



2022 General Election Amendments *Explained*

Just like we saw on the August ballot, there will be **two** constitutional amendments for consideration on your November 08 ballot in Kansas.

A constitutional amendment seeks to modify the current Kansas Constitution in some way. These amendments must be passed by a majority of voters to go into effect. You'll be asked to vote "YES" or "NO". In general, a "YES" vote changes the Kansas Constitution to reflect the amendment language. A "NO" vote keeps the Kansas Constitution as it is currently written.

While it might not seem like it, constitutional amendments are incredibly rare in Kansas. Unlike some states, Kansas has a strong and relatively modern constitution that needs very little amending, if at all!

Constitutional amendments have widespread and long standing impacts that are hard to reverse. Because of this, any amendment to our constitution should be thoroughly examined.

Let's break down the amendments you will see on your ballot in November.

The Legislative Veto or Suspension of Executive Agency Regulations Amendment (HCR 5014)

This constitutional amendment, if passed, would increase the power of the Kansas Legislature by allowing them to overturn any administrative agency decision with just a majority vote.

How do executive agencies and the Kansas Legislature currently work together?

Currently, [executive agencies](#), like the state health department or state department of education (for example), can independently establish rules and regulations to guide the work of their departments. These regulations are developed by agency experts and go through a multi-stage vetting process, including public hearings, before they are adopted. *Fun fact: There are more than 30,000 regulations on the books in Kansas.* 🤯

Under our current Kansas Constitution, the Kansas Legislature **CAN** pass a bill to make changes regarding executive agencies and their regulations. This process guarantees a separation of powers.

See a full list of executive agencies here:

<https://www.sos.ks.gov/forms/communication/2019/Departments.pdf>

How would this amendment change things?

If passed, this amendment would give more power to the Kansas Legislature, effectively allowing them to overturn any executive agency policies.

For example, the Kansas Department of Health and Human Services leads the state pandemic policy. The Kansas Department of Education sets standards for curriculum. These regulations, and even smaller ones, like which athletic division a school is in, would be in the hands of state legislators instead of experts.

Kansas lawmakers would no longer have to craft thoughtful legislation to enact changes but could sidestep agency rules they disagreed with by a simple majority vote. This would not only negate the power of the Governor's office but also of long-time civil servants.

The full impact of passing this amendment is unclear. We can't predict how often the legislature would use this amendment to remove regulations it disagreed with or how far their oversight could go.

What does a "YES" or "NO" vote mean?

A **NO** vote preserves the Kansas constitution as written. Executive agencies, like the Department of Agriculture, can adopt regulations to guide their work. Currently, Kansas lawmakers can write and pass legislation to address any of these regulations they disagree with.

A **YES** vote changes our constitution and gives Kansas lawmakers the power to remove any regulation they disagree with by a simple majority vote *instead of by writing and passing legislation*.

What will I see on my ballot?

There will be quite a bit of text on your ballot explaining this amendment. Here's the official statement you will see on Election Day.

Explanatory statement. The purpose of this amendment is to provide the legislature with oversight of state executive branch agencies and officials by providing the legislature authority to establish procedures to revoke or suspend rules and regulations.

A vote for this proposition would allow the legislature to establish procedures to revoke or suspend rules and regulations that are adopted by state executive branch agencies and officials that have the force and effect of law.

A vote against this proposition would allow state executive branch agencies and officials to continue adopting rules and regulations that have the force and effect of law without any opportunity for the legislature to directly revoke or suspend such rules and regulations.

Shall the following be adopted?

§ 17. Legislative oversight of administrative rules and regulations. Whenever the legislature by law has authorized any officer or agency within the executive branch of government to adopt rules and regulations that have the force and effect of law, the legislature may provide by law for the revocation or suspension of any such rule and regulation, or any portion thereof, upon a vote of a majority of the members then elected or appointed and qualified in each house.

Yes

No

Election of County Sheriffs Constitutional Amendment (HCR 5022)

This constitutional amendment, if passed, would mandate the election of county sheriffs and would give the Attorney General the authority to initiate the recall of county sheriffs from office.

How are sheriff elections and recalls currently handled?

Right now, the decision about whether a sheriff is elected or appointed in Kansas is handled by the local government. Every Kansas county, other than Riley County, currently elects their sheriff. However, if local governments choose to reorganize or change their process in the future, they are able to do so.

Currently, a sheriff recall can be initiated by voters through a petition process or by the local District Attorney.

How would this amendment change things?

If passed, this amendment would lock in the election of sheriffs in every county other than Riley County. This effectively takes power away from local governments that might want to reorganize in the future.

This amendment would also transfer the power to initiate a sheriff recall from local District Attorneys to the state Attorney General. Voters could still initiate a sheriff recall via a petition process.

What does a “YES” or “NO” vote mean?

A **NO** vote would preserve the Kansas constitution as written. Local governments would continue to determine if their sheriffs were elected. Sheriffs could be recalled by a petition process or by the local District Attorney.

A **YES** vote would mandate that county sheriffs must be elected in every Kansas county, except Riley County. It would also give the state Attorney General the new power to initiate the recall of a local sheriff.

What will I see on my ballot?

There will be quite a bit of text on your ballot explaining this amendment. Here's the official statement you will see on Election Day.

Explanatory statement. 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.

Shall the following be adopted?

§ 2. County and township officers. (a) Except as provided in subsection (b), each county shall elect a sheriff for a term of four years by a majority of the qualified electors of the county voting thereon at the time of voting designated for such office pursuant to law in effect on January 11, 2022, and every four years thereafter.

(b) The provisions of subsection (a) shall not apply to a county that abolished the office of sheriff prior to January 11, 2022. Such county may restore the office of sheriff as provided by law and such restoration shall be irrevocable. A county that restores the office of sheriff shall elect a sheriff by a majority of the qualified electors of the county voting thereon for a term of four years. Such sheriff shall have such qualifications and duties as provided by law. The time of voting for the office of sheriff may be provided for by the legislature pursuant to section 18 of article 2 of this constitution.

(c) The filling of vacancies and the qualifications and duties of the office of sheriff shall be as provided by law.

(d) The legislature shall provide for such other county and township officers as may be necessary.

§ 5. Removal of officers. (a) Except as provided in subsection (b), all county and township officers may be removed from office, in such manner and for such cause, as shall be prescribed by law.

(b) A county sheriff only may be involuntarily removed from office by recall election pursuant to section 3 of article 4 of this constitution or a writ of quo warranto initiated by the attorney general.

Yes

No