

SENATE BILL No. 254

By Committee on Federal and State Affairs

2-15

1 AN ACT concerning the office of United States senator; providing for the
2 filling of a vacancy; amending K.S.A. 25-318 and repealing the
3 existing section.
4

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

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

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

26 (c) After a person has been elected to fill the vacancy, the chairperson
27 or vice-chairperson of the party committee shall execute a certificate,
28 under oath, stating that such person has been duly elected to fill such
29 vacancy. The chairperson or vice-chairperson shall transmit such
30 certificate either by hand delivery by a person designated by the
31 chairperson or vice-chairperson or by registered mail, return receipt
32 requested, to the governor and a copy to the secretary of state. If
33 transmitted by registered mail, such certificate and copy shall be mailed
34 within 24 hours of the election, unless the day following the election is a
35 Sunday or legal holiday, in which case it shall be mailed by the next
36 regular business day. Not later than seven days after the certificate is

1 received in the office of the governor, the governor, or in the governor's
2 absence the lieutenant governor, shall fill the vacancy by appointing to the
3 office of United States senator the person elected. In the event the
4 governor or the lieutenant governor fails to appoint any person as required
5 by this subsection after receiving a lawfully executed certificate, such
6 person shall be deemed to have been appointed notwithstanding the
7 failure. The person so appointed may qualify and enter upon the duties of
8 United States senator immediately after appointment and shall serve for
9 the unexpired term and until a successor is elected and qualified.

10 (d) If the United States senator whose office has become vacant was
11 an independent when elected, the vacancy shall be filled by the governor,
12 who shall appoint a suitable person to serve for the unexpired term and
13 until a successor is elected and qualified.

14 Sec. 2. K.S.A. 25-318 is hereby amended to read as follows: 25-318.
15 When a vacancy shall occur in the office of United States senator from this
16 state, the governor shall ~~make a temporary appointment to fill such~~
17 ~~vacancy until the next election of representatives in congress, at which~~
18 ~~time such vacancy shall be filled by election, and the senator so elected~~
19 ~~shall take office as soon thereafter as he shall receive his certificate of~~
20 ~~election~~ *appoint a person as provided in section 1, and amendments*
21 *thereto.*

22 Sec. 3. K.S.A. 25-318 is hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.