House Concurrent Resolution No. 5013

By Committee on Federal and State Affairs

4-5

A PROPOSITION to amend section 11 of article 1 of the constitution of the state of Kansas, relating to vacancies in executive offices.

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Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 11 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 11. Vacancies in executive offices. When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled. When the office of secretary of state or attorney general is vacant, the governor shall fill the vacancy by appointment legislature shall provide by law for the filling of the vacancy for the remainder of the term. If the secretary of state or attorney general is disabled, the governor shall name legislature shall provide by law for the naming of a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by law."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to replace the authority of the governor to fill vacancies in the offices of secretary of state and attorney general, by appointment, and to name persons to assume the powers and duties of the offices of secretary of state and attorney

HCR 5013 2

general, if the secretary of state or attorney general is disabled, with a grant of authority to the legislature to provide by law for the filling of vacancies in those offices and for the naming of persons to assume those offices in the event of a disability.

- "A vote for this proposition would amend the Kansas constitution to permit the legislature to provide, by law, for the filling of vacancies in the offices of the secretary of state and the attorney general and to provide, by law, for the naming of persons to assume the offices of secretary of state and attorney general, if the person holding that office became disabled.
- "A vote against this proposition would not amend the constitution, in which case the current provision providing the governor with the authority to fill vacancies in the offices of secretary of state and attorney general, by appointment, and the authority to name persons to assume those offices in the event of disability would remain."
- Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2020, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.