

Senate Concurrent Resolution No. 1617

By Committee on Federal and State Affairs

2-1

1 A PROPOSITION to amend section 11 of article 1 of the constitution of
2 the state of Kansas; relating to vacancies in the offices of the secretary
3 of state and the attorney general.

4
5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
6 *members elected (or appointed) and qualified to the Senate and two-*
7 *thirds of the members elected (or appointed) and qualified to the*
8 *House of Representatives concurring therein:*

9 Section 1. The following proposition to amend the constitution of
10 the state of Kansas shall be submitted to the qualified electors of the state
11 for their approval or rejection: Section 11 of article 1 of the constitution
12 of the state of Kansas is hereby amended to read as follows:

13 **"§ 11. Vacancies in executive offices.** (a) When the office of
14 governor is vacant, the lieutenant governor shall become governor.
15 In the event of the disability of the governor, the lieutenant
16 governor shall assume the powers and duties of governor until the
17 disability is removed. The legislature shall provide by law for the
18 succession to the office of governor should the offices of governor
19 and lieutenant governor be vacant, and for the assumption of the
20 powers and duties of governor during the disability of the
21 governor, should the office of lieutenant governor be vacant or the
22 lieutenant governor be disabled.

23 (b) (1) When the office of secretary of state or attorney
24 general is vacant, ~~the governor shall fill the vacancy by~~
25 ~~appointment for the remainder of the term. If the secretary of state~~
26 ~~or attorney general is disabled, the governor shall name a person to~~
27 ~~assume the powers and duties of the office until the disability is~~
28 ~~removed or if the secretary of state or attorney general is disabled,~~
29 *the vacancy in either case shall be filled by a state party delegate*
30 *convention of the party of the executive officer at the time of such*
31 *officer's election, except as provided in paragraph (4).* The
32 procedure for determining disability and the removal thereof shall
33 be provided by law.

34 (2) *The convention shall be called by the state party*
35 *chairperson. Such convention shall be convened within 21 days of*
36 *notice that a vacancy has occurred or will occur. The delegates to*

1 *the convention shall be the state party committee members. The*
2 *officers of the convention shall be the officers of the state party*
3 *committee. At such convention, the vote to fill such vacancy shall*
4 *be taken. The election shall be by secret ballot, and the person*
5 *elected shall be the person who receives the majority of all votes*
6 *cast. If no person receives a majority of all votes cast on any*
7 *ballot, the balloting shall continue until a person receives a*
8 *majority of all the votes cast. Each state delegate of the party shall*
9 *be entitled to vote. No state delegate shall be represented or vote*
10 *by proxy. The convention may adopt such rules necessary to*
11 *govern its procedure in making nominations, voting, counting and*
12 *canvassing votes and for the conduct of any business that may*
13 *properly be brought before the convention, except that such rules*
14 *shall not be in conflict with the provisions of this section.*

15 (3) *After a person has been elected to fill the vacancy, the*
16 *chairperson or vice-chairperson of the party committee shall*
17 *execute a certificate, under oath, stating that such person has been*
18 *duly elected to fill such vacancy. The chairperson or vice-*
19 *chairperson shall transmit such certificate either by hand delivery*
20 *by a person designated by the chairperson or vice-chairperson or*
21 *by registered mail, return receipt requested, to the governor and a*
22 *copy to the secretary of state. If transmitted by registered mail,*
23 *such certificate and copy shall be mailed within 24 hours of the*
24 *election, unless the day following the election is a Sunday or legal*
25 *holiday, in which case, it shall be mailed by the next regular*
26 *business day. Not later than seven days after the certificate is*
27 *received in the office of the governor, the governor, or in the*
28 *governor's absence, the lieutenant governor, shall fill the vacancy*
29 *by appointing to the office of the secretary of state or the attorney*
30 *general the person elected. In the event the governor or the*
31 *lieutenant governor fails to appoint any person as required by this*
32 *subsection after receiving a lawfully executed certificate, such*
33 *person shall be deemed to have been appointed notwithstanding*
34 *the governor's or lieutenant governor's failure to appoint such*
35 *person. The person so appointed may qualify and enter upon the*
36 *duties of the secretary of state or the attorney general immediately*
37 *after appointment and shall serve for the unexpired term and until*
38 *a successor is elected and qualified.*

39 (4) *If the secretary of state or the attorney general whose*
40 *office will become or has become vacant was an independent when*
41 *elected, the vacancy shall be filled by the governor, who shall*
42 *appoint a suitable person to serve for the unexpired term and until*
43 *a successor is elected and qualified."*

1 Sec. 2. The following statement shall be printed on the ballot with
2 the amendment as a whole:

3 "*Explanatory statement.* The purpose of this amendment is to
4 replace the authority of the governor to fill vacancies by
5 appointment in the offices of secretary of state and attorney
6 general with an election for the filling of vacancies in those
7 offices conducted at a convention of the state party delegates
8 for the political party of the secretary of state or attorney
9 general at the time of such officer's election, unless such
10 officer was an independent candidate at the time of election,
11 in which case, the governor shall make an appointment to fill
12 the vacancy.

13 "A vote for this proposition would replace the authority of the
14 governor to fill vacancies by appointment in the offices of
15 secretary of state and attorney general with an election for
16 the filling of vacancies in those offices conducted at a
17 convention of the state party delegates for the political party
18 of the secretary of state or attorney general at the time of
19 such officer's election, unless such officer was an
20 independent candidate at the time of election, in which case,
21 the governor shall make an appointment to fill the vacancy.

22 "A vote against this proposition would make no changes to the
23 constitution with respect to filling vacancies in the offices of
24 the secretary of state or attorney general and the current
25 provision giving the governor authority to fill vacancies by
26 appointment in those offices."

27 Sec. 3. This resolution, if approved by two-thirds of the members
28 elected (or appointed) and qualified to the Senate and two-thirds of the
29 members elected (or appointed) and qualified to the House of
30 Representatives, shall be entered on the journals, together with the yeas
31 and nays. The secretary of state shall cause this resolution to be published
32 as provided by law and shall cause the proposed amendment to be
33 submitted to the electors of the state at the general election in November
34 in the year 2024, unless a special election is called at a sooner date by
35 concurrent resolution of the legislature, in which case the proposed
36 amendment shall be submitted to the electors of the state at the special
37 election.