

As Amended by House Committee

[As Amended by Senate Committee of the Whole]

Session of 2007

## Substitute for SENATE BILL No. 152

By Senator Pyle

2-19

12 AN ACT concerning elections ~~[filling vacancies in certain elected of-~~  
13 ~~fices] elections~~; pertaining to vacancy in the position of United States  
14 senator; ~~[pertaining to the office of commissioner of insurance;~~  
15 ~~pertaining to the office of state treasurer;]~~ amending K.S.A. 25-  
16 318 ~~[25-101b, 25-318 and 40-106]~~ and repealing the existing section  
17 ~~[sections] section.~~

18

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

20 New Section 1. Whenever any vacancy shall occur in the office of  
21 United States senator from this state, leaving an unexpired term, an elec-  
22 tion shall be held in accordance with this act. Not later than five days  
23 after any such vacancy occurs, the governor shall proclaim the date of  
24 such election in accordance with the provisions of this act.

25 New Sec. 2. Except as is otherwise provided in this act, the governor  
26 shall proclaim the date of any election held under this act to be a day not  
27 less than 45 days nor more than 60 days after such proclamation is issued.  
28 Such proclamation shall be made in writing, signed by the governor and  
29 delivered to the secretary of state. Thereupon the secretary of state shall  
30 promptly cause such proclamation to be published in the Kansas register,  
31 and a copy thereof shall be transmitted by the secretary to the chairperson  
32 of all state political parties authorized to hold statewide conventions under  
33 the provisions of section 4 and amendments thereto.

34 New Sec. 3. (a) In the event that any vacancy occurs to which this  
35 act applies, and such occurrence is not more than 90 days and not less  
36 than 30 days before any primary election of state officers, the election  
37 provided for in this act shall be held on the same date as the primary  
38 election of state officers.

39 (b) In the event that any vacancy occurs to which this act applies, and  
40 such occurrence is not more than 90 days and not less than 30 days before  
41 any regular primary or general election of city and school officers occur-  
42 ring in an odd-numbered year, the election provided for in this act shall  
43 be held within such 90 days and on the same date as such primary or

1 general election.

2 New Sec. 4. Whenever a vacancy has occurred in the office of United  
3 States senator and is to be filled, a statewide convention of each political  
4 party whose candidate for governor received not less than 5% of the votes  
5 cast at the next preceding election of the governor shall be called by the  
6 state chairperson of the party, or if there is no state chairperson, by the  
7 party's candidate for governor at the next preceding general election.  
8 Such convention shall be called for a date not less than 25 days after the  
9 proclamation of election is issued by the governor in the cases to which  
10 section 3, and amendments thereto, does not apply, and within 15 days  
11 in cases to which subsection (a) or (b) of section 3, and amendments  
12 thereto, apply. In accordance with the rules of the statewide party and  
13 the provisions of this act, each such statewide convention shall nominate  
14 a candidate to fill the vacancy which has occurred and shall file a certifi-  
15 cate of the nomination so made with the secretary of state immediately.  
16 Every such certificate shall be signed by the presiding officer and sec-  
17 retary of the convention making such nomination. Independent candi-  
18 dates may be nominated by petition of registered voters of the state equal  
19 in number to 4% of the number of qualified voters of the state. Any such  
20 petition shall be filed with the secretary of state not later than the time  
21 for state party convention certificates to be filed. No candidate shall be  
22 nominated to fill such vacancy by any means other than provided by this  
23 section.

24 New Sec. 5. The secretary of state shall furnish to each county elec-  
25 tion officer, the form for the ballot to be used at the election. The ballot  
26 shall contain the names of the candidates and their political parties or  
27 designations, and these shall appear upon the ballot in substantially the  
28 same form as is provided by K.S.A. 25-616, and amendments thereto, and  
29 the provisions of such statute shall apply to ballots used at such election  
30 to the extent that the same are consistent with the provisions of this act.  
31 ~~The ballot shall indicate that the vote is for the unexpired term.~~ **The**  
32 **ballot shall indicate that the person elected at such election shall**  
33 **serve until a successor is elected and qualified at the next primary**  
34 **and general election for United States representative, at which**  
35 **general election the person elected shall fill the remainder of the**  
36 **unexpired senate term.**

37 New Sec. 6. Elections held under the provisions of this act shall be  
38 conducted by county election officers. Laws relating to registration of  
39 voters shall apply to such election. *[The state shall reimburse each*  
40 *county for the expenses incurred when conducting any election held*  
41 *pursuant to this act.]*

42 New Sec. 7. In all other cases to which this act applies, intermediate  
43 canvass of the election shall be made by the county boards of canvassers

1 at 10 a.m. on the second day following the election, unless such day is a  
2 Sunday or holiday, in which case such canvass shall be on the next fol-  
3 lowing day which is not a Sunday or holiday. County election officers shall  
4 dispatch the abstract of the intermediate canvass to the secretary of state  
5 immediately upon completion of the canvass by the board of county can-  
6 vassers. The state board of canvassers shall meet in the office of the  
7 secretary of state on the fourth day following the election, unless such  
8 day is a Sunday or holiday, in which case such canvass shall be on the  
9 next following day which is not a Sunday or holiday. The state board of  
10 canvassers shall make the final canvass, and the certificate of election of  
11 the candidate receiving the highest number of votes shall be issued in the  
12 same manner as is provided for regular elections of national officers.

