

Approved

Date

DLH 3-17-87

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, March 5, 1987 in room 521-S of the Capitol.

All members were present except: Representative Johnson, Excused; and,
Representative Littlejohn, Excused.

Committee staff present: Myrta Anderson, Legislative Research Department
Ramon Powers, Legislative Research Department
Nancy Ryan, Secretary of State's Office
Ron Thornburgh, Secretary of State's Office
Jill Wolters, Office of the Revisor of Statutes
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Chairperson Harper called the meeting to order, and announced that HB 2322, which is an act providing for the recount of ballots when using the optical scanning systems, was first on the agenda today for consideration by the committee. He asked Jill Wolters to pass an amendment to this bill. This amendment was a request of the Secretary of State's office. The amendment was explained to members by Jill telling them that the person requesting the recount would have the discretion to decide if they wanted to pay for the recount to be done manually, or do it by optical scan. Testimony was given prior to this meeting that the optical scanning method was much cheaper than by doing it manually. Therefore, with this amendment they would have the choice as to which way they would like to have it done. (Attachment 1).

Representative Baker made a motion that the committee adopt the amendment. Seconded by Representative Shallenburger. Motion carried.

Representative Baker made a motion to report HB 2322, as amended, favorably for passage from the committee. Seconded by Representative King. Motion carried.

HB 2431, an act relating to the filling of certain vacancies; appointment of precinct committeemen and committeewomen, was next on the agenda for discussion and possibly final action.

Discussion time for held on HB 2431. Following this period, a motion was made by Representative Sawyer to pass HB 2431 favorably from committee. This motion was seconded by Representative Roy. The motion failed with a show-of-hands vote. The results were as follows: 4 in favor, and 7 being opposed.

Representative Baker made a motion that HB 2431 be recommended for interim study. Seconded by Representative King. The motion failed with a show-of-hands vote. 4 in favor, and 7 opposed.

The committee asked the Chairperson to write a letter recommending that HB 2431 be studied in Interim Committee.

HB 2266, an act relating to the recognition of political parties, by Representative Helgerson, was next on the agenda today. Representative Helgerson told the committee he thought that the prior testimony on HB 2266 was very enlightening, and ask the members to recall some of the information which was handed out at the last meeting. He said it shows that if a flat number of 1,000 votes were put in, Kansas would be in comparison with the other states in the top 10 or so. The Representative said, with the permission of the committee, he would like to amend that to change it to $\frac{1}{2}$ of 1 percent. The amendment would make it so that $\frac{1}{2}$ of 1 percent is need in each election, rather than the 1 percent that presently is there. Seconded by Representative Blumenthal. Discussion was held on the motion. Representative Amos said he was in support of the recommendation. This motion to amend HB 2266 carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Thursday, March 5, 1987.

Representative Foster made a motion that HB 2266 be held and recommended for interim study. Seconded by Representative King.

Representative Helgerson spoke out that he naturally is opposed to the above motion.

The Chairman now asked the committee members to go back to the motion made by Representative Foster. A show-of-hands vote was taken, and the motion failed. 4 in favor, and 7 opposed.

Representative Helgerson made a motion to pass HB 2266 out of committee favorably, as amended. Seconded by Representative Amos. A voice vote was taken on this motion. The Chair was in doubt, therefore, a show-of-hands vote was again taken. The motion failed, 4 in favor, 7 was opposed.

Representative Helgerson is recorded as voting in favor of the above motion.
Representative Sawyer is recorded as voting in favor of the above motion.
Representative Blumenthal asked to also be recorded as voting in favor of this motion.

Representative Blumenthal moved that the minutes of the March 3, 1987, meeting be approved as written. Seconded by Representative King. Motion carried.

Meeting adjourned at 9:40 a.m.

HOUSE BILL No. 2322

By Representative Lowther

2-11

0017 AN ACT relating to elections; providing for the recount of ballots
0018 when using optical scanning systems; amending K.S.A. 25-
0019 3107 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 25-3107 is hereby amended to read as fol-
0022 lows: 25-3107. (a) At the time of commencement of any canvass
0023 by the county board of canvassers the county election officer
0024 shall present to the county board of canvassers the preliminary
0025 abstracts of election returns, together with the ballots and rec-
0026 ords returned by the election boards. The county board of can-
0027 vassers shall inspect and check the records presented by the
0028 county election officer and shall hear any questions which the
0029 county election officer believes appropriate for determination of
0030 the board. The county board of canvassers shall do what is
0031 necessary to obtain an accurate and just canvass of the election
0032 and shall finalize the preliminary abstract of election returns by
0033 making any needed changes, and certifying its authenticity and
0034 accuracy. The certification of the county board of canvassers
0035 shall be attested by the county election officer. Neither the
0036 county board of canvassers nor the county election officer shall
0037 open or unseal sacks or envelopes of ballots, except as is re-
0038 quired by K.S.A. 25-409, 25-1136 and 25-1337, and amendments
0039 thereto, or other specific provision of law or as is authorized to
0040 carry out a recount under subsection (b) of this section.

0041 (b) If a majority of the members of the county board of
0042 canvassers shall determine that there are manifest errors ap-
0043 pearing on the face of the poll books of any election board, which
0044 might make a difference in the result of any election, or if any
0045 candidate shall request the recount of the ballots cast in all or in

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Attachment #1
Hawaii Elections

0046 only specified voting areas for the office for which such person is
0047 a candidate, or if any registered elector who cast a ballot in a
0048 question submitted election requests a recount in all or only
0049 specified voting areas to determine the result of the election, the
0050 county board of canvassers shall cause a special election board
0051 appointed by the county election officer to meet under the
0052 supervision of the county election officer and recount the ballots
0053 with respect to any office or question submitted specified by the
0054 county board of canvassers or requested by such candidate or
0055 elector. *If a recount is required in a county that uses optical
0056 scanning systems as defined in K.S.A. 25-4601 et seq., and
0057 amendments thereto, such recount shall be counted by the
0058 optical scanning equipment.* The county election officer shall
0059 not be a member of such special election board. Before the
0060 special election board meets to recount the ballots upon a prop-
0061 erly filed request, the party who makes the request shall file with
0062 the county election officer a bond, with security to be approved
0063 by the county or district attorney, conditioned to pay all costs
0064 incurred by the county in making such recount. In the event that
0065 the candidate requesting the recount is declared the winner of
0066 the election as a result of the recount, or if as a result of the
0067 recount a question submitted is overturned, no action shall be
0068 taken on the person's bond and the county shall bear the costs
0069 incurred for the recount. Any recount requested must be re-
0070 quested in writing of the county election officer not later than
0071 12:00 noon on the Monday following the election. The request
0072 shall specify which voting areas are to be recounted. Any such
0073 recount shall be initiated not later than the following day and
0074 shall be completed not later than the Friday of such week at 5:00
0075 p.m. Upon completion of any recount under this subsection, the
0076 election board shall package and reseal the ballots as provided
0077 by law and the county board of canvassers shall complete its
0078 canvass. The members of the special election board shall be paid
0079 as prescribed in K.S.A. 25-2811 and amendments thereto for time
0080 actually spent making the recount.

0081 Sec. 2. K.S.A. 25-3107 is hereby repealed.

0082 Sec. 3. This act shall take effect and be in force from and
0083 after its publication in the statute book.

the method of conducting the recount shall be
at the discretion of the person requesting such
recount