

## SENATE BILL No. 428

By Senator Vratil

1-16

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9 AN ACT concerning certain elections; relating to the voting procedure  
10 at district convention elections; amending K.S.A. 2007 Supp. 25-3902,  
11 25-3902a, 25-3904 and 25-3904a and repealing the existing sections.  
12

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

14 Section 1. K.S.A. 2007 Supp. 25-3902 is hereby amended to read as  
15 follows: 25-3902. (a) Except as provided in K.S.A. 25-312a and amend-  
16 ments thereto when a district convention is provided by law to be held  
17 to elect a person to be appointed to fill a vacancy in a district office, the  
18 county chairperson designated in subsection (b) or (c), within 21 days of  
19 receipt of notice that a vacancy has occurred or will occur, shall call and  
20 convene a convention of all committeemen and committeewomen of the  
21 party of the precincts in such district for the purpose of electing a person  
22 to be appointed by the governor to fill the vacancy. If such county chair-  
23 person is absent or for any reason is unable to call, or refuses to call such  
24 convention, then the county vice-chairperson shall call the convention and  
25 perform the other duties under this section required of such chairperson.

26 (b) If the district lies within a single county, the county chairperson  
27 of such county shall call the convention by mailing a notice, at least seven  
28 days before the date of the convention, to each precinct committeeman  
29 and committeewoman who is entitled to vote at the convention pursuant  
30 to subsection (e).

31 (c) If all or part of more than one county lies within the district, the  
32 county chairperson of the county in which the greatest number of qual-  
33 ified voters of the district reside shall call the convention by mailing a  
34 notice of the convention to each county chairperson of the party in each  
35 such county at least 10 days before the date of the convention. Such  
36 convention shall be held at a location within the district selected by the  
37 chairperson calling the convention. Such county chairperson, within three  
38 days after receipt of such notice, shall mail notice of the convention to  
39 the committeemen and committeewomen in their counties who are en-  
40 titled to vote at the convention pursuant to subsection (e).

41 (d) The notice of such convention shall state: (1) The place where  
42 the convention is to be held; (2) the time when the convention will con-  
43 vene; and (3) the purpose for which the convention is to be held.

1 (e) At the time and place fixed for holding the convention, the county  
2 chairperson who called the convention shall act as temporary chairperson  
3 and shall call the convention to order. One-third of the eligible members  
4 of the convention shall constitute a quorum for such election. In the event  
5 a quorum is not present at the time and place that such convention is  
6 called, the members present shall adjourn the convention to a day and  
7 time certain, which shall be not later than 14 days after such adjournment  
8 of such convention, and provide for notification of the time and place of  
9 such adjourned convention to be given to the eligible members not pres-  
10 ent. The convention shall organize by electing a permanent chairperson  
11 and such other officers as necessary. After the convention is organized,  
12 it shall elect a person to be appointed by the governor to fill the vacancy.  
13 Such election shall be by ~~secret~~ ballot and the person elected shall be the  
14 one who receives the majority of all the votes cast. If no person receives  
15 a majority of all votes cast on any ballot, the balloting shall continue until  
16 some person receives a majority of all the votes cast. Each committeeman  
17 and committeewoman of the party of the precincts in such district shall  
18 be entitled to vote. Except as provided in subsection (f), no precinct  
19 committeeman or committeewoman shall be represented or shall vote by  
20 proxy. The convention may adopt such rules necessary to govern its pro-  
21 cedure in making nominations, voting, counting, and canvassing votes and  
22 for the conduct of any business which may properly be brought before  
23 the convention, but such rules shall not be in conflict with the provisions  
24 of this section.

25 (f) (1) A precinct committeeman or committeewoman may vote by  
26 proxy at a convention called pursuant to this section whenever such pre-  
27 cinct committeeman or committeewoman is unable to attend the con-  
28 vention and cast such precinct committeeman's or committeewoman's  
29 ballot.

