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

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

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

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

(c) After a person has been elected to fill the vacancy, the chairperson or vice-chairperson of the party committee shall execute a certificate, under oath, stating that such person has been duly elected to fill such vacancy. The chairperson or vice-chairperson shall transmit such certificate either by hand delivery by a person designated by the chairperson or vice-chairperson or by registered mail, return receipt requested, to the governor and a copy to the secretary of state. If transmitted by registered mail, such certificate and copy shall be mailed...
within 24 hours of the election, unless the day following the election is a
Sunday or legal holiday, in which case it shall be mailed by the next
regular business day. Not later than seven days after the certificate is
received in the office of the governor, the governor, or in the governor's
absence the lieutenant governor, shall fill the vacancy by appointing to the
office of the state treasurer or the commissioner of insurance the person
elected. In the event the governor or the lieutenant governor fails to
appoint any person as required by this subsection after receiving a lawfully
executed certificate, such person shall be deemed to have been appointed
notwithstanding the failure. The person so appointed may qualify and enter
upon the duties of the state treasurer or the commissioner of insurance
immediately after appointment and shall serve for the unexpired term and
until a successor is elected and qualified.

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

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

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

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

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