

HOUSE BILL No. 2334

By Committee on Elections and Governmental Organization

2-1

9 AN ACT concerning elections; amending K.S.A. 2006 Supp. 25-3904 and
10 repealing the existing section.

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

13 Section 1. K.S.A. 2006 Supp. 25-3904 is hereby amended to read as
14 follows: 25-3904. (a) When a district convention is provided by law to be
15 held to elect a person to fill a vacancy in a party candidacy for a district
16 office, the county chairperson designated in subsection (b) or (c), within
17 21 days of the receipt of the notice that the vacancy has occurred or will
18 occur shall call and convene a convention of all committeemen and com-
19 mitteewomen of the political party from the precincts in such district. If
20 such county chairperson is absent or for any reason is unable to call, or
21 refuses to call such convention, then the corresponding county vice-chair-
22 person shall call the convention and perform the other duties under this
23 section required of such chairperson.

24 (b) If the district lies within a single county, the county chairperson
25 of such county shall call the convention by mailing a notice at least seven
26 days before the date of the convention to the committeemen and com-
27 mitteewomen in such county who are entitled to vote at such convention
28 pursuant to subsection (e).

29 (c) (1) If all or part of more than one county lies within the district,
30 the county chairperson of the county in which the greatest number of
31 qualified voters of the district reside shall call the convention by mailing
32 a notice of such convention to each county chairperson of the party in
33 each such county, at least 10 days before the date of the convention. Such
34 convention shall be held at a location within the district selected by the
35 chairperson calling the convention. Such county chairpersons shall, within
36 three days after receipt of such notice, mail notice of such convention to
37 the committeemen and committeewomen in their counties who are en-
38 titled to vote at such convention pursuant to subsection (e).

39 (2) *The name of any person who will be proposed to fill the vacancy*
40 *at the convention must be submitted to each county chairperson at least*
41 *10 days before the convention is to be held.*

42 (d) The notice of such convention shall state: (1) The place where
43 the convention is to be held; (2) the time when the convention will con-

1 vene; ~~and~~ (3) the purpose for which the convention is to be held; and (4)
2 *the list of names of persons to be considered to fill a vacancy.*

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

27 (f) (1) A precinct committeeman or committeewoman may vote by
28 proxy at a convention called pursuant to this section whenever such pre-
29 cinct committeeman or committeewoman is unable to attend the con-
30 vention and cast such precinct committeeman's or committeewoman's
31 ballot.

32 (2) A precinct committeeman or committeewoman may designate an-
33 other precinct committeeman or committeewoman to cast such precinct
34 committeeman's or precinct committeewoman's ballot at such convention
35 by proxy. Any proxy authorized by this subsection shall:

36 (A) Designate the precinct committeeman or committeewoman who
37 shall cast the precinct committeeman's or precinct committeewoman's
38 vote by proxy;

39 (B) be signed by the precinct committeeman or precinct committe-
40 woman authorizing the proxy; and

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

1 (g) After a person has been elected to fill a vacancy in a party can-
2 didacy for a district office, the chairperson or vice-chairperson of the
3 convention shall execute a certificate, under oath, stating that such person
4 has been duly elected to fill such vacancy and shall transmit such certif-
5 icate to the secretary of state or appropriate county election officer.

6 Sec. 2. K.S.A. 25-3904 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.