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STATE OF KANSAS

February 6, 2025

Testimony on SB6105(Oral Neutral)
Senate Committee on Federal and State Affairs
Submitted: Wednesday, February 5, 2025

Chairman Thompson and members of the Committee:

SB105 has no effect on the operations of the Secretary of State, which provides this testimony solely to assist the committee in considering the bill. SB105 concerns (1) the temporary replacement for a U.S. Senate vacancy and (2) the permanent replacement for a State Treasurer or Insurance Commissioner vacancy.

Comment on Election Timing:

U.S. Senate Vacancies:

Bill New Section 1(a) retains the current timing language: *“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.”*

The timing language - “immediately following” - is problematic as it would seem to require an election to fill a U.S. Senate vacancy that occurred even one day before an even-year general election. This would be unworkable. In the past century, Kansas has had four U.S. Senate vacancies, but none occurred in the immediate run-up to a general election

The Secretary, therefore, suggests that a set date be included in the bill so that a vacancy before that date results in the position being filled at the next even-year general election, and a vacancy occurring after that date is, if needed, filled at the second even-year general election after the vacancy occurs.

Kansas vacancy statutes typically use May 1 as a cutoff date so that candidates have time to consider running, file for office, conduct a primary election and then a general election. In 1996, a mid-June U.S. Senate vacancy was filled by the normal election process.

Treasurer or Insurance Commissioner Vacancy:

Bill Section 5 retains the language that a new Treasurer is appointed “to serve for the unexpired term and until a successor is elected and qualified.”

Bill Section 6 retains the language that a new Insurance Commissioner is appointed “to serve for the unexpired term and until a successor is elected and qualified.”

These two provisions indicate that if a vacancy occurs in the first few months of the four-year term, then the Governor’s appointee will complete the entire four-year term and not stand for a special election at the next even year general election.

Respectfully,

/Clayton Barker

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U.S. SENATE

Charles Curtis (R):

- Nov 1926: General Election
- Mar 1929: Resigned to become Vice-President (4 years left in term)
- Apr 1929: Henry Allen (R) Appointed (Apr 1929-Nov 1930)
- Nov 1930: Special Election: George McGill (Nov 1930-Mar 1933)
- Nov 1932: General Election

Clyde Reed (R):

- Nov 1944: General Election
- Nov 1949: Died (1 year left in term)
- Dec 1949: Harry Darby (R) Appointed (Dec 1949-Nov 1950)
- Nov 1950: Special Election: Frank Carlson (Nov 1950-Jan 1951)
- Nov 1950: General Election: Frank Carlson

Andrew Schoepel (R):

- Nov 1960: General Election
- Jan 1962: Died (4 years left in term)
- Jan 1962: Appointed James Pearson (R) (Jan 1962-Nov 1962)
- Nov 1962: Special Election: James Pearson (Nov 1962-Jan 1967)
- Nov 1966: General Election: James Pearson
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Bob Dole (R):

- Nov 1992: General Election
- Jun 1996: Resigned to run for President (2(+)) years left in term)
- Jun 1996: Shelia Frahm (R) Appointed (Jun 1996-Nov 1996)
- Nov 1996: Special Election: Sam Brownback (Nov 1996-Jan 1999)
- Nov 1998: General Election: Sam Brownback

KANSAS TREASURER:

Sally Thompson (D):

- Nov 1994: General Election
- Feb 1998: Resigned (1 year left in term)
- Feb 1998: Appointed Clyde Graeber (R) (Feb 1998-Jan 1999)

Lynn Jenkins (R):

- Nov 2006: General Election
- Jan 2009: Resigned – U.S. Congress (2 years left in term)
- Jan 2009: Appointed Denis McKinney (D) (Jan 2009-Jan 2011)

Ron Estes (R):

- Nov 2014: General Election
- Jan 2017: Resigned – Congress (2 years left in term)
- Jan 2017: Appointed Jake LaTurner (R) (Jan 2017-Jan 2019)

Jake LaTurner (R):

- Nov 2018: General Election
- Jan 2021: Resigned – Congress (2 years left in term)
- Jan 2021: Appointed Lynn Rogers (D) (Jan 2021-Jan 2023)

INSURANCE COMMISSIONER:

None