

HCS HB 681 -- VACANCIES IN PUBLIC OFFICE

SPONSOR: Deeken (Smith, 150)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 7 to 3.

Currently, the office of United States Senator and most statewide offices, except for the Office of the Governor, may be filled by a gubernatorial appointment when there is a vacancy. This substitute requires special elections to be held for vacancies in the offices of United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and State Treasurer. If there is an impeachment proceeding for one of these officers, the Governor will temporarily administer the duties of the office until the trial; and if there is a conviction, the special election process will be used to fill the vacancy. In the case of a vacancy in the Office of State Auditor, the Governor will appoint a temporary acting auditor who will serve until a special election for the office is held.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$0 or \$1,200,000 in FY 2010, FY 2011, and FY 2012. No impact on Other State Funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill will allow voters the right to choose important national and statewide officials and thereby enhance the democratic process. Situations such as the appointment of a United States Senator by a governor facing impeachment may be avoided. The bill will clarify the process for replacing the Lieutenant Governor in the case of a vacancy.

Testifying for the bill was Representative Smith (150).

OPPOSERS: There was no opposition voiced to the committee.