

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2051

As Amended by House Committee on Elections

Brief*

HB 2051, as amended, would amend law relating to the Office of the State Treasurer and the Office of the Commissioner of Insurance to require a vacancy in either office to be filled by the state party delegate convention (convention) of the party of the official who vacated such office. Current law requires a vacancy in such offices to be filled by appointment by the Governor.

The bill would require the state party chairperson to convene a convention within 21 days of notice that a vacancy has occurred, or will occur, in either office. A vote by secret ballot to fill such a vacancy would be taken at such convention, with state party committee members as delegates to the convention and officers of the state party committee as officers of the convention. The bill would require a majority vote to fill such vacancy, and if no person receives a majority of votes cast, balloting would continue until one person receives a majority of votes.

The bill would state each state delegate would be allowed to vote, and no precinct delegate could be represented or vote by proxy.

The bill would allow such convention to adopt rules as necessary to govern procedures to fill a vacancy.

The bill would require the chairperson or vice-chairperson of the party committee to execute a certificate under oath that a person has been duly elected to fill the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

vacancy, and to transmit such certificate to the Governor and a copy of such certificate to the Secretary of State by either hand delivery or registered mail, return receipt requested. If the certificate is sent by registered mail, the bill would require such certificate to be mailed within 24 hours of the election, unless the day following the election is a Sunday or legal holiday.

The bill would require the Governor (or the Lieutenant Governor in the Governor's absence) to fill the vacancy by appointing the individual elected to the Office of the State Treasurer or Office of the Commissioner of Insurance not later than seven days after receipt of the certificate of election. The bill would deem the elected individual to be appointed if the Governor or Lieutenant Governor receives such certificate but fails to appoint the individual.

The bill would require any individual appointed by such process to serve as State Treasurer or Commissioner of Insurance for the unexpired term and until a successor is elected and qualified.

If the State Treasurer or Commissioner of Insurance who vacated such office was an independent when elected, the bill would require the Governor to fill such vacancy by appointing a suitable person to serve for the unexpired term and until a successor is elected and qualified.

Background

The bill was introduced by the House Committee on Elections at the request of Representative Bergquist.

[*Note:* HB 2051, as introduced, includes provisions identical to provisions in 2020 HB 2606, as recommended by the House Committee on Elections.]

House Committee on Elections

In the House Committee hearing on the bill, a representative of the Kansas Republican Party testified as a **proponent**, stating the bill would align the process for filling a vacancy for the Office of the State Treasurer or the Office of the Commissioner of Insurance with the process for filling a vacancy in other statutory offices.

No other testimony was provided.

The House Committee amended the bill to require the convention election to be conducted by secret ballot and require a majority vote to fill such vacancies. The House Committee amended the bill to change references to “committeeman” or “committeewoman” to “state delegate” and change references to “call” a convention to “convene” a convention. The House Committee also amended the bill to state all state delegates must be allowed to vote, and no precinct delegate can be represented or vote by proxy. Finally, the House Committee amended the bill to allow such convention to adopt rules necessary to govern procedures for making nominations, voting, counting, and canvassing votes and for conducting business brought before the convention.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the Secretary of State and the Commissioner of Insurance indicate enactment of the bill would have no fiscal effect on agency operations. The State Treasurer indicates agency expenditures necessary for the transition of a State Treasurer are negligible, are assumed in an elected office, and are not affected by the method of appointment.

Elections; State Treasurer; Commissioner of Insurance; party convention