

The Election Office has reviewed Roeland Park Charter Ordinance No. 32 and notes these landmarks for a vacancy occurring more than 180 days prior to the next scheduled city election:

1. The City Clerk shall notify the Election Commissioner within 5 days of the occurrence of the vacancy.
2. The City Clerk shall publish the vacancy once within 10 days of the occurrence.
3. Filings for the position shall be accepted for 20 days following the publication.
4. A special election shall be held in not less than 60 days and not more than 70 days.

In effect, this schedule would leave 40 days to create and conduct an election for the city. The Election Office is federally mandated to mail or email a ballot to every Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voter in the ward who is eligible to vote. The deadline is 45 days prior to any election. By the Charter Ordinance schedule, the Election Office would not even know the names of the candidates on the 45th day.

Within the 60 to 70 days allotted for the special election, the Election Office must:

1. Secure the polling location(s).
2. Assign election workers for advance voting at the Election Office for one week prior to Election Day.
3. Assign election workers for Election Day.
4. Train election workers.
5. Create the election and prepare the ballots.
6. Program voting machines.
7. Deliver and set up voting machines.
8. Receive files from the election vendor for the Ballot on Demand printers.
9. Mail ballots to all voters on the sick or disabled list for the ward.
10. Mail ballots to all voters who have requested advance voting ballots.
11. Conduct advance/early voting in person at the Election Office for one week prior to the election.
12. Conduct the election on Election Day from 7:00 a.m. to 7:00 p.m.

The Election Office has assessed time requirements for special elections held by cities of different populations/numbers of registered voters and has determined 91 days (13 weeks) are required for special elections in one ward of one city in cities the size of Roeland Park.

As we cannot offer legal advice, please review this matter with the Roeland Park city attorney for advice as to the best way to proceed. Your city attorney may wish to review your charter ordinance issues with the Secretary of State's office as well.

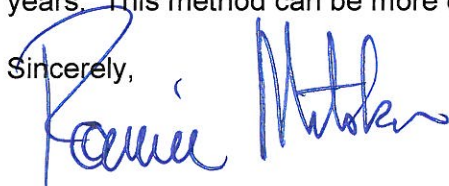
The Election Office has been able to hold special elections for Roeland Park by getting an earlier start on the election. When an elected official who is vacating a position sends a letter to the city as soon as possible, informing the city of the effective date of the vacancy, the Election Office can begin preparations, upon notification by the city. The council person may be able to continue to serve up to the date of the resignation, depending on timing and other factors.

Ms. Fast may wish to submit her resignation letter as soon as possible, with an appropriate effective date. This could allow her to serve as long as possible, and also allow the council to formally request the special election such that the Election Office can have the necessary 91 days.

Also, please note that if the vacancy were due a sudden unforeseen event, it would not be possible to give sufficient notice to the Election office. Therefore, please consider reviewing with your city attorney the option to amend Charter Ordinance No. 32 to allow at least 91 days to hold a special election to fill a vacancy for mayor or council.

The City also may want to consider that 17 of the 19 Johnson County cities use various methods of appointment to fill vacancies until the next scheduled city election, in the fall of odd years. This method can be more expedient and is much less expensive.

Sincerely,



Ronnie Metsker
Johnson County Election Commissioner

Cc: Keith Moody, City Administrator
Kelley Bohon, City Clerk
Debbie Tyrrel, Deputy Election Commissioner