13 New Sec. 8. Election laws of the state not inconsistent with the pro-  
14 visions of this act shall apply to elections held under this act.

15 New Sec. 9. Sections 1 through 9, and amendments thereto, shall be  
16 known and may be cited as the vacancy in the United States senate act  
17 for Kansas.

18 Sec. 10. K.S.A. 25-318 is hereby amended to read as follows: 25-318.  
19 When a vacancy shall occur in the office of United States senator from  
20 this state, ~~the governor shall make a temporary appointment to fill such~~  
21 ~~vacancy until the next election of representatives in congress, at which~~  
22 ~~time such vacancy shall be filled by election, and the senator so elected~~  
23 ~~shall take office as soon thereafter as he shall receive his certificate of~~  
24 ~~election there shall be an election to fill such vacancy. The election shall~~  
25 ~~be held in accordance with the vacancy in the United States senate act~~  
26 ~~for Kansas.~~

27 ~~**[Sec. 11. K.S.A. 25-101b is hereby amended to read as follows:**~~  
28 ~~**25-101b. At the general election held in 1978 and each four (4)**~~  
29 ~~**years thereafter, there shall be elected a treasurer for the state of**~~  
30 ~~**Kansas, whose term of office shall be four (4) years beginning on**~~  
31 ~~**the second Monday in January next succeeding such treasurer's**~~  
32 ~~**election. In case of a vacancy in such office,**~~ the governor shall appoint  
33 some suitable person to serve for the unexpired term and until a successor  
34 is elected and qualified ~~a successor shall be elected in accordance with~~  
35 ~~section 13 and amendments thereto.~~

36 ~~**[Sec. 12. K.S.A. 40-106 is hereby amended to read as follows:**~~  
37 ~~**40-106. At the general election held in 1978 and each four (4) years**~~  
38 ~~**thereafter, there shall be elected a commissioner of insurance for**~~  
39 ~~**the state of Kansas, whose term of office shall be four (4) years**~~  
40 ~~**beginning on the second Monday in January next succeeding such**~~  
41 ~~**commissioner's election. In case of a vacancy in such office**~~ the gov-  
42 ernor shall appoint some suitable person to serve for the unexpired term  
43 and until a successor is elected and qualified, ~~a successor shall be elected~~

1 ~~in accordance with section 13 and amendments thereto.~~  
2 ~~[New Sec. 13. Whenever any vacancy shall occur in the office~~  
3 ~~of commissioner of insurance or state treasurer, a successor shall~~  
4 ~~be elected in accordance with this section. The election shall be held~~  
5 ~~in substantial compliance with the procedures established in the act~~  
6 ~~except as provided in this section.~~  
7 ~~—(a) The governor shall issue a proclamation in accordance with~~  
8 ~~section 1 of the act and amendments thereto.~~  
9 ~~—(b) The governor shall set the date for the election of the suc-~~  
10 ~~cessor state official in accordance with sections 2 and 3 of the act~~  
11 ~~and amendments thereto. The secretary of state shall publish the~~  
12 ~~proclamation in the state register as required in section 2 of the act,~~  
13 ~~and amendments thereto, except that a copy of the proclamation~~  
14 ~~shall be sent to the chairperson of the state political party which~~  
15 ~~elected the state official whose office is vacant and such vacancy is~~  
16 ~~being filled in accordance with this section and amendments~~  
17 ~~thereto.~~  
18 ~~—(c) The state chairperson of the state political party that~~  
19 ~~elected the state official whose office is vacant shall notify the party~~  
20 ~~members of the need for one or more candidates for the purpose of~~  
21 ~~electing a successor state official. Each person seeking nomination~~  
22 ~~for the vacant office shall file a certificate of nomination in sub-~~  
23 ~~stantial compliance with the manner specified in article 3 of chapter~~  
24 ~~25 of the Kansas Statutes Annotated and amendments thereto and~~  
25 ~~acts supplemental thereto. At the election, the name of the person~~  
26 ~~receiving the most votes shall be sent to the governor for appoint-~~  
27 ~~ment to fill the unexpired term of the official whose office is vacant.~~  
28 ~~—(d) The secretary of state shall conduct an election for the suc-~~  
29 ~~cessor to the state official whose office is vacant. The election shall~~  
30 ~~be conducted in substantial compliance with sections 5, 6, 7 and 8,~~  
31 ~~of the act and amendments thereto.~~  
32 ~~—(e) For the purposes of this section, the following terms shall~~  
33 ~~have the meanings ascribed to them unless the context requires~~  
34 ~~otherwise:~~  
35 ~~—(1) “Act” means the vacancy in the United States senate act for~~  
36 ~~Kansas.~~  
37 ~~—(2) “State official” means the commissioner of insurance or~~  
38 ~~state treasurer as the context requires.~~  
39 ~~—(f) The secretary of state shall adopt rules and regulations nec-~~  
40 ~~essary to implement the provisions of this section. Such rules and~~  
41 ~~regulations shall include any filing deadlines or other details nec-~~  
42 ~~essary to establish the election procedure required by this section.]~~  
43 ~~Sec. 11. [14.] K.S.A. 25-318 is [25-101b, 25-318 and 40-106 are]~~

1 **25-318 is** hereby repealed.

2     Sec. ~~12~~ **[15.]** This act shall take effect and be in force from and

3 after its publication in the statute book.