

SESSION OF 2025

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2057**

As Amended by House Committee on Elections

**Brief\***

HB 2057 would create and amend law governing the process for filling vacancies in the offices of U.S. Senator, State Treasurer, and Commissioner of Insurance and establish the Joint Committee on Vacancy Appointments.

The bill would take effect upon publication in the *Kansas Register*.

***Joint Committee on Vacancy Appointments (New Sections 2 and 3)***

The bill would establish the Joint Committee on Vacancy Appointments (Committee) upon a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance.

***Membership***

The Committee would be composed of the following 14 members:

- 5 members of the majority party of the Senate;
- 2 members of the minority party of the Senate;
- 5 members of the majority party of the House of Representatives; and

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- 2 members of the minority party of the House of Representatives.

#### *Designation of Chairperson; Meeting Information*

The bill would provide that, upon the first instance of the establishment of the Committee, the President of the Senate would appoint the chairperson and the Speaker of the House would appoint the vice-chairperson. Thereafter, when the Committee would be required to be established, the bill would require the chairperson and vice-chairperson to alternate chamber membership.

The bill would authorize the vice-chairperson to exercise all the powers of the chairperson in the chairperson's absence.

The bill would authorize the Committee to meet at any time and place within the state on the call of the chairperson. The bill would also provide for member compensation, travel expenses, and subsistence expenses or allowances as provided by state law.

#### *Nominations*

The bill would limit the Committee to receive nominations of persons to fill the given vacancy from only members of the Legislature. The bill would permit each legislator to nominate one person for consideration by the Committee. The bill would allow any person nominated to decline such nomination by submitting written notice to the chairperson.

#### *Review of Nominations and Public Hearings*

The bill would require the Committee to review and verify each nominee satisfies federal and state requirements to hold and be appointed to fill a vacancy in such office. The

bill would also direct the Committee to conduct one or more public hearings on the nominations and grant the nominees an opportunity to be heard before the Committee.

*Report to Legislature*

The bill would require the Committee, at the conclusion of the public hearings, to submit a report to the Senate and House of Representatives identifying five nominees for further consideration by the Legislature.

***Joint Session of the Legislature (New Sections 4 and 5)***

*Calling a Joint Session*

Either during the regular session of the Legislature, if the Committee meets during regular session, or at the next regular or special session of the Legislature, the bill would authorize the Legislature to adopt a concurrent resolution calling for a joint session of the Legislature to consider the nominees identified by the Committee. Upon adoption of such concurrent resolution, the bill would require the Senate and House of Representatives to meet in joint session on the date and time established in the concurrent resolution for such purpose.

*Limited Scope of Joint Session*

The bill would limit the power of the Legislature when convened in joint session to the consideration of the nominees identified by the Committee.

*Presiding Officer; Rules for Joint Session*

When in joint session, the bill would designate the President of the Senate to preside over the joint session. If the office of the President is vacant or the President is unable

to do so, the bill would designate the Speaker of the House to preside over the joint session.

The bill would specify the rules of the House of Representatives and the Joint Rules of the Senate and House of Representatives in effect at the time of the joint session would govern to the extent such rules do not directly conflict with the provisions of the bill.

*Chief Clerk of the House of Representatives; Secretary of the Senate*

The bill would require the Chief Clerk of the House of Representatives (Chief Clerk) and the Secretary of the Senate (Secretary) to keep a record of the proceedings, report the proceedings to their respective houses, and record the proceedings in their respective journals.

*Voting Procedure*

The bill would require all votes for nominees in a joint session to be taken by voice vote. The bill would provide for the Secretary to call the names of the members of the Senate first, followed by the Chief Clerk to call the names of the members of the House. The bill would require each member in attendance to vote on all nominees unless excused by a majority vote of the members of the Legislature in attendance.

The bill would require each nominee identified in the Committee report to be considered in alphabetical order based on the nominees' surnames and voted upon separately.

**Affirmative vote.** The bill would designate any nominee who receives an affirmative vote from a majority of the members of each house of the Legislature as a candidate to temporarily fill the vacancy in such office. After three nominees have received the required affirmative vote, the bill

would require the consideration of nominees and voting to stop.

**Failure to receive affirmative vote.** If a nominee fails to receive the required affirmative vote to be designated as a candidate, the bill would provide that a motion to reconsider such nominee would be in order only after all nominees have been considered and initially voted upon. The bill would provide only for the first motion to reconsider to be in order; no second or subsequent motion to reconsider would be permitted.

