

Approved

MINUTES OF THE House Committee on Select Committee on Election Contest.

The meeting was called to order by Rep. Bill Roy at 3:00 p.m. on January 17, 1991 in Room 519-S of the Capitol.

All members were present except: All present

Committee staff present: Pat Mah, Legislative Research
Mary Ann Torrance, Revisors Office
Arden Ensley, Revisors Office
Sharon Zobel, Committee Secretary

Conferees appearing before the Committee:
Karlen Christensen-Jones, Contestant
Victor Miller, Attorney for Jones
Rep. Elaine Wells, Contestee
Ron Hein, Attorney for Wells

Others attending: See attached list

Chairman Roy announced the purpose of the meeting is: (1) To set the calendar for proceeding; (2) To draft rules. The Legislature must consider and resolve the matter within 10 days of the Committee being appointed. To expedite the process, the Chairman recommended the following committee calendar:

Tuesday, January 22, 1991 - beginning at 1:00 p.m. Hearings will be held. (Should take from 6 to 8 hours).

Wednesday, January 23, 1991 - beginning at 1:00 p.m. Committee discussion and report.

Arden Ensley, Revisors Office, discussed the matter of Rules (Attachment 1), proposed Rules, constitutional Provision, Statute KSA 25-1451.

Rep. Roy reviewed each Rule for approval or revision.

Rule 1. Rep. John Solbach made a motion to approve. Rep. Tom Sawyer seconded the motion and it carried.

Rule 2. Attachment 1 was expanded regarding access to files. See Attachment 2 for expanded Rule. Motion was made by Rep. Solbach and seconded by Rep. Sawyer. Motion carried. Members can review files and records by contacting Mary Ann Torrance between the hours of 8:00 a.m. and 5:00 p.m. and setting an appointment.

Rule 3. Relating to tie vote. It was decided the Committee is without authority to address such an issue.

Rule 4. Attachment 1 was revised - See Attachment 2. Rep. Solbach made a motion to accept Rule 4 with last two lines deleted. Motion was seconded by Rep. Sawyer. Motion carried.

Rule 5. Motion to accept by Rep. Solbach, seconded by Rep. Snowbarger. Motion passed.

Rule 6. This Rule is covered by Rule 2.

Rule 7. Second ballot sealed not to be opened by anyone who goes to look at records. Vic Miller requested outcome of 8 ballots. Motion made by Rep. Solbach and seconded by Rep. Sawyer. Motion passed.

The Committee agreed that rather than meeting Friday, they would give Vic Miller a deadline of 1:00 p.m. on Friday, January 18 to fax the Chairman ballots he would challenge. Ron Hein would have until 5:00 p.m. on Friday, January 18 to fax the ballots he would challenge.

Meeting was adjourned.

RULES OF SELECT COMMITTEE ON ELECTION CONTESTS

Rule 1. The select committee shall consider the files, records and evidence transmitted from the court and shall hear the contestant and contestee and their respective counsel. All members shall have access to such files, records and evidence at such reasonable times as determined by such committee. Such select committee shall have powers of compulsory process and laws applicable thereto shall apply, except that all hearings shall be open. The select committee shall consider each ballot in dispute by either contestant or contestee and shall make an individual determination and recommendations thereon.

Rule 2. Access to files, records and evidence by appointment.

*Mary 8-5 by request - appt.
Ted Not removed except by Comm.*

Rule 3. Tie vote.

Rule 4. The select committee shall report to the full house of representatives not later than ten days after its appointment. The report of such committee shall be so designed that a separate report and recommendation shall be made upon each ballot at issue by either the contestant or contestee and any ballot upon which no recommendation is adopted by a majority of the members of the committee shall be identified and reported separately without recommendations. <Such report shall be set for the special order of business within five legislative days from the date the report is made. <When the time of the special order of business arrives the full house of representatives except the contestee shall determine, after debate thereon, the person who is the elected member.>

Rule 5. No member of the committee shall communicate with the contestant or contestee or the attorney for either party upon any matter under consideration by the committee except during the public hearing conducted by the committee

Rule 6. Members of the committee shall designate a custodian who shall be responsible for the custody of the files, records and evidence under consideration by the committee in accordance

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Attachment 1*

with instructions from the committee.

Rule 7. Sealed ballots transmitted by the district court and remaining unopened by the court shall remain unopened until determined valid by the affirmative vote of the members of the house of representatives elected (or appointed) and qualified.

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Rule 1. The select committee shall consider the files, records and evidence transmitted from the court and shall hear the contestant and contestee and their respective counsel. All members shall have access to such files, records and evidence at such reasonable times as determined by such committee. Such select committee shall have powers of compulsory process and laws applicable thereto shall apply, except that all hearings shall be open. The select committee shall consider each ballot in dispute by either contestant or contestee and shall make an individual determination and recommendations thereon.

Rule 2. Access to files, records and evidence by appointment. All members of the house of representatives shall have access to the files, records and evidence transmitted from the district court. Such files, records and evidence shall remain in the custody of the speaker but members may obtain access by requesting an appointment between 8:00 a.m. and 5:00 p.m. and fixing a time for the review of the same by such member. Such files, records and evidence may be reviewed subject to such reasonable limitations as may be necessary to protect the official records of the court.

Rule 3. The select committee shall report to the full house of representatives not later than ten days after its appointment. The report of such committee shall be so designed that a separate report and recommendation shall be made upon each ballot at issue by either the contestant or contestee. Any ballot upon which no recommendation is adopted by a majority of the members of the committee shall be identified and reported separately together with the recorded vote of each member of the committee and the order of the court regarding the same.

Rule 4. No member of the committee shall communicate with the contestant or contestee or the attorney for either party upon any matter under consideration by the committee except during the public hearing conducted by the committee

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Attachment 2

Rule 5. Sealed ballots transmitted by the district court and remaining unopened by the court shall remain unopened by any member of the committee or by any member of the house examining the records, files and evidence prior to determination of such matter by the house.