30 (2) A precinct committeeman or committeewoman may designate an-  
31 other precinct committeeman or committeewoman to cast such precinct  
32 committeeman's or precinct committeewoman's ballot at such convention  
33 by proxy. Any proxy authorized by this subsection shall:

34 (A) Designate the precinct committeeman or committeewoman who  
35 shall cast the precinct committeeman's or precinct committeewoman's  
36 vote by proxy;

37 (B) be signed by the precinct committeeman or precinct committe-  
38 woman authorizing the proxy; and

39 (C) contain an acknowledgment of such precinct committeeman's or  
40 precinct committeewoman's signature which complies with K.S.A. 53-509  
41 and amendments thereto.

42 (g) After a person has been elected to be appointed to fill a vacancy  
43 in a district office, the chairperson or vice-chairperson of the convention

1 shall execute a certificate, under oath, stating that such person has been  
2 duly elected to be appointed to fill such vacancy and shall transmit such  
3 certificate either by hand delivery by a person designated by such chair-  
4 person or vice-chairperson or by registered mail, return receipt re-  
5 quested, to the governor and a copy thereof to the secretary of state. If  
6 transmitted by registered mail, such certificate and the copy thereof shall  
7 be mailed within 24 hours of such election, unless the day following such  
8 election is a Sunday or legal holiday, in which case it shall be mailed by  
9 the next regular business day. Thereupon, and not later than seven days  
10 after such certificate is received in the office of the governor, the gov-  
11 ernor, or in the governor's absence the lieutenant governor, shall fill such  
12 vacancy by appointing to such district office the person so elected. In the  
13 event the governor or lieutenant governor fails to appoint any person as  
14 required by this subsection after receiving a lawfully executed certificate  
15 hereunder, such person shall be deemed to have been so appointed not-  
16 withstanding such failure. The person so appointed may qualify and enter  
17 upon the duties of the district office immediately after appointment.

18 (h) *For the purposes of this section, "ballot" shall mean that:*

19 (1) *Each vote is cast on a paper ballot which is signed by the voter;*  
20 *or*

21 (2) *voting is done by a roll call voice vote at which each voter's vote*  
22 *is recorded in writing.*

23 *All written ballots and all written records of a roll call vote shall be*  
24 *preserved and made available for public inspection upon request.*

25 Sec. 2. K.S.A. 2007 Supp. 25-3902a is hereby amended to read as  
26 follows: 25-3902a. (a) When a vacancy occurs in the office of member of  
27 the state board of education, the county chairperson designated in sub-  
28 section (b), (c) or (d), within 21 days of receipt of notice that a vacancy  
29 has occurred or will occur shall call and convene a district convention for  
30 the purpose of electing a person to be appointed by the governor to fill  
31 the vacancy. Such person shall be an elector of the same political party  
32 as that of the board member vacating such position and shall reside in  
33 the board member district corresponding to such board member position.  
34 If such county chairperson is absent or for any reason is unable to call or  
35 refuses to call such convention, then the county vice-chairperson shall call  
36 the convention and perform the other duties required of such chairperson  
37 under this section.

38 (b) If the board member district lies within a single county, the  
39 county chairperson of such county shall call a convention of all precinct  
40 committeemen and committeewomen of the party of the precincts in such  
41 district in the manner provided by subsections (b) and (d) of K.S.A. 25-  
42 3902 and amendments thereto, and such convention shall be conducted  
43 as provided in subsection (e).

