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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: January 18, 2024

Subject: SB 249 – Appointment to fill vacancies in the offices of state treasurer and commissioner of insurance subject to election by state party delegates.

Senate Bill No. 249 (SB 249) would modify the process by which individuals are appointed to fill the unexpired term if there is a vacancy in the office of the state treasurer or the commissioner of insurance. Currently, state law provides that such appointments are to be made by the Governor at the time the vacancy occurs. SB 249 provides that the Governor must appoint the individual who wins an election to fill such vacancy. The election is to be conducted at a delegate convention of the state political party that is the same as the candidate who won the last general election for the office that is vacant.

In new section 1, SB 249 requires that the delegate convention to elect a replacement for the office be held within 21 days after the notice that the vacancy has or will occur. The election is to be held by secret ballot among the delegates, and voting is to be conducted in multiple rounds until an individual has received a majority of the votes cast. Delegates cannot vote by representation or by proxy.

Upon election of a replacement for the vacant office, the chairperson or vice-chairperson of the state party is required to certify the election to the Governor and send a copy of the certified results to the Secretary of State. Within one week of receiving the certified results, the Governor is required to appoint the election winner to fill the vacancy in the office. If the Governor fails to do so, then the individual is appointed to the office by operation of state law.

If the office was held by an individual who was an independent candidate when elected, then the vacancy will be filled by gubernatorial appointment in the same manner as provided under current law.

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SB 249 also amends K.S.A. 25-101b to require the Governor's appointment of an individual to a vacancy in the office of state treasurer be subject to new section 1. Likewise, K.S.A. 40-106 is amended to make the same requirement applicable to the vacancies in the office of the commissioner of insurance.

If enacted, SB 249 would become effective on July 1, 2024.