

City of Bel Aire, Kansas

STAFF REPORT

DATE: November 2, 2022

TO: Governing Body

FROM: City Attorney

RE: School Districts ability to add ballot question



Background: The County Election office advised the City of Bel Aire that it would not be adding questions related to term limits to the county ballot and recommended the City run its own election or conduct a survey. So why then was the School board allowed to add their question related to changing their current voting plan to the ballot?

Here is the School Board's question:

2022 Ballot Question

At the regular meeting on August 22, 2022, the Board of Education approved BOE Resolution 2022-12. This resolution places the following title and question on the November 8, 2022 ballot:

BALLOT TITLE

Six (6) board member positions for the U.S.D. 259 Board of Education are now elected from separate districts and one board member is elected at-large. Voters in primary elections vote for member positions from the district where they reside and for an at-large member position. Voters in general elections vote for member positions from all six (6) districts and for the at-large member position.

It is proposed the method of electing board members be changed to a system wherein voters in both primary and general elections vote for the member position from the district where they reside and for the at-large member position.

QUESTION

SHALL A CHANGE IN THE METHOD OF ELECTION AS DESCRIBED ABOVE BE APPROVED?

YES ___ NO ___

Discussion:

The answer is that the School Board is required by Statute to seek its electorate on the matter, therefore their voting plan question is a **binding question**. If the school board were to disagree with the outcome of the vote it would still be required to abide by the results, and future school

boards would have to abide as well. No changes could be made to the statute until the matter was taken back before the electorate.

Not so with the City's question, even if our current Council agreed to bind itself to the results of the outcome of a vote on terms, future councils would retain the direct legislative authority to change the council terms by ordinance—without a vote from the public—even if this council promised not to. On certain legislative matters a council cannot give up its obligation to legislate. The County Elections office could run separate elections for cities on advisory questions, understanding they are non-binding, but they feel it would be cost prohibitive to do so.