

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT  
RESOLUTION NO. 5022**

As Amended by Senate Committee on Judiciary

**Brief\***

HCR 5022, as amended, if adopted by a two-thirds majority of each chamber of the Kansas Legislature and approved by voters, would amend Article 9, Sections 2 and 5 of the *Kansas Constitution* to add language concerning the election of county sheriffs and removal of a sheriff from office.

The constitutional amendment would require the election of a county sheriff in counties that had not abolished the office of sheriff before January 11, 2022, and specify that a sheriff be elected in such counties for a term of four years. [Note: Riley County abolished its sheriff's office in 1974 and is the only county in Kansas without a sheriff.]

The amended section would state any county that had abolished the office of sheriff prior to January 11, 2022, would be authorized to restore the office of sheriff as provided by law, and such restoration would be irrevocable.

The amendment would also specify that a county sheriff only may be involuntarily removed from office by a recall election pursuant to Article 4, Section 3 of the *Kansas Constitution* or a writ of *quo warranto* initiated by the Attorney General.

The resolution requires the following explanatory statement be printed on the ballot with the text of the amendment if it is submitted to voters for their approval:

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

This amendment would preserve the right of citizens of each county that elected a county sheriff as of January 11, 2022, to continue electing the county sheriff. The amendment would also provide that a county sheriff only may be involuntarily removed from office pursuant to either a recall election or a writ of *quo warranto* initiated by the attorney general. A vote for this proposition would preserve the right of citizens of each county that elected a county sheriff as of January 11, 2022, to continue electing the county sheriff via popular vote. The amendment would also direct that a county sheriff only may be involuntarily removed from office pursuant to either a recall election or a writ of *quo warranto* initiated by the attorney general. A vote against this proposition would not make any changes to the constitution and would retain current law concerning the election of a sheriff and the procedures for involuntary removal of a sheriff from office.

If approved by two-thirds of the Legislature, the text of the resolution and the yea and nay votes of both the Kansas House of Representatives and the Kansas Senate would be published in the journals of both chambers.

The resolution requires the proposed constitutional amendment be submitted to voters in conjunction with the primary election in August 2022.

### **Background**

The proposed constitutional amendment was introduced by the House Committee on Federal and State Affairs at the request of Representative Barker.

### ***House Committee on Federal and State Affairs***

In the House Committee hearing, **proponent** testimony was provided by representatives of the Johnson County Sheriff's Office and the Kansas Sheriffs Association. Proponents stated elected sheriffs are directly responsible to voters, are insulated from undue influence by county officials, and have seen recent efforts to erode the authority of their office.

The Director of the Riley County Police Department provided **opponent** testimony, stating the Riley County structure has led to cost saving and low crime rates, and expressing concern that the exemption for Riley County could be removed in the legislative process.

Representative Dodson and the Riley County Counselor provided neutral testimony.

The House Committee amended the resolution to change the specified dates to January 11, 2022, instead of January 11, 2021.

### ***Senate Committee on Judiciary***

In the Senate Committee hearing, **proponent** testimony was provided by the same conferees as in the House Committee hearing. The Attorney General provided written-only proponent testimony.

A representative of the Riley County Police Department testified as a neutral conferee.

The Senate Committee amended the resolution to change its submission to voters from the November 2022 general election to the August 2022 primary election.

***Fiscal Note***

No fiscal note was available when the Senate Committee took action on the resolution.

Sheriff; elections; *Kansas Constitution*