

## House Concurrent Resolution No. 5010

By Committee on Elections

2-4

10 A PROPOSITION to amend section 11 of article 1 of the constitution  
11 of the state of Kansas, relating to filling vacancies in executive offices.  
12

13 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
14 *members elected (or appointed) and qualified to the House of Repre-*  
15 *sentatives and two-thirds of the members elected (or appointed) and*  
16 *qualified to the Senate concurring therein:*

17 Section 1. The following proposition to amend the constitution of the  
18 state of Kansas shall be submitted to the qualified electors of the state  
19 for their approval or rejection: Section 11 of article 1 of the constitution  
20 of the state of Kansas is hereby amended to read as follows:

21 **“§ 11. Vacancies in executive offices.** ~~When the office of~~  
22 ~~governor is vacant, the lieutenant governor shall become governor.~~  
23 ~~In the event of the disability of the governor, the lieutenant gov-~~  
24 ~~ernor shall assume the powers and duties of governor until the~~  
25 ~~disability is removed. The legislature shall provide by law for the~~  
26 ~~succession to the office of governor should the offices of governor~~  
27 ~~and lieutenant governor be vacant, and for the assumption of the~~  
28 ~~powers and duties of governor during the disability of the governor,~~  
29 ~~should the office of lieutenant governor be vacant or the lieutenant~~  
30 ~~governor be disabled. When the office of secretary of state or at-~~  
31 ~~torney general is vacant, the governor shall fill the vacancy by ap-~~  
32 ~~pointment for the remainder of the term. If the secretary of state~~  
33 ~~or attorney general is disabled, the governor shall name a person to~~  
34 ~~assume the powers and duties of the office until the disability is~~  
35 ~~removed. The procedure for determining disability and the removal~~  
36 ~~thereof shall be provided by law. (a) When the office of governor is~~  
37 ~~vacant, the lieutenant governor shall become governor. In the event~~  
38 ~~of the disability of the governor, the lieutenant governor shall as-~~  
39 ~~sume the powers and duties of governor until the disability is re-~~  
40 ~~moved. The procedure for determining disability and the removal~~  
41 ~~thereof shall be provided by act of the legislature.~~

42 (b) *In the event of the disability of the secretary of state or attorney*  
43 *general, the governor shall name a person to assume the powers and duties*

1 of the office until the disability is removed. The procedure for determining  
 2 disability and the removal thereof shall be provided by act of the  
 3 legislature.

4 **[(c) When the office of lieutenant governor is vacant, the gov-**  
 5 **ernor shall fill the vacancy by appointment for the remainder of**  
 6 **the term.]**

7 ~~(c)~~ **[(d)]** (1) Whenever a vacancy occurs in the office of ~~lieutenant~~  
 8 ~~governor,~~ attorney general, secretary of state, state treasurer or commis-  
 9 sioner of insurance, the governor shall immediately notify in writing the  
 10 chairperson of the state central committee of the political party which  
 11 elected the last incumbent of such office. Such chairperson shall call a  
 12 meeting of the state central committee to be held not later than 15 days  
 13 after the chairperson receives notice of the vacancy. At the meeting the  
 14 state central committee shall select and transmit to the governor the name  
 15 of a person qualified to fill the vacancy. Within five days after receiving  
 16 the name of the person selected, the governor shall appoint the named  
 17 person to fill the vacancy by appointment until the next general election  
 18 after such vacancy occurs, when such vacancy shall be filled by election  
 19 as provided by act of the legislature.

20 (2) Whenever a vacancy occurs in the office of ~~lieutenant governor,~~  
 21 attorney general, secretary of state, state treasurer or commissioner of  
 22 insurance and the immediately past incumbent of such office was an in-  
 23 dependent without political party affiliation, the vacancy shall be filled  
 24 by appointment by the governor as provided by law until the next general  
 25 election after such vacancy occurs, when such vacancy shall be filled by  
 26 election as provided by act of the legislature.”

27 Sec. 2. The following statement shall be printed on the ballot with  
 28 the amendment as a whole:

29 “*Explanatory statement.* This amendment would clarify and pre-  
 30 scribe the method for filling vacancies of the offices of governor,  
 31 lieutenant governor, attorney general, secretary of state, state  
 32 treasurer and commissioner of insurance.

33 “A vote for this amendment would clarify and prescribe the method  
 34 for filling vacancies in statewide elected offices, providing for the  
 35 more immediate input of Kansas voters in the fulfillment of mid-  
 36 term vacancies.

37 “A vote against this amendment would continue the current method  
 38 for filling such vacancies.”

39 Sec. 3. This resolution, if approved by two-thirds of the members  
 40 elected (or appointed) and qualified to the House of Representatives, and  
 41 two-thirds of the members elected (or appointed) and qualified to the  
 42 Senate shall be entered on the journals, together with the yeas and nays.  
 43 The secretary of state shall cause this resolution to be published as pro-

1 vided by law and shall cause the proposed amendment to be submitted  
2 to the electors of the state at the general election in the year 2010.