- 1 (c) If all or part of more than one and less than five counties lie within  
2 the board member district, the county chairperson of the county in which  
3 the greatest number of qualified voters of the district reside shall call a  
4 convention of all precinct committeemen and committeewomen of the  
5 party of the precincts in such district in the manner provided by subsec-  
6 tions (c) and (d) of K.S.A. 25-3902 and amendments thereto, and such  
7 convention shall be conducted as provided in subsection (e). Such con-  
8 vention shall be held at a location within the district selected by the chair-  
9 person calling the convention.
- 10 (d) If all or part of five or more counties lie within the board member  
11 district, the county chairperson of the county in which the greatest num-  
12 ber of qualified voters of the district reside shall call a convention of all  
13 county chairpersons and vice-chairpersons of the party of the counties in  
14 such district. Such convention shall be held at a location within the district  
15 selected by the chairperson calling the convention. Such county chair-  
16 person shall call the convention by mailing a notice to each such county  
17 chairperson and vice-chairperson, at least seven days before the date of  
18 the convention. Such notice shall state: (1) The place where the conven-  
19 tion is to be held; (2) the time when the convention will convene; and (3)  
20 the purpose for which the convention is to be held, and such convention  
21 shall be conducted as provided in subsection (e).
- 22 (e) At the time and place fixed for holding the convention, the county  
23 chairperson who called the convention shall act as temporary chairperson  
24 and shall call the convention to order. One-third of the eligible members  
25 of the convention shall constitute a quorum for such election. In the event  
26 a quorum is not present at the time and place that such convention is  
27 called, the members present shall adjourn the convention to a day and  
28 time certain, which shall be not later than 14 days after adjournment of  
29 such convention, and provide for notification of the time and place of  
30 such adjourned convention to be given to the eligible members not pres-  
31 ent. The convention shall proceed to organize by electing a permanent  
32 chairperson and such other officers as necessary. After the convention is  
33 organized, it shall proceed to elect a person to be appointed by the gov-  
34 ernor to fill the vacancy. Such election shall be by ~~secret~~ ballot and the  
35 person elected shall be the one who shall receive the majority of all the  
36 votes cast. If no person receives a majority of all votes cast on any ballot,  
37 the balloting shall continue until some person receives a majority of all  
38 the votes cast. Each county chairperson and vice-chairperson of the party  
39 of the counties in such district shall be entitled to vote. Except as provided  
40 in subsection (f), no county chairperson or vice-chairperson shall be rep-  
41 resented or shall vote by proxy. The convention may adopt such rules as  
42 necessary to govern its procedure in making nominations, voting, counting  
43 and canvassing votes and for the conduct of any business which may

1 properly be brought before the convention, but such rules shall not be in  
2 conflict with the provisions of this section.

3 (f) (1) A precinct committeeman or committeewoman who serves as  
4 county chairperson or vice-chairperson may vote by proxy at a convention  
5 called pursuant to this section whenever such precinct committeeman or  
6 committeewoman is unable to attend the convention and cast such pre-  
7 cinct committeeman's or committeewoman's ballot.

8 (2) A precinct committeeman or committeewoman may designate an-  
9 other precinct committeeman or committeewoman to cast such precinct  
10 committeeman's or precinct committeewoman's ballot at such convention  
11 by proxy. Any proxy authorized by this subsection shall:

12 (A) Designate the precinct committeeman or committeewoman who  
13 shall cast the precinct committeeman's or precinct committeewoman's  
14 vote by proxy;

15 (B) be signed by the precinct committeeman or precinct committe-  
16 woman authorizing the proxy; and

17 (C) contain an acknowledgment of such precinct committeeman's or  
18 precinct committeewoman's signature which complies with K.S.A. 53-509  
19 and amendments thereto.

20 (g) After a person has been elected to be appointed to fill a vacancy  
21 in the office of member of the state board of education, the chairperson  
22 or vice-chairperson of the convention shall execute a certificate, under  
23 oath, stating that such person has been duly elected to be appointed to  
24 fill such vacancy and shall transmit such certificate to the governor. There-  
25 upon, and not later than seven days after such certificate is received in  
26 the office of the governor, the governor, or in the governor's absence the  
27 lieutenant governor, shall fill such vacancy by appointing to the office of  
28 member of the state board of education the person so elected. In the  
29 event the governor or lieutenant governor fails to appoint any person as  
30 required by this subsection after receiving a lawfully executed certificate  
31 hereunder, such person shall be deemed to have been so appointed not-  
32 withstanding such failure. The person so appointed may qualify and enter  
33 upon the duties of office immediately after appointment.

