

Approved

R.H. Jan. 31, 1984
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Richard L. Harper at
Chairperson

9:00 am a.m./p.m. on Thursday, January 26, 1984 in room 521-S of the Capitol.

All members were present except: Representative Joe Knopp, excused;

Committee staff present: Myrta Anderson, Legislative Research
Ramon Powers, Legislative Research
Arden Ensley, Revisor
Eric Rucker, Secretary of State's Office
Dottie Musselman, Committee Secretary

Conferees appearing before the committee: Eric Rucker, Secretary of State's Office

Chairperson Harper called the meeting to order, and announced that the item scheduled for today for discussion was SB 340, An Act relating to elections; concerning district committees of congressional districts; amending K.S.A. 25-3803 and repealing the existing section. It was noted by the Chairperson that SB 340 had been tabled by the Election Committee in the 1983 Session.

Representative Fox made a motion to bring SB 340 back to the Committee. This motion was seconded by Representative Guldner. Motion carried.

Chairperson Harper said that this bill was necessary at one time or another, and indicated that in some years (1988, 2000, 2012) there would be no state-wide offices on the primary ballot.

Following some discussion on SB 340, it was decided that the committee members should be given some time to think this bill over and study it more thoroughly. The Chairperson announced that a discussion time would be scheduled again for a later date on SB 340.

Next on the agenda was two proposals coming from the Secretary of State's office. Chairperson Harper called upon Eric Rucker, Secretary of State's office, to explain the proposals to the Committee.

The first proposal was An Act relating to elections; concerning filing by candidate for city office; amending K.S.A. 25-2110 and 25-2110a and repealing the existing sections. (Attachment 1). After a brief discussion period, Mr. Rucker went on to explain the second proposal. The second proposal was An Act relating to elections; concerning the recount of ballots cast at elections; amending K.S.A. 1983 Supp. 25-3107 and repealing the existing section. (Attachment 2)

Representative Blumenthal moved to introduce these two proposals as Committee bills. Seconded by Representative Acheson. Motion carried.

Representative Fox made a motion to request a draft of a bill for possible introduction allowing political consulting companies to have access to the voter registration lists. Seconded by Representative Acheson. Motion carried.

Representative Justice wished to be recorded as voting no on the above motion.

Representative Crumbaker made a motion to approve the minutes of the January 24 meeting. Seconded by Representative Acheson. Motion carried.

The meeting was adjourned at 9:42 a.m.

HOUSE BILL NO. _____

By

AN ACT relating to elections; concerning filing by candidate for city office; amending K.S.A. 25-2110 and 25-2110a and repealing the existing sections.

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

Section 1. K.S.A. 25-2110 is hereby amended to read as follows: 25-2110. (a) In cities of the first and second class, any person desiring to become a candidate for a city office elected at large shall file with the city clerk before the filing deadline a statement of such candidacy on a form furnished by the county election officer as specified by the secretary of state. The city clerk of any city upon receiving any filing under this section shall record the same and transmit it, together with the filing fee or petition herein provided, ~~forthwith~~ within three business days to the county election officer. In cities of the third class, any person desiring to become a candidate for city office elected at large shall file with the county election officer of the county in which the city is located, or of the county in which the greater population of the city is located if the city extends into more than one county, or the city clerk, before the filing deadline a statement of candidacy on a form furnished by the county election officer as specified by the secretary of state.

(b) In cities having a population of less than five thousand-~~(5,000)~~ 5,000, each such filing shall be accompanied by a filing fee of ~~five-dollars-(\$5)~~ \$5 or, in lieu of such filing fee, by a petition signed by ~~twenty-five--(25)~~ 25 qualified electors of the city or by a number of such qualified electors of the city equal to not less than ~~ten-percent-(10%)~~ 10% of the ballots cast at the last general city election, whichever is

less.

(c) In cities having a population of not less than five thousand--(~~5,000~~) 5,000 nor more than one--hundred--thousand (~~100,000~~) 100,000, each such filing shall be accompanied by a filing fee of ten--dollars--(~~\$10~~) \$10 or, in lieu of such filing fee, by a petition signed by fifty--(~~50~~) 50 qualified electors of the city or by a number of such qualified electors of the city equal to not less than one--percent--(~~1%~~) 1% of the ballots cast and counted at the last general city election, whichever is less.

