

HCS HB 1442 -- VACANCIES IN OFFICE

SPONSOR: Dugger (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 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 immediately 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. 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 either a reinstatement or the special election winner takes office.

The substitute contains a referendum clause and will be submitted to qualified voters in November 2012.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$0 or Greater than \$7,000,000 in FY 2013, FY 2014, and FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill will help restore a more traditional and democratic role for the people in choosing their elected officials in the case of a vacancy in office. Since a special election to fill a vacancy is held at the general election time, costs will be greatly reduced.

Testifying for the bill was Representative Smith (150).

OPPOSERS: There was no opposition voiced to the committee.