

SESSION OF 2007

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 152**

As Amended by House Committee on
Federal and State Affairs

Brief*

Sub. for SB 152 deals with filling vacancies, by election instead of gubernatorial appointment in certain federal offices. The bill would:

- U.S. Senator – Require that a vacancy in the office of United States Senator be filled by election instead of gubernatorial appointment.
 - The Governor would be required to proclaim, within five days of a vacancy occurring, an election date to fill any unexpired term left by the exiting U.S. Senator. The election date would have to be:
 - Not less than 45 days nor more than 60 days after the proclamation is issued;
 - On the same date as the primary election of state officers, if the vacancy occurs any time from 90 to 30 days before the primary election; or
 - On the same date as the primary or general election, if the vacancy occurs any time from 90 to 30 days before any regular primary or general election of city and school officers occurring in an odd-numbered year.
 - The bill further would require a statewide convention be held of each political party whose gubernatorial

*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 <http://www.kslegislature.org>

candidate received at least 5 percent of the votes cast at the preceding gubernatorial election. Deadlines are established in the bill for holding the convention. The bill also would allow independent candidates to be nominated by petition of registered voters equal in number to 4 percent of the number of qualified Kansas voters.

- The bill also would indicate that the person elected at the special election would serve until a successor is elected at the next primary and general election for United States Representative at which general election the person elected would fill the remainder of the unexpired term.
- Require the state reimburse each county for the expenses incurred when conducting any election held pursuant to this act.

Background

Current law requires the Governor to make a temporary appointment to fill a vacancy occurring in the office of U.S. Senator until the new general election for U.S. Congressional Representative. Vacancies in the U.S. House of Representatives are filled by election.

Senator Dennis Pyle testified in support of the bill. No opponents testified.

The Senate Committee on Elections and Local Government adopted a substitute bill that would establish an act parallel to the current law for the U.S. Congressional vacancy election.

The Senate Committee of the Whole amended the bill to:

- Add the election requirement for vacancies in the offices of State Treasurer and Commissioner of Insurance

(replacing the gubernatorial appointment provision in both instances); and

- Add the requirement that the state reimburse for the vacancy elections provided for in the bill.

The House Committee on Federal and State Affairs made the following amendments:

- Deleted all provisions concerning the election of the State Treasurer and Commissioner of Insurance; and
- Added the requirement that indicates that the person elected at the special election would serve until a successor is elected at the next primary and general election for United States Representative at which general election the person elected would fill the remainder of the unexpired term.

The fiscal note on the original bill indicated passage of SB 152 would cause county governments to incur additional election-related expenses, ranging from \$5,300 during a local city or school board primary election (where a primary is already required) to \$2,000,000 for a special election date if a vacancy occurred more than 90 days before a regularly scheduled election.