

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2051

By Committee on Elections

1-13

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.

5
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 (c). The convention shall be called by the state party
14 chairperson. Such convention shall be ~~called~~ **convened** within 21 days of
15 notice that a vacancy has occurred or will occur. The delegates to the
16 convention shall be the state party committee members, and the officers of
17 the 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**
20 **shall be the person who receives the majority of all votes cast. If no**
21 **person receives a majority of all votes cast on any ballot, the balloting**
22 **shall continue until a person receives a majority of all the votes cast.**
23 **Each state delegate of the party shall be entitled to vote. No state**
24 **delegate shall be represented or vote by proxy. The convention may**
25 **adopt such rules necessary to govern its procedure in making**
26 **nominations, voting, counting and canvassing votes and for the**
27 **conduct of any business that may properly be brought before the**
28 **convention, except that such rules shall not be in conflict with the**
29 **provisions of this section.**

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

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

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

20 Sec. 2. K.S.A. 40-106 is hereby amended to read as follows: 40-106.
21 At the general election held in 1978 and each four-~~(4)~~ years thereafter,
22 there shall be elected a commissioner of insurance for the state of Kansas,
23 whose term of office shall be four-~~(4)~~ years beginning on the second
24 Monday in January next succeeding such commissioner's election. In case
25 of a vacancy in such office the ~~governor shall appoint some~~ *appointment*
26 *of a* suitable person to serve for the unexpired term and until a successor is
27 elected and qualified *shall be made as provided in section 1, and*
28 *amendments thereto.*

29 Sec. 3. K.S.A. 25-101b is hereby amended to read as follows: 25-
30 101b. At the general election held in 1978 and each four-~~(4)~~ years
31 thereafter, there shall be elected a treasurer for the state of Kansas, whose
32 term of office shall be four-~~(4)~~ years beginning on the second Monday in
33 January next succeeding such treasurer's election. In case of a vacancy in
34 such office, the ~~governor shall appoint some~~ *appointment of a* suitable
35 person to serve for the unexpired term and until a successor is elected and
36 qualified *shall be made as provided in section 1, and amendments thereto.*

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

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