

HCS HB 110 -- Vacancies in Office

SPONSOR: Smith (120)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elections by a vote of 11-1.

Currently, the Office of United States Senator and most statewide offices, except for the Office of Governor, may be filled by a gubernatorial appointment when there is a vacancy. This substitute specifies that when there is a vacancy in the office of United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, or State Treasurer, the Governor must appoint an acting officer until a successor is elected at the next scheduled election for that office or at a special election under specified conditions. Candidates to fill a vacancy by a special election are to be chosen by the state committee of each party. No person appointed by the Governor can be eligible to be a candidate for the office to which he or she was appointed in the immediately following election for the office but may be a candidate for that office after one intervening election has been held. In the case of an impeachment trial for these offices, the acting officer will supervise these offices until a final determination is made, and there is a reinstatement or the special election winner takes office.

The substitute contains an emergency clause.

PROPONENTS: Supporters say that the bill clarifies the law regarding a vacancy in the Office of the Lieutenant Governor and allows for a more democratic selection of statewide officials in the case of a vacancy.

Testifying for the bill was Representative Smith (120).

OPPONENTS: There was no opposition voiced to the committee.