

SENATE BILL No. 193

By Senator Pyle

2-4

9 AN ACT concerning elections; pertaining to vacancy in the office of
10 United States senator; amending K.S.A. 25-318 and repealing the ex-
11 isting section.
12

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

14 New Section 1. Whenever any vacancy shall occur in the office of
15 United States senator from this state, leaving an unexpired term, an elec-
16 tion shall be held in accordance with this act. Not later than five days
17 after any such vacancy occurs, the governor shall proclaim the date of
18 such election in accordance with the provisions of this act.

19 New Sec. 2. Except as is otherwise provided in this act, the governor
20 shall proclaim the date of any election held under this act to be a day not
21 less than 45 days nor more than 60 days after such proclamation is issued.
22 Such proclamation shall be made in writing, signed by the governor and
23 delivered to the secretary of state. Thereupon the secretary of state shall
24 promptly cause such proclamation to be published in the Kansas register,
25 and a copy thereof shall be transmitted by the secretary to the chairperson
26 of all state political parties authorized to hold statewide conventions under
27 the provisions of section 4 and amendments thereto.

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

33 (b) In the event that any vacancy occurs to which this act applies, and
34 such occurrence is not more than 90 days and not less than 30 days before
35 any regular primary or general election of city and school officers occur-
36 ring in an odd-numbered year, the election provided for in this act shall
37 be held within such 90 days and on the same date as such primary or
38 general election.

39 New Sec. 4. Whenever a vacancy has occurred in the office of United
40 States senator and is to be filled, a statewide convention of each political
41 party whose candidate for governor received not less than 5% of the votes
42 cast at the next preceding election of the governor shall be called by the
43 state chairperson of the party, or if there is no state chairperson, by the

1 party's candidate for governor at the next preceding general election.
2 Such convention shall be called for a date not less than 25 days after the
3 proclamation of election is issued by the governor in the cases to which
4 section 3, and amendments thereto, does not apply, and within 15 days
5 in cases to which subsection (a) or (b) of section 3, and amendments
6 thereto, apply. In accordance with the rules of the statewide party and
7 the provisions of this act, each such statewide convention shall nominate
8 a candidate to fill the vacancy which has occurred and shall file a certifi-
9 cate of the nomination so made with the secretary of state immediately.
10 Every such certificate shall be signed by the presiding officer and sec-
11 retary of the convention making such nomination. Independent candi-
12 dates may be nominated by petition of registered voters of the state equal
13 in number to 4% of the number of qualified voters of the state or 5,000
14 whichever is less. Any such petition shall be filed with the secretary of
15 state not later than the time for state party convention certificates to be
16 filed. No candidate shall be nominated to fill such vacancy by any means
17 other than provided by this section.

18 New Sec. 5. The secretary of state shall furnish to each county elec-
19 tion officer, the form for the ballot to be used at the election. The ballot
20 shall contain the names of the candidates and their political parties or
21 designations, and these shall appear upon the ballot in substantially the
22 same form as is provided by K.S.A. 25-616, and amendments thereto, and
23 the provisions of such statute shall apply to ballots used at such election
24 to the extent that the same are consistent with the provisions of this act.
25 The ballot shall indicate that the vote is for the unexpired term.

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

29 New Sec. 7. In all other cases to which this act applies, intermediate
30 canvass of the election shall be made by the county boards of canvassers
31 at 10 a.m. on the second day following the election, unless such day is a
32 Sunday or holiday, in which case such canvass shall be on the next fol-
33 lowing day which is not a Sunday or holiday. County election officers shall
34 dispatch the abstract of the intermediate canvass to the secretary of state
35 immediately upon completion of the canvass by the board of county can-
36 vassers. The state board of canvassers shall meet in the office of the
37 secretary of state on the fourth day following the election, unless such
38 day is a Sunday or holiday, in which case such canvass shall be on the
39 next following day which is not a Sunday or holiday. The state board of
40 canvassers shall make the final canvass, and the certificate of election of
41 the candidate receiving the highest number of votes shall be issued in the
42 same manner as is provided for regular elections of national officers.

43 New Sec. 8. Election laws of the state not inconsistent with the pro-

1 visions of this act shall apply to elections held under this act.

2 New Sec. 9. Sections 1 through 9, and amendments thereto, shall be
3 known and may be cited as the vacancy in the United States senate act
4 for Kansas.

5 Sec. 10. K.S.A. 25-318 is hereby amended to read as follows: 25-318.
6 When a vacancy shall occur in the office of United States senator from
7 this state, ~~the governor shall make a temporary appointment to fill such~~
8 ~~vacancy until the next election of representatives in congress, at which~~
9 ~~time such vacancy shall be filled by election, and the senator so elected~~
10 ~~shall take office as soon thereafter as he shall receive his certificate of~~
11 ~~election~~ *there shall be an election to fill such vacancy. The election shall*
12 *be held in accordance with the vacancy in the United States senate act*
13 *for Kansas.*

14 Sec. 11. K.S.A. 25-318 is hereby repealed.

15 Sec. 12. This act shall take effect and be in force from and after its
16 publication in the statute book.