

SESSION OF 2008

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2683**

As Agreed to May 3, 2008

Brief*

HB 2683 addresses the filling of vacancies by election in the offices of United States Representative and Senator. It also would change the date of the presidential preference primary election. Details of the bill follow:

United States Representative

The bill would provide for an alternative (generally condensed) election process in the event a Kansas vacancy occurs in the office of United States Representative due to extraordinary circumstances.

- The bill would define “extraordinary circumstances” as those in which the Speaker of the U.S. House of Representatives announces more than 100 vacancies exist in the U.S. House.
- The alternative election system specified in the bill is the system provided for in the U.S. Code for such vacancies.

United States Senator

The bill would require that a vacancy in the office of United States Senator be filled by election instead of gubernatorial appointment. It would require the Governor to proclaim, within

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five days of a vacancy occurring, an election date to fill any unexpired term left by the exiting U.S. Senator. The election date would have to be:

- Not less than 45 days nor more than 60 days after the proclamation is issued, unless otherwise provided;
- On the same date as the primary election of state officers, if the vacancy occurs any time from 90 to 30 days before the primary election; or
- On the same date as the primary or general election, if the vacancy occurs any time from 90 to 30 days before any regular primary or general election of city and school officers occurring in an odd-numbered year.

The bill further would require a statewide convention be held of each political party whose gubernatorial candidate received at least 5 percent of the votes cast at the preceding gubernatorial election. Deadlines are established in the bill for holding the convention. The bill also would allow independent candidates to be nominated by petition of registered voters equal in number to 4 percent of the number of qualified Kansas voters, or 5,000, whichever is less.

Presidential Preference Primary

Beginning in 2012, the bill would change the date of the presidential primary election to the first Saturday in February. The candidate filing and ballot deadlines would be changed to conform.

Conference Committee Action

The Conference Committee accepted the Senate amendments with the following changes:

- It deleted the vacancy election provisions for the State Treasurer.

Background

Current law (KSA 25-3501 *et seq.*) requires the Governor to proclaim an election date for a U.S. Representative vacancy not later than five days after the vacancy occurs. The election must occur not less than 45 days nor more than 60 days after the initial proclamation is made. Alternatively, the election must be held on the same day as certain primary or general elections in instances when the vacancy occurs close to those primary or general elections (KSA 25-3503). Party nomination deadlines are set forth as well. Under the bill, these are the requirements that would apply during normal vacancy circumstances.

The federal law referred to in the bill (*i.e.*, the one that would apply as a result of extraordinary circumstances) requires a special election to take place not later than 49 days after the Speaker of the U.S. House of Representatives announces, during extraordinary circumstances, that the vacancy exists. An exception is provided if an election for the office involved had been scheduled previously to take place during the 75-day period beginning on the date of the vacancy announcement.

A representative of the Office of the Secretary of State testified in favor of the bill. He explained the federal law was passed in response to the September 11, 2001, tragedy. No opponents testified.

The bill was placed on the Consent Calendar in the House.

The Senate Committee amended the bill to add the contents of Sub. for SB 152, as recommended by the Committee in 2007. With respect to these provisions, current law requires the Governor to make a temporary appointment to fill a vacancy occurring in the office of U.S. Senator.

The Senate Committee of Whole amended the bill to:

- Modify the petition requirements related to allowing an independent candidate to be nominated in the case of a vacancy in the office of United States Senator.
- Add the election requirement to fill a vacancy in the office of State Treasurer.
- Change current law regarding the date of the presidential primary election.

The fiscal note on the original bill indicated the effect on the Secretary of State's Office would be negligible, but for the counties that must hold a congressional election, a fiscal impact would result. If held in conjunction with another election, counties would incur costs of approximately \$500 to \$1,000 per county. A separate general election is estimated to cost approximately \$500,000 collectively for the counties that must hold an election.

filling vacancies by election