

HJR 4206 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/17/2003

1 Beginning on page 1, line 8, strike all material through "state."
2 on page 2, line 29, and insert the following:
3 "Article II, section 15. Such vacancies as may occur in either
4 house of the legislature or in any partisan county elective office
5 shall be filled by appointment by the ~~((board—of))~~ county
6 ~~((commissioners))~~ legislative authority of the county in which the
7 vacancy occurs: *Provided*, That the person appointed to fill the
8 vacancy must be from the same legislative district, county, or county
9 commissioner or council district and the same political party as the
10 legislator or partisan county elective officer whose office has been
11 vacated, and shall be one of three persons who shall be nominated by
12 the county central committee of that party, and in case a majority of
13 ~~((said))~~ the members of the county ~~((commissioners))~~ legislative
14 authority do not agree upon the appointment within sixty days after the
15 vacancy occurs, the governor shall within thirty days thereafter, and
16 from the list of nominees provided for herein, appoint a person who
17 shall be from the same legislative district, county, or county
18 commissioner or council district and of the same political party as the
19 legislator or partisan county elective officer whose office has been
20 vacated, and the person so appointed shall hold office until his or her
21 successor is elected at the next general election, and ~~((shall—have))~~
22 has qualified: *Provided*, That in case of a vacancy occurring after the
23 general election in a year that the office appears on the ballot and
24 before the start of the next term, the term of the successor who is of
25 the same party as the incumbent may commence once he or she has
26 qualified and shall continue through the term for which he or she was
27 elected: *Provided*, That in case of a vacancy occurring in the office
28 of joint senator, or joint representative, the vacancy shall be filled
29 from a list of three nominees selected by the state central committee,
30 by appointment by the joint action of the boards of county
31 ~~((commissioners))~~ legislative authorities of the counties composing the
32 joint senatorial or joint representative district, the person appointed

1 to fill the vacancy must be from the same legislative district and of
2 the same political party as the legislator whose office has been
3 vacated, and in case a majority of (~~said~~) the members of the county
4 (~~commissioners~~) legislative authority do not agree upon the
5 appointment within sixty days after the vacancy occurs, the governor
6 shall within thirty days thereafter, and from the list of nominees
7 provided for herein, appoint a person who shall be from the same
8 legislative district and of the same political party as the legislator
9 whose office has been vacated.

10 BE IT FURTHER RESOLVED, That the secretary of state shall cause
11 notice of this constitutional amendment to be published at least four
12 times during the four weeks next preceding the election in every legal
13 newspaper in the state."

EFFECT: Where the successor is of a different party than the
incumbent, a post-election, pre-January vacancy must be filled through
the appointment process.

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