House Concurrent Resolution No. 5004

By Committee on Elections

1-14

1   A PROPOSITION to amend section 11 of article 1 of the constitution of
2   the state of Kansas, relating to vacancies in executive offices.
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4   *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
5   *members elected (or appointed) and qualified to the House of*
6   *Representatives and two-thirds of the members elected (or appointed)*
7   *and qualified to the Senate concurring therein:*
8   Section 1.   The following proposition to amend the constitution of
9   the state of Kansas shall be submitted to the qualified electors of the state
10   for their approval or rejection: Section 11 of article 1 of the constitution
11   of the state of Kansas is hereby amended to read as follows:
12   "**§ 11.   Vacancies in executive offices.** When the office of
13   governor is vacant, the lieutenant governor shall become governor.
14   In the event of the disability of the governor, the lieutenant
15   governor shall assume the powers and duties of governor until the
16   disability is removed. The legislature shall provide by law for the
17   succession to the office of governor should the offices of governor
18   and lieutenant governor be vacant, and for the assumption of the
19   powers and duties of governor during the disability of the
20   governor, should the office of lieutenant governor be vacant or the
21   lieutenant governor be disabled. When the office of secretary of
22   state or attorney general is vacant, the ~~governor shall fill the~~
23   ~~vacancy by appointment~~ *legislature shall provide by law for the*
24   *filling of the vacancy* for the remainder of the term. If the secretary
25   of state or attorney general is disabled, the ~~governor shall name~~
26   *legislature shall provide by law for the naming of* a person to
27   assume the powers and duties of the office until the disability is
28   removed. The procedure for determining disability and the removal
29   thereof shall be provided by law."
30   Sec. 2.   The following statement shall be printed on the ballot with
31   the amendment as a whole:
32   "*Explanatory statement.* The purpose of this amendment is to
33   replace the authority of the governor to fill vacancies in the
34   offices of secretary of state and attorney general, by
35   appointment, and to name persons to assume the powers and
36   duties of the offices of secretary of state and attorney

1   general, if the secretary of state or attorney general is
2   disabled, with a grant of authority to the legislature to
3   provide by law for the filling of vacancies in those offices
4   and for the naming of persons to assume those offices in the
5   event of a disability.
6   "A vote for this proposition would amend the Kansas
7   constitution to permit the legislature to provide, by law, for
8   the filling of vacancies in the offices of the secretary of state
9   and the attorney general and to provide, by law, for the
10   naming of persons to assume the offices of secretary of state
11   and attorney general, if the person holding that office
12   became disabled.
13   "A vote against this proposition would not amend the
14   constitution, in which case the current provision providing
15   the governor with the authority to fill vacancies in the offices
16   of secretary of state and attorney general, by
17   appointment,and the authority to name persons to assume
18   those offices in the event of disability would remain. "
19   Sec. 3.   This resolution, if approved by two-thirds of the members
20 elected (or appointed) and qualified to the House of Representatives and
21 two-thirds of the members elected (or appointed) and qualified to the
22 Senate shall be entered on the journals, together with the yeas and nays.
23 The secretary of state shall cause this resolution to be published as
24 provided by law and shall cause the proposed amendment to be submitted
25 to the electors of the state at the general election in November in the year
26 2022, unless a special election is called at a sooner date by concurrent
27 resolution of the legislature, in which case it shall be submitted to the
28 electors of the state at the special election.