**Reconvening of Committee.** If fewer than three nominees receive the required affirmative votes to be designated as candidates, the Legislature would be required to direct the Committee to reconvene to consider additional nominees. The Committee would be required to reconvene in accordance with the provisions of the bill and be permitted to recommend one or more of the nominees recommended in any prior report of the Committee.

***Concurrent Resolution Nominating Candidates (New Section 6)***

Upon the adjournment of a joint session at which three nominees received the required majority affirmative votes to be designated as candidates, the bill would require the Speaker of the House to introduce a concurrent resolution in the House designating such nominees as candidates. The bill would require the Legislature to adopt such concurrent resolution within 21 calendar days of a vacancy occurring.

The bill would authorize an extension up to seven calendar days by a vote of two-thirds of the members of both the Senate and the House of Representatives.

***Appointment of U.S. Senator, State Treasurer, or  
Commissioner of Insurance (New Section 1, Section 6,  
and Section 7)***

Current law authorizes the Governor to make temporary appointments to fill vacancies in the offices of U.S. Senator, State Treasurer, and Commissioner of Insurance until a successor is elected and qualified. Under the bill, the Governor would be directed to make a temporary appointment within two calendar days of receiving a concurrent resolution adopted by the Legislature and appoint one of three persons designated as candidates in such concurrent resolution to temporarily fill the vacancy.

The bill would require any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance to be a resident of the State of Kansas and to have been registered with the same political party as the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance for the two even-numbered general elections immediately preceding the vacancy. The bill would also provide that if the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance was not registered with any political party, then any suitable person who is a Kansas resident would be eligible for appointment.

The bill would also prohibit any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance from taking office unless the Secretary of State certifies the appointment was made in accordance with the provisions of the bill.

***Severability (New Section 9)***

The bill would specify the provisions of New Sections 1 through 6 are severable and, if such provisions or their application are declared unconstitutional or invalid, the

remaining provisions of the bill and their applicability would continue to be valid and enforceable.

## **Background**

The bill was introduced by the House Committee on Elections at the request of Representative Waggoner.

### ***House Committee on Elections***

In the House Committee hearing, proponent testimony was provided by Representative B. Carpenter and former Kansas Congressman Tim Huelskamp. The proponents generally stated the bill would promote the principles of federalism and ensure that more than one person is involved in the process of filling vacancies in the offices of U.S. Senator, State Treasurer, and Commissioner of Insurance.

Written-only opponent testimony was provided by three private citizens.

No other testimony was provided.

### ***House Committee of the Whole***

The bill was withdrawn from the Calendar and rereferred to the House Committee on Elections.

### ***House Committee on Elections***

The House Committee amended the bill to:

- Modify the length of time a person appointed to fill a vacancy must be a member of the same political party as the previously elected officeholder from 10 years to two even-numbered general elections;

- Prohibit any person appointed for U.S. Senator, State Treasurer, or Commissioner of Insurance from taking office until such appointment is confirmed by the Secretary of State;
- Prohibit the Secretary of State from certifying any person as being appointed to fill a vacancy for U.S. Senator, State Treasurer, or Commissioner of Insurance unless such appointment is made in accordance with the provisions of the bill; and
- Add a severability clause.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, Legislative Administrative Services (LAS) indicates the bill would have a fiscal effect on the Legislature's budget; however, this would only occur when a vacancy would occur for the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance. Although expenditures associated with the bill would likely be infrequent, LAS estimated a potential fiscal effect using costs in FY 2025. The cost estimate is based upon three meeting days with 14 legislators and one committee assistant.

If three meetings were to occur for the Joint Committee on Vacancy Appointments during FY 2025, LAS estimates that total expenditures of \$25,173 would be required, all from the State General Fund. Of this amount, \$7,224 would be for salaries and wages, \$7,476 for subsistence expenditures, \$252 for tolls, \$7,476 for an en route day, and \$3,105 for employer fringe benefit costs. In addition, \$2,110 would be required for committee assistant expenditures, and \$180 for the cost to publish in the Kansas Register.

Expenditures for future fiscal years are estimated by LAS to increase by approximately 3.0 percent each year. Any



fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Vacancy; U.S. Senate; State Treasurer; Commissioner of Insurance; appointment;  
Joint Committee on Vacancy Appointments