

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2017

By Representative Esau

1-6

1 AN ACT concerning elections; dealing with vacancies in the office of
2 United States representative to congress; amending K.S.A. 25-3502,
3 25-3504 and 25-3507 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 25-3502 is hereby amended to read as follows: 25-
7 3502. (a) Except as ~~is~~ otherwise provided in this act, the governor shall
8 proclaim the date of any election held under this act to be a day not less
9 than ~~45~~ 75 days nor more than ~~60~~ 90 days after such proclamation is
10 issued. ~~Such~~ The proclamation shall be made in writing, signed by the
11 governor and delivered by ~~him~~ the governor to the secretary of state.
12 ~~Thereupon~~ The secretary of state shall promptly cause ~~such~~ the
13 proclamation to be published in the Kansas register, and a copy ~~thereof~~
14 shall be transmitted by the secretary to the chairperson of all state political
15 parties authorized to hold congressional district conventions under the
16 provisions of K.S.A. 25-3504, and amendments thereto.

17 (b) **The amendments made by this act to this section shall be**
18 **effective on and after January 1, 2017.**

19 Sec. 2. K.S.A. 25-3504 is hereby amended to read as follows: 25-
20 3504. (a) Whenever a vacancy has occurred to which this act applies,
21 except in cases where ~~subsection (c) or (d) of~~ K.S.A. 25-3503(b) or (c),
22 and amendments thereto, applies, a congressional district convention of the
23 district party of each political party ~~whose candidate for governor received~~
24 ~~not less than 5% of the votes cast at the next preceding election of the~~
25 ~~governor that has obtained official recognition~~ shall be called by the state
26 chairperson of the party, or if there is no state chairperson, by the party's
27 candidate for governor at the next preceding general election. ~~Such~~ The
28 convention shall be called for a date not less than 15 days and not more
29 than 25 days after the proclamation of election is issued by the governor in
30 the cases to which K.S.A. 25-3503, and amendments thereto, does not
31 apply, and within 15 days in cases to which ~~subsection (a) or (b) of~~ K.S.A.
32 25-3503(a) or (b), and amendments thereto, apply. In accordance with the
33 rules of the district party and the provisions of this act, each ~~such~~
34 convention shall nominate a candidate to fill the vacancy which has
35 occurred and shall file a certificate of the nomination ~~so made~~ with the
36 secretary of state immediately. Every ~~such~~ certificate shall be signed by the

1 presiding officer and secretary of the convention making ~~such the~~
2 nomination. Independent candidates may be nominated by petition of
3 registered voters of the district equal in number to ~~4% of the number of~~
4 ~~not less than 1,000~~ **3,000** qualified voters of the congressional district. Any
5 such petition shall be filed with the secretary of state not later than ~~the~~
6 ~~time for district party convention certificates to be filed~~ *25 days after the*
7 *proclamation of election is issued by the governor.* Except as is provided in
8 ~~subsections (e) and (d) of K.S.A. 25-3503(b) or (c),~~ and amendments
9 thereto, no candidate shall be nominated to fill such vacancy by any means
10 other than provided by this section.

11 **(b) The amendments made by this act to this section shall be**
12 **effective on and after January 1, 2017.**

13 Sec. 3. K.S.A. 25-3507 is hereby amended to read as follows: 25-
14 3507. **(a)** In cases to which ~~subsection (e) or (d) of K.S.A. 25-3503(b) or~~
15 ~~(c), and amendments thereto,~~ apply, canvass of the election shall be
16 conducted as for other elections of United States congressmen. In all other
17 cases to which this act applies, intermediate canvass of the election shall
18 be made by the county boards of canvassers at ~~ten o'clock~~ *10:00 a.m.* on
19 ~~the second~~ *third* day following the election, unless such day is a Sunday or
20 holiday, in which case ~~such the~~ canvass shall be on the next following day
21 which is not a Sunday or holiday. County election officers shall dispatch
22 the abstract of the intermediate canvass to the secretary of state
23 immediately upon completion of the canvass by the board of county
24 canvassers. The state board of canvassers shall meet in the office of the
25 secretary of state on the ~~fourth~~ *sixth* day following the election, unless
26 such day is a Sunday or holiday, in which case ~~such the~~ canvass shall be
27 on the next following day which is not a Sunday or holiday. The state
28 board of canvassers shall make the final canvass, and the certificate of
29 election of the candidate receiving the highest number of votes shall be
30 issued in the same manner as is provided for regular elections of national
31 officers.

32 **(b) The amendments made by this act to this section shall be**
33 **effective on and after January 1, 2017.**

34 Sec. 4. K.S.A. 25-3502, 25-3504 and 25-3507 are hereby repealed.

35 Sec. 5. This act shall take effect and be in force from and after its
36 publication in the Kansas register.