

HOUSE BILL No. 2214

By Committee on Elections

2-3

1 AN ACT concerning filling vacancies of certain offices and candidacies;
2 relating to the procedure of appointment; amending K.S.A. 2014 Supp.
3 25-3902 and 25-3904 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2014 Supp. 25-3902 is hereby amended to read as
7 follows: 25-3902. (a) (1) Except as provided in K.S.A. 25-312a, and
8 amendments thereto, when a district convention is provided by law to be
9 held to elect a person to be appointed to fill a vacancy in a district office,
10 the county chairperson designated in subsection (b) or (c), within 21 days
11 of receipt of notice that a vacancy has occurred or will occur, shall call and
12 convene a convention of all committeemen and committeewomen of the
13 party of the precincts in such district for the purpose of electing a person to
14 be appointed by the governor to fill the vacancy. If such county
15 chairperson is absent or for any reason is unable to call, or refuses to call
16 such convention, then the county vice-chairperson shall call the
17 convention and perform the other duties under this section required of such
18 chairperson.

19 (2) *In the case of a vacancy in a district office resulting from the*
20 *death of an officer, the date of death shall be deemed to be the date of*
21 *notice for the purposes of subsection (a)(1).*

22 (b) If the district lies within a single county, the county chairperson of
23 such county shall call the convention by mailing a notice, at least seven
24 days before the date of the convention, to each precinct committeeman and
25 committeewoman who is entitled to vote at the convention pursuant to
26 subsection (e).

27 (c) If all or part of more than one county lies within the district, the
28 county chairperson of the county in which the greatest number of qualified
29 voters of the district reside shall call the convention by mailing a notice of
30 the convention to each county chairperson of the party in each such county
31 at least 10 days before the date of the convention. Such convention shall
32 be held at a location within the district selected by the chairperson calling
33 the convention. Such county chairperson, within three days after receipt of
34 such notice, shall mail notice of the convention to the committeemen and
35 committeewomen in their counties who are entitled to vote at the
36 convention pursuant to subsection (e).

1 (d) The notice of such convention shall state:

2 (1) The place where the convention is to be held;

3 (2) the time when the convention will convene; and

4 (3) the purpose for which the convention is to be held.

5 (e) At the time and place fixed for holding the convention, the county
6 chairperson who called the convention shall act as temporary chairperson
7 and shall call the convention to order. One-third of the eligible members of
8 the convention shall constitute a quorum for such election. In the event a
9 quorum is not present at the time and place that such convention is called,
10 the members present shall adjourn the convention to a day and time
11 certain, which shall be not later than 14 days after such adjournment of
12 such convention, and provide for notification of the time and place of such
13 adjourned convention to be given to the eligible members not present. The
14 convention shall organize by electing a permanent chairperson and such
15 other officers as necessary. After the convention is organized, it shall elect
16 a person to be appointed by the governor to fill the vacancy. Such election
17 shall be by secret ballot and the person elected shall be the one who
18 receives the majority of all the votes cast. If no person receives a majority
19 of all votes cast on any ballot, the balloting shall continue until some
20 person receives a majority of all the votes cast. Each committeeman and
21 committeewoman of the party of the precincts in such district shall be
22 entitled to vote. Except as provided in subsection (f), no precinct
23 committeeman or committeewoman shall be represented or shall vote by
24 proxy. The convention may adopt such rules necessary to govern its
25 procedure in making nominations, voting, counting, *eligibility of member*
26 *to constitute quorum, administrative rules regarding proxy votes* and
27 canvassing votes and for the conduct of any business which may properly
28 be brought before the convention, but such rules shall not be in conflict
29 with the provisions of this section.

30 (f) (1) A precinct committeeman or committeewoman may vote by
31 proxy at a convention called pursuant to this section whenever such
32 precinct committeeman or committeewoman is unable to attend the
33 convention and cast such precinct committeeman's or committeewoman's
34 ballot.

35 (2) A precinct committeeman or committeewoman may designate
36 another precinct committeeman or committeewoman to cast such precinct
37 committeeman's or precinct committeewoman's ballot at such convention
38 by proxy. Any proxy authorized by this subsection shall:

39 (A) Designate the precinct committeeman or committeewoman who
40 shall cast the precinct committeeman's or precinct committeewoman's vote
41 by proxy;

42 (B) be signed by the precinct committeeman or precinct
43 committeewoman authorizing the proxy; and

1 (C) contain an acknowledgment of such precinct committeeman's or
2 precinct committeewoman's signature which complies with K.S.A. 53-509,
3 and amendments thereto.

4 (g) After a person has been elected to be appointed to fill a vacancy in
5 a district office, the chairperson or vice-chairperson of the convention shall
6 execute a certificate, under oath, stating that such person has been duly
7 elected to be appointed to fill such vacancy and shall transmit such
8 certificate either by hand delivery by a person designated by such
9 chairperson or vice-chairperson *by email, by facsimile transmission* or by
10 registered mail, return receipt requested, to the governor and a copy
11 thereof to the secretary of state. If transmitted by registered mail, such
12 certificate and the copy thereof shall be mailed within 24 hours of such
13 election, unless the day following such election is a Sunday or legal
14 holiday, in which case it shall be mailed by the next regular business day.
15 Thereupon, and not later than seven days after such certificate is received
16 in the office of the governor, the governor, or in the governor's absence the
17 lieutenant governor, shall fill such vacancy by appointing to such district
18 office the person so elected. In the event the governor or lieutenant
19 governor fails to appoint any person as required by this subsection after
20 receiving a lawfully executed certificate hereunder, such person shall be
21 deemed to have been so appointed notwithstanding such failure. The
22 person so appointed may qualify and enter upon the duties of the district
23 office immediately after appointment.

