

By Committee on Federal and State Affairs

AN ACT concerning the office of United States senator; providing for the filling of a vacancy in such office; requiring a special election to fill such vacancy; amending K.S.A. 25-318 and repealing the existing section.

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

Section 1. K.S.A. 25-318 is hereby amended to read as follows: 25-318. (a) When a vacancy shall occur in the office of United States senator from this state, the governor shall make a temporary appointment to fill such vacancy until the next election of representatives in congress, at which time such vacancy shall be filled by election, and the senator so elected shall take office as soon thereafter as he shall receive his certificate of election. an election shall be held in accordance with this section. Not later than five days after any such vacancy occurs, the governor shall proclaim the date of such election in accordance with the provisions of this section.

(b) The governor shall proclaim the date of any election held under this act to be a day not more than 61 days after such proclamation is issued. The proclamation shall be made in writing, signed by the governor and delivered by the governor to the secretary of state. The secretary of state shall promptly cause the proclamation to be published in the Kansas register, and a copy shall be transmitted by the secretary to the chairperson of all political parties recognized in accordance with K.S.A. 25-302a. and amendments thereto.

(c) (1) In the event that such vacancy occurs not more than 61 days and not less than 30 days before any primary election for such office, the election provided for in this act shall be held on the same date as the primary election.

(2) In the event that such vacancy occurs not more than 30 days before any primary

election for such office and before the general election, at such general election votes cast for such office shall be deemed to be cast to fill the vacancy for the unexpired term, as well as for the election for the next regular term. The governor shall proclaim the date of the election to be the same as the general election.

(3) In the event that such vacancy occurs on or after the date of any general election for such office and before the term of office in which the vacancy has occurred expires, votes cast for such office shall be deemed to have been cast to fill such vacancy for the unexpired term, as well as for election for the next regular term.

(4) In cases to which paragraph (2) or (3) applies, the person elected for the next regular term shall be deemed to have been elected for the balance of the unexpired term also.

(d) Whenever such vacancy occurs, except in cases where subsection (c)(2) or (c)(3) applies, a convention of the state party of each political party recognized in accordance with K.S.A. 25-302a, and amendments thereto, shall be called by the state chairperson of the party, or if there is no state chairperson, by the party's candidate for governor at the immediately preceding general election. The convention shall be called for a date not less than 15 days and not more than 25 days after the proclamation of election is issued by the governor in the cases to which subsection (c) does not apply, and within 15 days in cases to which subsection (c)(1) or (c)(2) apply. In accordance with the rules of the state party and the provisions of this section, each convention shall nominate a candidate to fill such vacancy and shall file a certificate of the nomination with the secretary of state immediately. Every certificate shall be signed by the presiding officer and secretary of the convention making the nomination. Independent candidates may be nominated by petition of not less than 3,000 qualified electors. Such petitions may not be circulated for signatures prior to the governor proclaiming the date of the election. Any such

petition shall be filed with the secretary of state not later than 25 days after the proclamation of election is issued by the governor. Except as is provided in subsection (c)(2) or (c)(3), no candidate shall be nominated to fill such vacancy by any means other than provided by this section.

(e) The secretary of state shall furnish to each county election officer the form for the ballot to be used at the election. The ballot shall contain the names of the candidates and the political party or designation of each candidate, and these shall appear upon the ballot in substantially the same form as is provided by K.S.A. 25-616, and amendments thereto, and the provisions of such statute shall apply to ballots used at such election to the extent that the same are consistent with the provisions of this section. When subsection (c)(3) applies, the ballot shall indicate that a vote for the candidate applies to both the regular and unexpired term, and when such subsection does not apply, the ballot shall indicate that the vote is for the unexpired term.

(f) Elections held under the provisions of this section shall be conducted by county election officers. Laws relating to registration of voters shall apply to such election.

(g) The canvass of the election shall be conducted as provided in K.S.A.25-3104, and amendments thereto. County election officers shall dispatch the abstract of the intermediate canvass to the secretary of state immediately upon completion of the canvass by the board of county canvassers. The state board of canvassers shall meet in the office of the secretary of state on the third day following the intermediate canvass of the election held in all counties, unless such day is a Sunday or holiday, in which case the canvass shall be on the next following day that is not a Sunday or holiday. The state board of canvassers shall make the final canvass, and the certificate of election of the candidate receiving the highest number of votes shall be issued in the same manner as is provided for regular elections of national officers.

(h) Election laws of the state not inconsistent with the provisions of this section shall apply to elections held under this section.

Sec. 2. K.S.A. 25-318 is hereby repealed.

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