

HOUSE BILL No. 2051

By Committee on Elections

1-13

Proposed Amendments to
House Bill No. 2051
Committee on Elections
February 11, 2021
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Office of Revisor of Statutes

1 AN ACT concerning the offices of the state treasurer and the
2 commissioner of insurance; relating to the filling of a vacancy;
3 amending K.S.A. 25-101b and 40-106 and repealing the existing
4 sections.
5

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

7 New Section 1. (a) When a vacancy occurs in the office of the state
8 treasurer or the office of commissioner of insurance, or if the state
9 treasurer or commissioner of insurance is disabled, the vacancy in either
10 case shall be filled by a state party delegate convention of the party of the
11 state treasurer or the commissioner of insurance at the time of the state
12 treasurer's or the commissioner of insurance's election, except as provided
13 by subsection (c). The convention shall be called by the state party
14 chairperson. Such convention shall be called within 21 days of notice that
15 a vacancy has occurred or will occur. The delegates to the convention shall
16 be the state party committee members, and the officers of the convention shall
17 shall be the officers of the state party committee. At such convention, the
18 vote to fill such vacancy shall be taken.

19 ~~(b)~~ After a person has been elected to fill the vacancy, the chairperson
20 or vice-chairperson of the party committee shall execute a certificate,
21 under oath, stating that such person has been duly elected to fill such
22 vacancy. The chairperson or vice-chairperson shall transmit such
23 certificate either by hand delivery by a person designated by the
24 chairperson or vice-chairperson or by registered mail, return receipt
25 requested, to the governor and a copy to the secretary of state. If
26 transmitted by registered mail, such certificate and copy shall be mailed
27 within 24 hours of the election, unless the day following the election is a
28 Sunday or legal holiday, in which case it shall be mailed by the next
29 regular business day. Not later than seven days after the certificate is
30 received in the office of the governor, the governor, or in the governor's
31 absence the lieutenant governor, shall fill the vacancy by appointing to the
32 office of the state treasurer or the commissioner of insurance the person
33 elected. In the event the governor or the lieutenant governor fails to
34 appoint any person as required by this subsection after receiving a lawfully
35 executed certificate, such person shall be deemed to have been appointed
36 notwithstanding the failure. The person so appointed may qualify and enter

convened

(b) The election shall be by secret ballot and the person elected shall be the one who receives the majority of all votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each committeeman and committeewoman of the party shall be entitled to the vote, no precinct committeeman or committeewoman shall be represented or shall vote by proxy. The convention may adopt such rules necessary to govern its procedure in making nominations, voting, counting, and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

(c)

1 upon the duties of the state treasurer or the commissioner of insurance
2 immediately after appointment and shall serve for the unexpired term and
3 until a successor is elected and qualified.

4 (c) If the state treasurer or commissioner of insurance whose office
5 will become or has become vacant was an independent when elected, the
6 vacancy shall be filled by the governor, who shall appoint a suitable person
7 to serve for the unexpired term and until a successor is elected and
8 qualified.

9 Sec. 2. K.S.A. 40-106 is hereby amended to read as follows: 40-106.
10 At the general election held in 1978 and each four-~~(4)~~ years thereafter,
11 there shall be elected a commissioner of insurance for the state of Kansas,
12 whose term of office shall be four-~~(4)~~ years beginning on the second
13 Monday in January next succeeding such commissioner's election. In case
14 of a vacancy in such office the ~~governor shall appoint some~~ *appointment*
15 *of a suitable person to serve for the unexpired term and until a successor is*
16 *elected and qualified shall be made as provided in section 1, and*
17 *amendments thereto.*

18 Sec. 3. K.S.A. 25-101b is hereby amended to read as follows: 25-
19 101b. At the general election held in 1978 and each four-~~(4)~~ years
20 thereafter, there shall be elected a treasurer for the state of Kansas, whose
21 term of office shall be four-~~(4)~~ years beginning on the second Monday in
22 January next succeeding such treasurer's election. In case of a vacancy in
23 such office, the ~~governor shall appoint some~~ *appointment of a suitable*
24 *person to serve for the unexpired term and until a successor is elected and*
25 *qualified shall be made as provided in section 1, and amendments thereto.*

26 Sec. 4. K.S.A. 25-101b and 40-106 are hereby repealed.

27 Sec. 5. This act shall take effect and be in force from and after its
28 publication in the statute book.