34 (h) A person shall be elected to be appointed to fill a vacancy in the  
35 office of member of the state board of education within 35 days after such  
36 vacancy occurs. If no person is so elected within the 35-day period, the  
37 governor shall fill such vacancy by appointment of an elector of the same  
38 political party as that of the board member vacating such position and  
39 who resides in the board member district corresponding to such board  
40 member position. The person so appointed may qualify and enter upon  
41 the duties of office immediately after appointment.

42 (i) *For the purposes of this section, "ballot" shall mean that:*

43 (1) *Each vote is cast on a paper ballot which is signed by the voter;*

1 *or*

2 (2) *voting is done by a roll call voice vote at which each voter's vote*  
3 *is recorded in writing.*

4 *All written ballots and all written records of a roll call vote shall be*  
5 *preserved and made available for public inspection upon request.*

6 Sec. 3. K.S.A. 2007 Supp. 25-3904 is hereby amended to read as  
7 follows: 25-3904. (a) When a district convention is provided by law to be  
8 held to elect a person to fill a vacancy in a party candidacy for a district  
9 office, the county chairperson designated in subsection (b) or (c), within  
10 21 days of the receipt of the notice that the vacancy has occurred or will  
11 occur shall call and convene a convention of all committeemen and com-  
12 mitteewomen of the political party from the precincts in such district. If  
13 such county chairperson is absent or for any reason is unable to call, or  
14 refuses to call such convention, then the corresponding county vice-chair-  
15 person shall call the convention and perform the other duties under this  
16 section required of such chairperson.

17 (b) If the district lies within a single county, the county chairperson  
18 of such county shall call the convention by mailing a notice at least seven  
19 days before the date of the convention to the committeemen and com-  
20 mitteewomen in such county who are entitled to vote at such convention  
21 pursuant to subsection (e).

22 (c) If all or part of more than one county lies within the district, the  
23 county chairperson of the county in which the greatest number of qual-  
24 ified voters of the district reside shall call the convention by mailing a  
25 notice of such convention to each county chairperson of the party in each  
26 such county, at least 10 days before the date of the convention. Such  
27 convention shall be held at a location within the district selected by the  
28 chairperson calling the convention. Such county chairpersons shall, within  
29 three days after receipt of such notice, mail notice of such convention to  
30 the committeemen and committeewomen in their counties who are en-  
31 titled to vote at such convention pursuant to subsection (e).

32 (d) The notice of such convention shall state: (1) The place where  
33 the convention is to be held; (2) the time when the convention will con-  
34 vene; and (3) the purpose for which the convention is to be held.

35 (e) At the time and place fixed for holding the convention, the county  
36 chairperson who called the convention shall act as temporary chairperson  
37 and shall call the convention to order. One-third of the eligible members  
38 of the convention shall constitute a quorum for such election. In the event  
39 a quorum is not present at the time and place that such convention is  
40 called, the members present shall adjourn the convention to a day and  
41 time certain, which shall not be later than 14 days after such adjournment  
42 of such convention, and provide for notification of the time and place of  
43 such adjourned convention to be given to the eligible members not pres-

1 ent. The convention shall organize by electing a permanent chairperson  
2 and such other officers as necessary. After the convention is organized,  
3 it shall elect a person to fill such vacancy in the party candidacy. Such  
4 election shall be by ~~secret~~ ballot and the person elected shall be the one  
5 who receives the majority of all the votes cast. If no person receives a  
6 majority of all votes cast on any ballot, the balloting shall continue until  
7 some person receives a majority of all the votes cast. Each committeeman  
8 and committeewoman of the party of the precincts in such district shall  
9 be entitled to vote. Except as provided in subsection (f), no precinct  
10 committeeman or committeewoman shall be represented or shall vote by  
11 proxy. The convention may adopt rules as necessary to govern its proce-  
12 dure in making nominations, voting, counting and canvassing votes and  
13 for the conduct of any business which may properly be brought before  
14 the convention, but such rules shall not be in conflict with the provisions  
15 of this section.

