

Joint Committee on Vacancy Appointments and Process for Filling Vacancies; SB 105

SB 105 establishes the Joint Committee on Vacancy Appointments and creates and amends law governing the process for filling vacancies in the offices of U.S. Senator, State Treasurer, and Commissioner of Insurance.

Joint Committee on Vacancy Appointments

The bill establishes the Joint Committee on Vacancy Appointments (Committee) within ten calendar days of a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance.

The bill provides that the Committee would not be established when a vacancy occurs less than 90 calendar days prior to December 31 in any year in which a general election for the vacant office is held, unless the person vacating the office was elected and was an incumbent in such election.

Membership

The Committee will be composed of the following 12 members:

- The President of the Senate or a member of the Senate designated by the President;
- One member of the Senate appointed by the President;
- The Speaker of the House or a member of the House designated by the Speaker;
- One member of the House appointed by the Speaker;
- Two members of the Senate appointed by the Majority Leader of the Senate;
- Two members of the House appointed by the Majority Leader of the House;
- One member of the Senate appointed by the Vice President of the Senate;
- One member of the House appointed by the Speaker *Pro Tem* of the House;
- One member of the Senate appointed by the Minority Leader of the Senate; and
- One member of the House appointed by the Minority Leader of the House.

The bill requires that four of the five members appointed by the President of the Senate, the Vice President of the Senate, and the Majority Leader of the Senate represent and be a resident of each of the state's congressional districts. The bill also requires that four of the five members appointed by the Speaker of the House, the Speaker *Pro Tem*, and the Majority Leader of the House represent and be a resident of each of the state's congressional districts.

Designation of Chairperson; Meeting Information

The bill designates the President of the Senate, or the President's designee, as the chairperson of the Committee and the Speaker of the House, or the Speaker's designee, as the vice-chairperson. The vice-chairperson is authorized to exercise all the powers of the chairperson in the chairperson's absence.

The bill authorizes the Committee to meet at any time and place within the state on the call of the chairperson. The bill also provides for member compensation, travel expenses, and subsistence expenses or allowances as provided by state law.

The bill requires the Committee to hold its first meeting within 30 calendar days of a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance.

Review of Nominations and Public Hearings

The bill requires the Committee to review and verify that each candidate satisfies federal and state requirements to hold and be appointed to fill a vacancy in such office. The bill also directs the Committee to conduct one or more public hearings on the nominations and grant the candidates an opportunity to be heard before the Committee. The bill prohibits any member of the Committee from being recommended as a candidate to fill the vacancy.

Concurrent Resolution or Report Recommending Candidates

Within 30 calendar days of the Committee's first meeting, the bill requires the Committee to:

- Submit a concurrent resolution to the Senate and House of Representatives identifying three candidates for further consideration by the Legislature if:
 - The vacancy occurs during a regular session of the Legislature; or
 - A special session is called within five days of the vacancy occurring; or
- Submit a report to the Governor recommending three persons as candidates to fill the vacancy, if the Committee concludes its public hearings while the Legislature is not in regular or special session.

If the Committee submits a concurrent resolution in each chamber, the bill requires each chamber to consider the concurrent resolution introduced by the Committee within 10 days and either adopt the concurrent resolution or direct the Committee to reconvene to reconsider

candidates to fill the vacancy. When directed by the Legislature to reconvene, the Committee is permitted to recommend one or more of the candidates who were recommended in any prior resolution.

Appointment of U.S. Senator, State Treasurer, or Commissioner of Insurance

U.S. Senator

Prior law authorized the Governor to make temporary appointments to fill a vacancy in the office of U.S. Senator until a successor is elected and qualified. The bill directs the Governor to make a temporary appointment within three calendar days of receiving a concurrent resolution adopted by the Legislature or a report submitted by the Committee and appoint one of three persons designated as candidates in such concurrent resolution to temporarily fill the vacancy.

Except as otherwise provided, the bill requires a vacancy in the office of U.S. Senator to be filled at the election of Representatives in Congress immediately following such vacancy. However, if the vacancy occurs on or after May 1 in an even-numbered year, the position will be filled at the election of Representatives in Congress held two years following the year in which the vacancy occurs.

State Treasurer and Commissioner of Insurance

Continuing law authorizes the Governor to make temporary appointments to fill vacancies in the offices of State Treasurer and Commissioner of Insurance for the remainder of the unexpired term and until a successor is elected and qualified. The bill directs the Governor to make a temporary appointment within three calendar days of receiving a concurrent resolution adopted by the Legislature or a report submitted by the Committee and appoint one of three persons designated as candidates in such concurrent resolution to serve for the unexpired term and until a successor is elected and qualified.

Political Party Requirement

The bill requires any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance to be a resident of Kansas and to have been registered with the same political party as the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance for the six years immediately preceding the vacancy. The bill also provides that if the previously elected U.S. Senator, State Treasurer, or Commissioner of Insurance was not registered with any political party, then any suitable person who is a Kansas resident is eligible for appointment.

Certification by Secretary of State

The bill prohibits any person appointed to fill a vacancy occurring in the offices of U.S. Senator, State Treasurer, or Commissioner of Insurance from taking office unless the Secretary of State certifies the appointment was made in accordance with the provisions of the bill.

Severability

The bill makes severable provisions regarding making temporary appointments to fill a vacancy in the office of U.S. Senator, establishing the Joint Committee on Vacancy Appointments, and the concurrent resolution or report recommending candidates to fill a vacancy in the office of U.S. Senator, State Treasurer, or Commissioner of Insurance. The bill specifies that if such provisions or their application are declared unconstitutional or invalid, the remaining provisions of the bill and their applicability continue to be valid and enforceable.

Statute Repealed

The bill repeals the statute specifying how a vacancy in the office of U.S. Senator is to be filled (KSA 25-318).