

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2332** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, in line 2, by striking "secretary of state" and inserting "county election officer"; in line 3, after "voter" by inserting "if the mailing address is different from the residential address"; in line 7, after "occupied" by inserting "and, if not, the person shall not be considered a validly registered voter"; also in line 7, by striking all after the period; by striking all in line 8; in line 9, by striking all before "The"; also in line 9, by striking "secretary" and inserting "county election officer"; in line 10, by striking all after "database"; by striking all in line 11; in line 12, by striking all before the period;

On page 7, following line 5, by inserting:

"Sec. 5. K.S.A. 73-213 is hereby amended to read as follows: 73-213. For the purposes of this act, ~~the following terms shall have the meanings ascribed to them by this section, unless the context clearly requires otherwise:~~

(a) ~~"Officer" means any officer or employee of the state of Kansas or any political subdivision thereof.~~ "Act" means K.S.A. 73-213 through 73-219, and amendments thereto.

(b) "Appointive authority" means the person, board, commission or other authority vested by law with power to appoint a successor for an officer when a vacancy occurs in the office or position held by such officer. If no person, board, commission, or other authority is vested by law with power to appoint a successor for an officer when a vacancy occurs then "appointive authority" means the governor of the state of Kansas.

~~(b)(c)~~ "Military service" means active service in the army, navy, or marine corps, air force, coast guard, space force, Kansas army or air national guard or any branch of the military reserves of the United States or any compulsory service rendered in any capacity to the federal government for the purpose of national defense.

~~(e)(d)~~ "Appointive authority" means the person, board, commission, or other authority vested by law with power to appoint a successor for an officer upon the happening of a vacancy in the office or position held by such officer; but if no person, board, commission, or other authority is vested by law with power to appoint a successor for an officer upon the happening of such a vacancy, then "appointive authority" shall mean the governor of the state of Kansas. "Officer" means any officer or employee of the state of Kansas or any political subdivision thereof.

~~(d)(c)~~ "Temporary vacancy" means a vacancy in an office or position caused by the absence in military service of the officer elected or appointed thereto. If the officer was originally elected or appointed for a definite term ~~such~~, "temporary vacancy" ~~shall mean~~ means the period of time beginning with the day such officer ~~shall enter the~~ enters military service and ending either with the day ~~he shall return~~ such officer returns from military service; or with the expiration of the appointed or elected term ~~for which he was elected or appointed~~, whichever period of time is ~~the~~ shorter. If the officer was originally appointed to ~~his~~ the office or position for an indefinite term or for a term expiring at the pleasure of the appointive authority, such "temporary vacancy" ~~shall mean~~ means the period of time beginning with the day such officer ~~shall enter the~~ enters military service and ending either with the day ~~he~~ such officer shall return from military service, or with the expiration of the appointive power of the original appointive authority, whichever period of time is ~~the~~ shorter.

Sec. 6. K.S.A. 73-214 is hereby amended to read as follows: 73-214. The absence of

any officer from ~~his~~ an office or position caused by ~~his being in the~~ military service shall not create a forfeiture of, or vacancy in the office or position to which such officer was elected or appointed but shall be construed to ~~merely~~ create a temporary vacancy. Wherever the terms "forfeiture of office" or "vacancy in office" or other words of ~~similar import~~ like effect are used in any law of this state in relation to an officer such as defined in this act, ~~the same such terms or words~~ shall be construed in accordance with the provisions of this section and shall not be construed to apply to any absence of such officer who is absent from ~~his~~ an office or position by reason of ~~his being in the~~ military service.

Sec. 7. K.S.A. 73-215 is hereby amended to read as follows: 73-215. (a) (1) If an officer's military service creates a temporary vacancy that is determined by such officer to require a temporary appointment, such officer shall submit an approved form to the designated office as set out in paragraph (2).

(2) (A) If the officer is an elected state official, the form shall be approved by and filed with the secretary of state.

(B) If the officer is an elected official of a political subdivision, the form shall be filed with the county clerk of the county containing the largest portion of the territory of the political subdivision.

(C) If the officer is an employee who is not an elected official, the form shall be approved by and filed with the employee's human resources department or other official as determined by such officer's employer.

(3) The officer shall also submit an approved form to the designated office upon return from military service.

(b) ~~In case~~ If an officer's military service creates a temporary vacancy ~~is or has been created in any office or position by reason of the absence of the officer in the military service,~~ in

an office or position and the form prescribed in (a) has been filed:

(1) The appointive authority for a partisan elective office shall appoint a person to temporarily fill such office or position using the procedures in K.S.A. 25-3901 et seq., and amendments thereto; and

(2) The appointive authority shall for an elective office that is nonpartisan and for an employee who is not an elected official may appoint some a person to temporarily fill the such office or position to which such officer was elected or appointed.

(c) All such appointees shall hold the office or position which they are temporarily to fill during the such temporary vacancy caused by the absence of the officer in the military service.

Sec. 8. K.S.A. 73-218 is hereby amended to read as follows: 73-218. An officer who ~~shall be~~ is absent from ~~his~~ an office or position ~~and~~ while in ~~the~~ military service shall not be entitled to any compensation as such officer during such absence; ~~but upon his return,~~ If he return the officer returns before the expiration of the period of the temporary vacancy created by ~~his~~ the officer's absence, ~~he~~ such officer shall be entitled to immediate possession of ~~the~~ such office or position ~~from which he was absent~~ and, upon reassuming the duties of the office, to receive the compensation for the remainder of the term to which the holder thereof is entitled, subject to removal from office according to law.

Sec. 9. K.S.A. 73-219 is hereby amended to read as follows: 73-219. The provisions of this act are declared to be severable and if any section, subsection, paragraph, be unconstitutional or provision of this act or its application to any person or circumstance is held invalid for any reason, it shall be presumed that this act would have been passed by the legislature without such invalid section, subsection, paragraph, sentence, provision, clause or phrase, and such decision shall not in any way affect the remainder of such invalidity shall not affect the other provisions

or applications of this act.";

Also on page 7, in line 6, before "K.S.A." by inserting "K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 2 through 10; in line 11, by striking all before the second semicolon and inserting "relating to the conduct of elections; providing for the appointment and duties of certain elected officials"; also in line 11, after "amending" by inserting "K.S.A. 73-213, 73-214, 73-215, 73-218 and 73-219 and";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House