16 (f) (1) A precinct committeeman or committeewoman may vote by  
17 proxy at a convention called pursuant to this section whenever such pre-  
18 cinct committeeman or committeewoman is unable to attend the con-  
19 vention and cast such precinct committeeman's or committeewoman's  
20 ballot.

21 (2) A precinct committeeman or committeewoman may designate an-  
22 other precinct committeeman or committeewoman to cast such precinct  
23 committeeman's or precinct committeewoman's ballot at such convention  
24 by proxy. Any proxy authorized by this subsection shall:

25 (A) Designate the precinct committeeman or committeewoman who  
26 shall cast the precinct committeeman's or precinct committeewoman's  
27 vote by proxy;

28 (B) be signed by the precinct committeeman or precinct committe-  
29 woman authorizing the proxy; and

30 (C) contain an acknowledgment of such precinct committeeman's or  
31 precinct committeewoman's signature which complies with K.S.A. 53-509  
32 and amendments thereto.

33 (g) After a person has been elected to fill a vacancy in a party can-  
34 didacy for a district office, the chairperson or vice-chairperson of the  
35 convention shall execute a certificate, under oath, stating that such person  
36 has been duly elected to fill such vacancy and shall transmit such certif-  
37 icate to the secretary of state or appropriate county election officer.

38 (h) *For the purposes of this section, "ballot" shall mean that:*

39 (1) *Each vote is cast on a paper ballot which is signed by the voter;*  
40 *or*

41 (2) *voting is done by a roll call voice vote at which each voter's vote*  
42 *is recorded in writing.*

43 *All written ballots and all written records of a roll call vote shall be*

1 *preserved and made available for public inspection upon request.*

2 Sec. 4. K.S.A. 2007 Supp. 25-3904a is hereby amended to read as  
3 follows: 25-3904a. (a) When a vacancy occurs in a party candidacy for the  
4 office of member of the state board of education, the county chairperson  
5 designated in subsection (b), (c) or (d), within 21 days of receipt of notice  
6 that the vacancy has occurred or will occur, shall call and convene a dis-  
7 trict convention for the purpose of electing a person to fill such vacancy.  
8 If such county chairperson is absent or for any reason is unable to call or  
9 refuses to call such convention, then the county vice-chairperson shall call  
10 the convention and perform the other duties required of such chairperson  
11 under this section.

12 (b) If the board member district lies within a single county, the  
13 county chairperson of such county shall call a convention of all precinct  
14 committeemen and committeewomen of the party of the precincts in such  
15 district in the manner provided by subsections (b) and (d) of K.S.A. 25-  
16 3904 and amendments thereto, and such convention shall be conducted  
17 in the manner provided in subsection (e) of K.S.A. 25-3904 and amend-  
18 ments thereto.

19 (c) If all or part of more than one and less than five counties lie within  
20 the board member district, the county chairperson of the county in which  
21 the greatest number of qualified voters of the district reside shall call a  
22 convention of all precinct committeemen and committeewomen of the  
23 party of the precincts in such district in the manner provided by subsec-  
24 tions (c) and (d) of K.S.A. 25-3904 and amendments thereto, and such  
25 convention shall be conducted as provided in subsection (e) of K.S.A. 25-  
26 3904 and amendments thereto. Such convention shall be held at a location  
27 within the district selected by the chairperson calling the convention.

