As Amended by House Committee

Session of 2025

HOUSE BILL No. 2057

By Committee on Elections

Requested by Representative Waggoner

1-22

AN ACT concerning the offices of United States senator, state treasurer and the commissioner of insurance; relating to the filling of vacancies in such offices; requiring the appointment of a person of the same political party as the incumbent; requiring the legislature to nominate three persons for consideration for such appointment and that the governor appoint one of the nominated persons; establishing the joint committee on vacancy appointments; amending K.S.A. 25-101b and 40-106 and repealing the existing sections; also repealing K.S.A. 25-318.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Upon a vacancy occurs in the office of United States senator from this state, the governor shall make a temporary appointment to fill such vacancy until a successor is elected and qualified. Such temporary appointment shall be made in accordance with the provisions of sections 2 through 6, and amendments thereto. Within two calendar days after receiving a concurrent resolution adopted pursuant to section 6, and amendments thereto, the governor shall appoint one of the three persons designated as candidates in such concurrent resolution to temporarily fill such vacancy. At the time of the next election of representatives in congress immediately following such vacancy, such vacancy shall be filled by election and the senator so elected shall take office upon receiving such senator's certificate of election.

(b) No person shall be appointed pursuant to this act unless such person is a resident of this state and shall have been registered with the same political party for the **two** immediately preceding ~~10~~ **general elections held in even-numbered** years as that of the United States senator elected at the immediately preceding election for such office. If the United States senator elected at the immediately preceding election for such office was not registered with any political party, then any suitable person who is a resident of this state may be appointed pursuant to sections 2 through 6, and amendments thereto.

(c) No person appointed pursuant to subsection (a) shall take office unless such appointment is certified by the secretary of state to the United States senate. The secretary shall not certify any person as

being appointed to fill a vacancy in the office of United States senator unless such person is appointed in accordance with this section.

New Sec. 2. (a) Upon a vacancy occurring in the office of United States senator, the office of state treasurer or the office of the commissioner of insurance, the joint committee on vacancy appointments shall be established. The joint committee shall consist of 14 members as follows:

(1) Five members shall be members of the majority party of the senate;

(2) two members shall be members of the minority party of the senate;

(3) five members shall be members of the majority party of the house of representatives; and

(4) two members shall be members of the minority party of the house of representatives.

(b) Upon the first instance of the establishment of the joint committee, the president of the senate shall appoint the chairperson of the joint committee from the members appointed under subsection (a)(1) and the speaker of the house of representatives shall appoint the vice chairperson from the members appointed under subsection (a)(3). Thereafter, whenever the joint committee is required to be established, the speaker of the house of representatives and the president of the senate shall alternate in appointing the chairperson and vice chairperson. The vice chairperson shall exercise all the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on vacancy appointments shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee.

New Sec. 3. (a) The joint committee on vacancy appointments shall only receive nominations of persons to fill the vacancy from members of the legislature. Each member of the legislature may nominate one person for consideration by the joint committee. Any person so nominated may decline such nomination by submitting written notice thereof to the chairperson.

(b) The joint committee shall review each nominee to verify that such nominee satisfies federal and state requirements to hold such office and to be appointed to fill a vacancy in such office.

(c) The joint committee shall conduct one or more public hearings on the nominations and shall grant each nominee an opportunity to be heard before the joint committee.

(d) At the conclusion of its public hearings, the joint committee shall

submit a report to the senate and the house of representatives identifying five nominees for further consideration by the legislature.

New Sec. 4. (a) Either during the regular session of the legislature if the joint committee meets during such regular session, or at the next regular session or special session of the legislature if the joint committee meets outside of the regular session, the legislature may adopt a concurrent resolution calling for a joint session of the legislature to consider the nominees identified by the joint committee under section 3, and amendments thereto. Upon adoption of a concurrent resolution by both houses of the legislature establishing the date and time for a joint session of the legislature, the senate and the house of representatives shall meet in joint session on such date and time for such purpose. The legislature, when convened in such joint session, shall have no power to perform any act other than considering such nominees.

(b) When in joint session pursuant to this section, the president of the senate shall preside over the proceedings and if the office of the president is vacant or the president is unable to do so, the speaker of the house of representatives shall preside over the proceedings. The chief clerk of the house of representatives and the secretary of the senate shall each keep a record of the proceedings. It shall be the duty of the chief clerk and the secretary to report such proceedings to their respective houses and record such proceedings in their respective journals.

(c) The rules of the house of representatives and the joint rules of the senate and the house of representatives in effect at the time of the joint session shall be the rules for such joint session to the extent such rules do not directly conflict with the provisions of sections 2 through 7, and amendments thereto.

New Sec. 5. (a) All votes for nominees in a joint session of the legislature shall be taken by voice vote. For each such vote, the secretary of the senate shall first call the names of the members of the senate, and then the chief clerk of the house of representatives shall call the names of the members of the house. Each member of the legislature in attendance at the joint session shall be required to vote on all nominees unless excused by a majority vote of the members of the legislature in attendance.

