

HOUSE BILL No. 2260

By Committee on Ethics and Elections

2-1

AN ACT concerning elections; relating to recounts of ballots; amending K.S.A. 25-3107 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-3107 is hereby amended to read as follows: 25-3107. (a) At the time of commencement of any canvass by the county board of canvassers, the county election officer shall present to the county board of canvassers the preliminary abstracts of election returns, together with the ballots and records returned by the election boards. The county board of canvassers shall inspect and check the records presented by the county election officer and shall hear any questions which the county election officer believes appropriate for determination of the board. The county board of canvassers shall do what is necessary to obtain an accurate and just canvass of the election and shall finalize the preliminary abstract of election returns by making any needed changes, and certifying its authenticity and accuracy. The certification of the county board of canvassers shall be attested by the county election officer. Neither the county board of canvassers nor the county election officer shall open or unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other specific provision of law or as is authorized to carry out a recount under subsection (b).

(b) If: (1) a majority of the members of the county board of canvassers shall determine that there are manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election; ~~or if;~~ (2) any candidate shall request the recount of the ballots cast in all or in only specified voting areas for the office for which such person is a candidate; ~~or if;~~ (3) any registered elector who cast a ballot in a question submitted election requests a recount in all or only specified voting areas to determine the result of the election; *or (4) in the case of an election of a state or national office elected on a statewide basis, the preliminary abstracts of election returns shows that the number of votes received by the preliminary winning candidate is a number that is .5% or less than the number of votes received by the candidate receiving the next highest number of votes,* the county board of canvassers shall cause a special election board appointed by the county election officer to

1 meet under the supervision of the county election officer and recount the
2 ballots with respect to any office or question submitted specified by the
3 county board of canvassers or requested by such candidate or elector. If
4 a recount is required in a county that uses optical scanning systems as
5 defined in K.S.A. 25-4601 et seq., and amendments thereto, or electronic
6 or electromechanical voting systems, as defined in K.S.A. 25-4401, and
7 amendments thereto, the method of conducting the recount shall be at
8 the discretion of the person requesting such recount. The county election
9 officer shall not be a member of such special election board. Before the
10 special election board meets to recount the ballots upon a properly filed
11 request, the party who makes the request shall file with the county elec-
12 tion officer a bond, with security to be approved by the county or district
13 attorney, conditioned to pay all costs incurred by the county in making
14 such recount. In the event that the candidate requesting the recount is
15 declared the winner of the election as a result of the recount, or if as a
16 result of the recount a question submitted is overturned, no action shall
17 be taken on the person's bond and the county shall bear the costs incurred
18 for the recount. *The cost of a recount conducted pursuant to subsection*
19 *(b)(4) shall be paid by the county.* Any recount requested must be re-
20 quested in writing ~~of~~ *and filed with* the county election officer not later
21 than 12:00 noon on the Monday following the election. The request shall
22 specify which voting areas are to be recounted. The county election of-
23 ficer shall immediately notify any candidate involved in the election for
24 which such recount is requested, or shall notify the county chairperson
25 of each candidates party. Any such recount shall be initiated not later
26 than the following day and shall be completed not later than the Friday
27 of such week at 5:00 p.m. Upon completion of any recount under this
28 subsection, the election board shall package and reseal the ballots as pro-
29 vided by law and the county board of canvassers shall complete its canvass.
30 The members of the special election board shall be paid as prescribed in
31 K.S.A. 25-2811 and amendments thereto for time actually spent making
32 the recount.

33 Sec. 2. K.S.A. 25-3107 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the statute book.

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