28 (d) If all or part of five or more counties lie within the board member  
29 district, the county chairperson of the county in which the greatest num-  
30 ber of qualified voters of the district reside shall call a convention of all  
31 county chairpersons and vice-chairpersons of the party of the counties in  
32 such district. Such convention shall be held at a location within the district  
33 selected by the chairperson calling the convention. Such county chair-  
34 person shall call the convention by mailing a notice to each such county  
35 chairperson and vice-chairperson at least seven days before the date of  
36 the convention. Such notice shall state: (1) The place where the conven-  
37 tion is to be held; (2) the time when the convention will convene; and (3)  
38 the purpose for which the convention is to be held.

39 (e) At the time and place fixed for holding the convention, the county  
40 chairperson who called the convention shall act as temporary chairperson  
41 and shall call the convention to order. One-third of the eligible members  
42 of the convention shall constitute a quorum for such election. In the event  
43 a quorum is not present at the time and place that such convention is



1 called, the members present shall adjourn the convention to a day and  
2 time certain, which shall be not later than 14 days after such adjournment  
3 of such convention and provide for notification of the time and place of  
4 such adjourned convention to be given to the eligible members not pres-  
5 ent. The convention shall proceed to organize by electing a permanent  
6 chairperson and such other officers as necessary. After the convention is  
7 organized, it shall proceed to elect a person to fill the vacancy in the party  
8 candidacy. Such election shall be by ~~secret~~ ballot and the person elected  
9 shall be the one who shall receive the majority of all the votes cast. If no  
10 person receives a majority of all votes cast on any ballot, the balloting  
11 shall continue until some person receives a majority of all the votes cast.  
12 Each county chairperson and vice-chairperson of the party of the counties  
13 in such district shall be entitled to vote. Except as provided in subsection  
14 (f), no county chairperson or vice-chairperson shall be represented or  
15 shall vote by proxy. The convention may adopt rules necessary to govern  
16 its procedure in making nominations, voting, counting and canvassing  
17 votes and for the conduct of any business which may properly be brought  
18 before the convention, but such rules shall not be in conflict with the  
19 provisions of this section.

20 (f) (1) A precinct committeeman or committeewoman who serves as  
21 county chairperson or vice-chairperson may vote by proxy at a convention  
22 called pursuant to this section whenever such precinct committeeman or  
23 committeewoman is unable to attend the convention and cast such pre-  
24 cinct committeeman's or committeewoman's ballot.

25 (2) A precinct committeeman or committeewoman may designate an-  
26 other precinct committeeman or committeewoman to cast such precinct  
27 committeeman's or precinct committeewoman's ballot at such convention  
28 by proxy. Any proxy authorized by this subsection shall:

29 (A) Designate the precinct committeeman or committeewoman who  
30 shall cast the precinct committeeman's or precinct committeewoman's  
31 vote by proxy;

32 (B) be signed by the precinct committeeman or precinct committe-  
33 woman authorizing the proxy; and

34 (C) contain an acknowledgment of such precinct committeeman's or  
35 precinct committeewoman's signature which complies with K.S.A. 53-509  
36 and amendments thereto.

37 (g) After a person has been elected to fill a vacancy in a party can-  
38 didacy for the office of member of the state board of education, the  
39 chairperson or vice-chairperson of the convention shall execute a certifi-  
40 cate, under oath, stating that such person has been duly elected to fill  
41 such vacancy and shall transmit such certificate to the secretary of state.

42 (h) *For the purposes of this section, "ballot" shall mean that:*

43 (1) *Each vote is cast on a paper ballot which is signed by the voter;*

1 *or*

2 *(2) voting is done by a roll call voice vote at which each voter's vote*  
3 *is recorded in writing.*

4 *All written ballots and all written records of a roll call vote shall be*  
5 *preserved and made available for public inspection upon request.*

6 Sec. 5. K.S.A. 2007 Supp. 25-3902, 25-3902a, 25-3904 and 25-3904a  
7 are hereby repealed.

8 Sec. 6. This act shall take effect and be in force from and after its  
9 publication in the statute book.