

## SENATE BILL No. 249

By Committee on Federal and State Affairs

2-14

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1 AN ACT concerning the offices of the state treasurer and the  
2 commissioner of insurance; relating to the filling of a vacancy;  
3 amending K.S.A. 25-101b and 40-106 and repealing the existing  
4 sections.

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

7 New Section 1. (a) When a vacancy occurs in the office of the state  
8 treasurer or the office of commissioner of insurance, or if the state  
9 treasurer or commissioner of insurance is disabled, the vacancy in either  
10 case shall be filled by a state party delegate convention of the party of the  
11 state treasurer or the commissioner of insurance at the time of the state  
12 treasurer's or the commissioner of insurance's election, except as provided  
13 by subsection (d). The convention shall be called by the state party  
14 chairperson. Such convention shall be convened within 21 days of notice  
15 that a vacancy has occurred or will occur. The delegates to the convention  
16 shall be the state party committee members, and the officers of the  
17 convention shall be the officers of the state party committee. At such  
18 convention, the vote to fill such vacancy shall be taken.

19 (b) The election shall be by secret ballot, and the person elected shall  
20 be the person who receives the majority of all votes cast. If no person  
21 receives a majority of all votes cast on any ballot, the balloting shall  
22 continue until a person receives a majority of all the votes cast. Each state  
23 delegate of the party shall be entitled to vote. No state delegate shall be  
24 represented or vote by proxy. The convention may adopt such rules  
25 necessary to govern its procedure in making nominations, voting, counting  
26 and canvassing votes and for the conduct of any business that may  
27 properly be brought before the convention, except that such rules shall not  
28 be in conflict with the provisions of this section.

29 (c) After a person has been elected to fill the vacancy, the chairperson  
30 or vice-chairperson of the party committee shall execute a certificate,  
31 under oath, stating that such person has been duly elected to fill such  
32 vacancy. The chairperson or vice-chairperson shall transmit such  
33 certificate either by hand delivery by a person designated by the  
34 chairperson or vice-chairperson or by registered mail, return receipt  
35 requested, to the governor and a copy to the secretary of state. If  
36 transmitted by registered mail, such certificate and copy shall be mailed

1 within 24 hours of the election, unless the day following the election is a  
2 Sunday or legal holiday, in which case it shall be mailed by the next  
3 regular business day. Not later than seven days after the certificate is  
4 received in the office of the governor, the governor, or in the governor's  
5 absence the lieutenant governor, shall fill the vacancy by appointing to the  
6 office of the state treasurer or the commissioner of insurance the person  
7 elected. In the event the governor or the lieutenant governor fails to  
8 appoint any person as required by this subsection after receiving a lawfully  
9 executed certificate, such person shall be deemed to have been appointed  
10 notwithstanding the failure. The person so appointed may qualify and enter  
11 upon the duties of the state treasurer or the commissioner of insurance  
12 immediately after appointment and shall serve for the unexpired term and  
13 until a successor is elected and qualified.

14 (d) If the state treasurer or commissioner of insurance whose office  
15 will become or has become vacant was an independent when elected, the  
16 vacancy shall be filled by the governor, who shall appoint a suitable person  
17 to serve for the unexpired term and until a successor is elected and  
18 qualified.

19 Sec. 2. K.S.A. 25-101b is hereby amended to read as follows: 25-  
20 101b. At the general election held in 1978 and each four-(4) years  
21 thereafter, there shall be elected a treasurer for the state of Kansas, whose  
22 term of office shall be four-(4) years beginning on the second Monday in  
23 January next succeeding such treasurer's election. In case of a vacancy in  
24 such office, the ~~governor shall appoint some~~ *appointment of a* suitable  
25 person to serve for the unexpired term and until a successor is elected and  
26 qualified *shall be made as provided in section 1, and amendments thereto.*

27 Sec. 3. K.S.A. 40-106 is hereby amended to read as follows: 40-106.  
28 At the general election held in 1978 and each four-(4) years thereafter,  
29 there shall be elected a commissioner of insurance for the state of Kansas,  
30 whose term of office shall be four-(4) years beginning on the second  
31 Monday in January next succeeding such commissioner's election. In case  
32 of a vacancy in such office the ~~governor shall appoint some~~ *appointment*  
33 *of a* suitable person to serve for the unexpired term and until a successor is  
34 elected and qualified *shall be made as provided in section 1, and*  
35 *amendments thereto.*

36 Sec. 4. K.S.A. 25-101b and 40-106 are hereby repealed.

37 Sec. 5. This act shall take effect and be in force from and after its  
38 publication in the statute book.