(b) Each nominee identified in the report of the joint committee on vacancy appointments shall be considered and voted upon separately. The nominees so identified shall be considered in alphabetical order based on the nominees' surnames.

(c) Any nominee who receives an affirmative vote from a majority of both the members of the senate and the members of the house of representatives shall be designated by the legislature as a candidate to temporarily fill the vacancy in such office. If a nominee fails to receive the required affirmative vote to be designated as a candidate, a motion to

reconsider such nominee shall be in order only after all nominees have been considered and initially voted upon. If a nominee fails to receive the required affirmative vote after a motion to reconsider such nominee, no second or subsequent motion to reconsider such nominee shall be in order.

(d) When three nominees have received the required affirmative vote to be designated as candidates pursuant to subsection (c), the consideration of nominees shall cease and no votes on any other nominees shall be in order.

(e) (1) If less than three nominees receive the required affirmative votes to be designated as candidates, the legislature shall direct the joint committee on vacancy appointments to reconvene for the consideration of additional nominees to fill such vacancy.

(2) When directed to do so by the legislature, the joint committee shall reconvene and act in accordance with section 3, and amendments thereto. When submitting any second or subsequent report, the joint committee may recommend one or more of the nominees who were recommended in any prior report of the joint committee.

New Sec. 6. (a) Upon the adjournment of a joint session of the legislature at which three nominees received the required affirmative vote to be designated as candidates to fill the vacancy in such office, the speaker of the house of representatives shall cause a concurrent resolution to be introduced in the house designating such nominees as candidates.

(b) The legislature shall adopt a concurrent resolution designating three individuals as candidates to fill the vacancy in such office not more than 21 calendar days after such vacancy occurs.

(c) The time period set forth in subsection (b) may be extended by a vote of $^{2}/_{3}$ of the members of both the senate and the house of representatives, but in no event shall any such extension exceed seven calendar days.

Sec. 7. K.S.A. 25-101b is hereby amended to read as follows: 25-101b. **(a)** At the general election held in 1978 and each four ~~(4)~~ years thereafter, there shall be elected a treasurer for the state of Kansas, whose term of office shall be four ~~(4)~~ years beginning on the second Monday in January next succeeding such treasurer's election. In case of a vacancy in such office, *within two calendar days after receiving a concurrent resolution adopted pursuant to section 6, and amendments thereto,* the governor shall appoint ~~some suitable person~~ *one of the three persons designated as candidates in such concurrent resolution* to serve for the unexpired term and until a successor is elected and qualified. *No person shall be appointed pursuant to this section unless such person is a resident of this state and shall have been registered with the same political party for the* **two** *immediately preceding ~~10~~* **general elections held in even-numbered** *years as that of the state treasurer elected at the immediately*

preceding election for such office. If the state treasurer elected at the immediately preceding election for such office was not registered with any political party, then any suitable person who is a resident of this state may be appointed pursuant to sections 2 through 6, and amendments thereto.

(b) No person appointed pursuant to subsection (a) shall take office unless such appointment is certified by the secretary of state. The secretary shall not certify any person as being appointed to fill a vacancy in the office of treasurer for the state of Kansas unless such person is appointed in accordance with this section.

Sec. 8. K.S.A. 40-106 is hereby amended to read as follows: 40-106. **(a)** At the general election held in 1978 and each four ~~(4)~~ years thereafter, there shall be elected a commissioner of insurance for the state of Kansas, whose term of office shall be four ~~(4)~~ years beginning on the second Monday in January next succeeding such commissioner's election. In case of a vacancy in such office*, within two calendar days after receiving a concurrent resolution adopted pursuant to section 6, and amendments thereto,* the governor shall appoint ~~some suitable person~~ *one of the three persons designated as candidates in such concurrent resolution* to serve for the unexpired term and until a successor is elected and qualified. *No person shall be appointed pursuant to this section unless such person is a resident of this state and shall have been registered with the same political party for the* **two** *immediately preceding ~~10~~* **general elections held in even-numbered** *years as that of the commissioner of insurance elected at the immediately preceding election for such office. If the commissioner of insurance elected at the immediately preceding election for such office was not registered with any political party, then any suitable person who is a resident of this state may be appointed pursuant to sections 2 through 6, and amendments thereto.*

(b) No person appointed pursuant to subsection (a) shall take office unless such appointment is certified by the secretary of state. The secretary shall not certify any person as being appointed to fill a vacancy in the office of commissioner of insurance for the state of Kansas unless such person is appointed in accordance with this section.

New Sec. 9. The provisions of sections 1 through 6, and amendments thereto, and K.S.A. 25-101b and 40-106, as amended by this act, are severable. If any portion of such provisions is declared unconstitutional or invalid, or the application of any portion of such provisions to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of such provisions that can be given effect without the invalid portion or application, and the applicability of such other portions of such provisions to any person or circumstance shall remain valid and enforceable.

Sec. ~~9.~~ **10.** K.S.A. 25-101b, 25-318 and 40-106 are hereby repealed.

Sec. ~~10.~~ **11.** This act shall take effect and be in force from and after its publication in the Kansas register.