

Substitute for HOUSE BILL NO. 2051

By Committee on Elections

AN ACT concerning the offices of the state treasurer and the commissioner of insurance; relating to the filling of a vacancy; requiring an election to fill such vacancy; amending K.S.A. 25-101b and 40-106 and repealing the existing sections.

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

New Section 1. Whenever there is a vacancy in the office of the state treasurer or commissioner of insurance, the governor shall proclaim not later than 5 days after the vacancy occurs the date of an election held in accordance with the provisions of this act.

New Sec. 2. Except as otherwise provided in this act, the governor shall proclaim the date of any election held under this act to be a day not less than 75 days nor more than 90 days after such proclamation is issued. The proclamation shall be made in writing, signed by the governor and delivered by the governor to the secretary of state. The secretary of state shall promptly cause the proclamation to be published in the Kansas register, and a copy shall be transmitted by the secretary to the chairperson of all state political parties authorized to hold state party conventions under the provisions of K.S.A. 25-3504, and amendments thereto.

New Sec. 3. (a) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than 90 days and not less than 30 days before any primary election, the election provided for in this act shall be held on the same date as the primary election.

(b) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than 30 days before any primary election and before the general election, at such general election votes cast for the office of state treasurer or commissioner of insurance in which such vacancy has occurred shall be deemed to be cast to fill the vacancy for the unexpired term, as well as for the election for the next regular term. The governor shall proclaim the date of the

election to be the same as the general election.

(c) In the event that any vacancy occurs to which this act applies, on or after the date of any general election and before the term of office in which the vacancy has occurred expires, votes cast for the office of state treasurer or commissioner of insurance in which such vacancy occurs shall be deemed to have been cast to fill such vacancy for the unexpired term, as well as for election for the next regular term.

New Sec. 4. Whenever a vacancy has occurred to which this act applies, except in cases where section 3(b), and amendments thereto, applies, a state party delegate convention of the party of each political party that has obtained official recognition shall be called by the state chairperson of the party, or if there is no state chairperson, by the party's candidate for governor at the next preceding general election. The convention shall be called for a date not less than 15 days and not more than 25 days after the proclamation of election is issued by the governor. In accordance with the rules of the state party and the provisions of this act, each convention shall immediately nominate a candidate to fill the vacancy that has occurred and shall file a certificate of the nomination with the secretary of state. Every certificate shall be signed by the presiding officer and secretary of the convention making the nomination. Independent candidates may be nominated by petition of not less than 5,000 qualified electors of the congressional district. Such petitions may not be circulated for signatures prior to the governor proclaiming the date of the election. Any such petition shall be filed with the secretary of state not later than 25 days after the proclamation of election is issued by the governor. Except as provided in section 3(b) or (c), and amendments thereto, no candidate shall be nominated to fill such vacancy by any means other than provided by this section.

New Sec. 5. The secretary of state shall furnish to each county election officer, the form

for the ballot to be used at the election. The ballot shall contain the names of the candidates and their political parties or designations, and these shall appear upon the ballot in substantially the same form as is provided by K.S.A. 25-616, and amendments thereto, and the provisions of such statute shall apply to ballots used at such election to the extent that the same are consistent with the provisions of this act. When section 3(c), and amendments thereto, applies, the ballot shall indicate that a vote for the candidate applies to both the regular and unexpired term, and when such subsection does not apply, the ballot shall indicate that the vote is for the unexpired term.

New Sec. 6. Elections held under the provisions of this act shall be conducted by county election officers. Laws relating to registration of voters shall apply to such election.

New Sec. 7. The canvass of the election shall be conducted as provided in K.S.A. 25-3104, and amendments thereto. County election officers shall dispatch the abstract of the intermediate canvass to the secretary of state immediately upon completion of the canvass by the board of county canvassers. The state board of canvassers shall meet in the office of the secretary of state on the third day following the intermediate canvass of all counties, unless such day is a Sunday or holiday, in which case the canvass shall be on the next following day that is not a Sunday or holiday. The state board of canvassers shall make the final canvass, and the certificate of election of the candidate receiving the highest number of votes shall be issued in the same manner as is provided for regular elections of national officers.

Sec. 8. K.S.A. 25-101b is hereby amended to read as follows: 25-101b. At the general election held in 1978 and each four-(4) years thereafter, there shall be elected a treasurer for the state of Kansas, whose term of office shall be four-(4) years beginning on the second Monday in January next succeeding such treasurer's election. In case of a vacancy in such office, the ~~governor shall appoint some~~ appointment of a suitable person to serve for the unexpired term and

until a successor is elected and qualified shall be made as provided in sections 1 through 7, and amendments thereto.

Sec. 9. K.S.A. 40-106 is hereby amended to read as follows: 40-106. At the general election held in 1978 and each four ~~(4)~~ years thereafter, there shall be elected a commissioner of insurance for the state of Kansas, whose term of office shall be four ~~(4)~~ years beginning on the second Monday in January next succeeding such commissioner's election. In case of a vacancy in such office the ~~governor shall appoint some~~ appointment of a suitable person to serve for the unexpired term and until a successor is elected and qualified shall be made as provided in sections 1 through 7, and amendments thereto.

Sec. 10. K.S.A. 25-101b and 40-106 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.