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

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

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

Statutes made inapplicable.

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

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

Election and terms.

(a) Time of primary and general elections. The primary city election for the Mayor and district Councilmembers shall be held on the Tuesday preceding by five (5) weeks the first Tuesday in April of 2005 and every two (2) years thereafter odd numbered years, and the general city election shall be held on the first Tuesday in April
of 2005 and every two (2) years thereafter, both elections to be conducted in the manner prescribed in this Charter Ordinance and applicable state law.

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

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

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

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

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

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

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

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

Section 6. Charter Ordinance No. 94, § 1, as amended and codified at TMC
A2-1 and Charter Ordinance No. 94, § 8 codified at TMC A2-22 are hereby specifically
repealed.
PASSED AND APPROVED by the Governing Body on October 26, 2010.

CITY OF TOPEKA, KANSAS

________________________________________
William W. Bunten, Mayor

ATTEST:

______________________________
Brenda Younger, City Clerk
STATEMENT OF MANNER OF ADOPTION OF FOREGOING

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

Brenda Younger, City Clerk

CERTIFICATE

CITY OF TOPEKA )
COUNTY OF SHAWNEE ) ss:
STATE OF KANSAS )

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

Brenda Younger, City Clerk