(d) In cities having a population of more than one--hundred thousand--(~~100,000~~) 100,000, each such filing shall be accompanied by a filing fee of fifty--dollars--(~~\$50~~) \$50; or, in lieu of such filing fee, by a petition signed by one--hundred--(~~100~~) 100 qualified electors of the city or by a number of qualified electors of the city equal to one--percent--(~~1%~~) 1% of the ballots cast at the last general city election, whichever is less.

(e) All city elections shall be conducted by the county election officer of the county in which such city is located, or of the county in which the greater population of the city is located if the city extends into more than one county.

Sec. 2. K.S.A. 25-2110a is hereby amended to read as follows: 25-2110a. (a) In cities of the first and second class, any person desiring to become a candidate for a city office elected from a district, shall file with the city clerk before the filing deadline a statement of such candidacy on a form furnished by the county election officer as specified by the secretary of state. The city clerk of any city upon receiving any filing under this section shall record the same and transmit it, together with the filing fee or petition herein provided, ~~forthwith~~ within three business days to the county election officer. In cities of the third class, any person desiring to become a candidate for a city office elected from a district, shall file with the county election officer of the county in which the city is located, or in the county in which the greater population of the city is located if the city extends into more

than one county, or the city clerk, before the filing deadline, a statement of candidacy on a form furnished by the county election officer as specified by the secretary of state.

(b) In cities having a population of less than five thousand-~~(5,000)~~ 5,000, each such filing shall be accompanied by a filing fee of five-dollars-~~(\$5)~~ \$5 or, in lieu of such filing fee, by a petition signed by twenty-five--~~(25)~~ 25 qualified electors of the council district or by a number of such qualified electors of the district equal to not less than ten-percent-~~(10%)~~ 10% of the ballots cast in the district at the last general city election, whichever is less.

(c) In cities having a population of not less than five thousand--~~(5,000)~~ 5,000 nor more than one--hundred--thousand ~~(100,000)~~ 100,000, each such filing shall be accompanied by a filing fee of ten-dollars-~~(\$10)~~ \$10 or, in lieu of such filing fee, by a petition signed by fifty-~~(50)~~ 50 qualified electors of the council district or by a number of such qualified electors of the district equal to not less than one-percent-~~(1%)~~ 1% of the ballots cast in the district at the last general city election, whichever is less.

(d) In cities having a population of more than one-hundred thousand-~~(100,000)~~ 100,000, each such filing shall be accompanied by a filing fee of fifty-dollars-~~(\$50)~~ \$50; or, in lieu of such filing fee, by a petition signed by one--hundred-~~(100)~~ 100 qualified electors of the council district or by a number of qualified electors of the district equal to one-percent-~~(1%)~~ 1% of the ballots cast in the district at the last general city election, whichever is less.

(e) All city elections shall be conducted by the county election officer of the county in which such city is located, or of the county in which the greater population of the city is located if the city extends into more than one county.

Sec. 3. K.S.A. 25-2110 and 25-2110a are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL NO. _____

By

AN ACT relating to elections; concerning the recount of ballots cast at elections; amending K.S.A. 1983 Supp. 25-3107 and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 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) of this section.

(b) If 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 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 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, the county board of canvassers shall cause a special election board appointed by the county election officer to meet under the supervision of the county election officer and recount the ballots with respect to any office or offices question submitted specified by the county board of canvassers or requested by such candidate or elector. The county election officer shall not be a member of such special election board. Before the special election board meets to recount the ballots upon a properly filed request of-a-candidate, the candidate party who makes the request shall file with the county election officer a bond, with security to be approved by the county or district attorney, conditioned to pay all costs incurred by the county in making such recount. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, or if as a result of the recount a question submitted is overturned, no action shall be taken on the candidate's bond and the county shall bear the costs incurred for the recount. Any recount requested by a candidate must be requested in writing of the county election officer not later than 12:00 noon on the Monday following the election. The request shall specify which voting areas are to be recounted. Any such recount shall be initiated not later than the following day and shall be completed not later than the Friday of such week at 5:00 p.m. Upon completion of any recount under this subsection, the election board shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811 and amendments thereto for time actually spent making the recount.

Sec. 2. K.S.A. 1983 Supp. 25-3107 is hereby repealed.

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