24 Sec. 2. K.S.A. 2014 Supp. 25-3904 is hereby amended to read as
25 follows: 25-3904. (a) When a district convention is provided by law to be
26 held to elect a person to fill a vacancy in a party candidacy for a district
27 office, the county chairperson designated in subsection (b) or (c), within
28 21 days of the receipt of the notice that the vacancy has occurred or will
29 occur shall call and convene a convention of all committeemen and
30 committeewomen of the political party from the precincts in such district.
31 If such county chairperson is absent or for any reason is unable to call, or
32 refuses to call such convention, then the corresponding county vice-
33 chairperson shall call the convention and perform the other duties under
34 this section required of such chairperson.

35 (b) If the district lies within a single county, the county chairperson of
36 such county shall call the convention by mailing a notice at least seven
37 days before the date of the convention to the committeemen and
38 committeewomen in such county who are entitled to vote at such
39 convention pursuant to subsection (e).

40 (c) If all or part of more than one county lies within the district, the
41 county chairperson of the county in which the greatest number of qualified
42 voters of the district reside shall call the convention by mailing a notice of
43 such convention to each county chairperson of the party in each such

1 county, at least 10 days before the date of the convention. Such convention
2 shall be held at a location within the district selected by the chairperson
3 calling the convention. Such county chairpersons shall, within three days
4 after receipt of such notice, mail notice of such convention to the
5 committeemen and committeewomen in their counties who are entitled to
6 vote at such convention pursuant to subsection (e).

7 (d) The notice of such convention shall state: (1) The place where the
8 convention is to be held; (2) the time when the convention will convene;
9 and (3) the purpose for which the convention is to be held.

10 (e) At the time and place fixed for holding the convention, the county
11 chairperson who called the convention shall act as temporary chairperson
12 and shall call the convention to order. One-third of the eligible members of
13 the convention shall constitute a quorum for such election. In the event a
14 quorum is not present at the time and place that such convention is called,
15 the members present shall adjourn the convention to a day and time
16 certain, which shall not be later than 14 days after such adjournment of
17 such convention, and provide for notification of the time and place of such
18 adjourned convention to be given to the eligible members not present. The
19 convention shall organize by electing a permanent chairperson and such
20 other officers as necessary. After the convention is organized, it shall elect
21 a person to fill such vacancy in the party candidacy. Such election shall be
22 by secret ballot and the person elected shall be the one who receives the
23 majority of all the votes cast. If no person receives a majority of all votes
24 cast on any ballot, the balloting shall continue until some person receives a
25 majority of all the votes cast. Each committeeman and committeewoman
26 of the party of the precincts in such district shall be entitled to vote. Except
27 as provided in subsection (f), no precinct committeeman or
28 committeewoman shall be represented or shall vote by proxy. The
29 convention may adopt rules as necessary to govern its procedure in making
30 nominations, voting, counting and canvassing votes and for the conduct of
31 any business which may properly be brought before the convention, but
32 such rules shall not be in conflict with the provisions of this section.

33 (f) (1) A precinct committeeman or committeewoman may vote by
34 proxy at a convention called pursuant to this section whenever such
35 precinct committeeman or committeewoman is unable to attend the
36 convention and cast such precinct committeeman's or committeewoman's
37 ballot.

38 (2) A precinct committeeman or committeewoman may designate
39 another precinct committeeman or committeewoman to cast such precinct
40 committeeman's or precinct committeewoman's ballot at such convention
41 by proxy. Any proxy authorized by this subsection shall:

42 (A) Designate the precinct committeeman or committeewoman who
43 shall cast the precinct committeeman's or precinct committeewoman's vote

1 by proxy;

2 (B) be signed by the precinct committeeman or precinct
3 committeewoman authorizing the proxy; and

4 (C) contain an acknowledgment of such precinct committeeman's or
5 precinct committeewoman's signature which complies with K.S.A. 53-509,
6 and amendments thereto.

7 (g) After a person has been elected to fill a vacancy in a party
8 candidacy for a district office, the chairperson or vice-chairperson of the
9 convention shall execute a certificate, under oath, stating that such person
10 has been duly elected to fill such vacancy and shall transmit such
11 certificate to the secretary of state or appropriate county election officer.

12 *(h) In the case of a vacancy in a party candidacy for district office*
13 *which occurs at any time between the closing time for filing to be a*
14 *candidate prescribed K.S.A. 25-205, and amendments thereto, and the*
15 *final canvass of primary elections as provided in K.S.A. 25-3205, and*
16 *amendments thereto, a district convention shall be called to fill such*
17 *vacancy in the manner prescribed in this section within 21 days. After*
18 *receipt of the notification prescribed in subsection (g), as soon thereafter*
19 *as practicable, the secretary of state shall declare the person selected to*
20 *fill the vacancy as the candidate for the party which selected such*
21 *candidate.*

22 Sec. 3. K.S.A. 2014 Supp. 25-3902 and 25-3904 are hereby repealed.

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