

1 (Published in the Topeka Metro News November 1, 2010 and November 8, 2010).

2
3 **CHARTER ORDINANCE NO. 102**

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5 A CHARTER ORDINANCE introduced by Councilmember Jeff Preisner and
6 Councilmember Larry Wolgast exempting the City of
7 Topeka from the provisions of K.S.A. 25-2108a relating to
8 primary elections and amending sections of the
9 governing Charter Ordinance codified at § A2-1 and §
10 A2-22.

11 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
12 CITY OF TOPEKA, KANSAS, THAT:

13 Section 1. Charter Ordinance No. 94, § 1, as amended and as codified at §
14 A2-1 of the Code of the City of Topeka is hereby amended to read as follows:

15 **Statutes made inapplicable.**

16 The City of Topeka, Kansas, by the power vested in it by article 12, section 5, of
17 the Constitution of the State of Kansas, hereby elects to exempt itself from and make
18 inapplicable to it the provisions of K.S.A. 12-3002, 12-3003, 13-103, 13-502, 13-506
19 through 13-516, 13-518, 13-527, 13-907, 13-1011, 13-1013, 13-1410, 25-2107, 25-
20 2108a, 25-2110, 25-2110a, and 25-2117, and provide substitute and additional
21 provisions as hereinafter set forth in this Charter Ordinance. Such referenced provisions
22 are either enactments or a part thereof which are applicable to this city but are not
23 applicable uniformly to all cities.

24 Section 2. Charter Ordinance No. 94, § 8 as codified at § A2-22 of the Code of
25 the City of Topeka is hereby amended to read as follows:

26 **Election and terms.**

27 (a) Time of primary and general elections. The primary city election for the
28 Mayor and district Councilmembers shall be held on the Tuesday preceding by five (5)
29 weeks the first Tuesday in April of ~~2005 and every two (2) years thereafter~~ odd
30 numbered years, and the general city election shall be held on the first Tuesday in April

31 of ~~2005 and every two (2) years thereafter~~odd numbered years, both elections to be
32 conducted in the manner prescribed in this Charter Ordinance and applicable state law.

33 (b) Primary elections. In ~~2005 and in each subsequent~~ year in which the term
34 of the Mayor expires, if there are more than two (2) candidates who have filed for the
35 office of Mayor, a primary city election at large shall be held for the nomination of two
36 (2) candidates for the office. Each qualified elector of the city shall be entitled to vote for
37 one (1) candidate. The two (2) candidates receiving the greatest number of votes cast
38 shall be placed on the general city election ballot as the candidates nominated for
39 election as Mayor.

40 In ~~2005, and in each subsequent~~ year in which the term of a district
41 Councilmember expires, if there are more than two (2) candidates who have filed for the
42 office to be filled, a primary city election shall be held within each such district for the
43 nomination of two (2) candidates from that district. Each qualified elector who is a
44 resident of the district shall be entitled to vote for one (1) candidate from his or her
45 district. The two (2) candidates from each such district receiving the greatest number of
46 votes cast shall be placed on the general city election ballot as the candidates
47 nominated for election from the district.

48 (c) General elections. In the general city mayoral election all qualified electors
49 of the city shall be entitled to vote on the election of the Mayor. Of the two (2)
50 candidates nominated for the office of Mayor, the candidate receiving the highest
51 number of votes in the general election shall be elected Mayor.

52 ~~In the 2005 general city election each qualified elector who is a resident of the~~
53 ~~district shall be entitled to vote on the election of the district Councilmember from that~~
54 ~~respective district in the election for districts 1, 3, 5, 7, and 9. The candidate receiving~~
55 ~~the highest number of votes in the general city election of the two (2) candidates~~
56 ~~nominated from those districts shall be elected as Councilmember from those districts.~~
57 In each ~~subsequent~~ year in which the term of a district Councilmember expires, each

58 qualified elector who is a resident of the district shall be entitled to vote in the city
59 general election for the Councilmember from his/her respective district. The candidate
60 receiving the highest number of votes in the general city election of the two (2)
61 candidates nominated from those districts shall be elected as Councilmember from
62 those districts.

63 (d) Terms of office. The Mayor shall be elected to a four (4) year term. The
64 district Councilmembers shall be elected to staggered four (4) year terms. ~~To maintain~~
65 ~~the district Councilmember elections on a staggered basis, year 2005 elections will be~~
66 ~~held only for Council positions in districts 1, 3, 5, 7, and 9. Districts 2, 4, 6, and 8 will~~
67 ~~continue to be represented by Councilmembers elected in 2003, whose terms will expire~~
68 ~~in 2007.~~

69 Section 3. This Ordinance shall be published once each week for two (2)
70 consecutive weeks in the official City newspaper.

71 Section 4. This Charter Ordinance shall take effect sixty-one (61) days after
72 final publication unless a sufficient petition for a referendum is filed and a referendum
73 held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3),
74 of the Kansas Constitution, in which case this Charter Ordinance shall become effective
75 if approved by a majority of the electors voting therein.

76 Section 5. Upon the effective date of this Charter Ordinance, this Charter
77 Ordinance shall be recorded by the City Clerk in a book maintained for such purposes
78 with a statement of the manner of adoption and a certified copy shall be filed with the
79 Secretary of State of the State of Kansas.

80 Section 6. Charter Ordinance No. 94, § 1, as amended and codified at TMC
81 A2-1 and Charter Ordinance No. 94, § 8 codified at TMC A2-22 are hereby specifically
82 repealed.

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84 PASSED AND APPROVED by the Governing Body on October 26, 2010.

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CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

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91 ATTEST:

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Brenda Younger, City Clerk

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96 **STATEMENT OF MANNER OF ADOPTION OF FOREGOING**

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98 The foregoing Charter Ordinance No. 102 was passed on the 26th day of
99 October, 2010, as shown by the minutes, Book 210 Page 352, by a vote of nine (9) for
100 and zero (0) against, being not less than two-thirds (2/3) of the members-elect of the
101 governing body, published in the Topeka Metro News, the official city newspaper, on the
102 1st day of November, 2010, and on the 8th day of November, 2010, being once each
103 week for two (2) consecutive weeks, and there being no petition demanding a
104 referendum filed with the City Clerk within sixty (60) days after the final publication, said
105 Charter Ordinance took effect on the 8th day of January, 2011.

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Brenda Younger, City Clerk

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111 CERTIFICATE

112 CITY OF TOPEKA)
113 COUNTY OF SHAWNEE) ss:
114 STATE OF KANSAS)

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116 I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of
117 Kansas, do hereby certify that the above and foregoing, consisting of 5 typewritten
118 pages, including the page upon which this Certificate is written, is a full true and correct
119 copy of Charter Ordinance No. 102 of the said City of Topeka, that all acts and things
120 required by Article 12, Section 5 of the Constitution of the State of Kansas were done
121 and performed in the manner and within the time prescribed and that said Ordinance
122 became effective on the 8th day of January, 2011.

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Brenda Younger, City Clerk
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