

Approved 4-7-92
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by SENATOR DON SALLEE at
Chairperson

1:30 ~~xxx~~ p.m. on March 24, 1992 in room 529-S of the Capitol.

All members were present ~~except~~ or excused:

Committee staff present:

Pat Mah, Legislative Research Department
Ardan Ensley, Office of the Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Representative Elaine Wells
Written testimony - Gayle Landoll, Legislative Chairman, Kansas County
Clerks Association
Joe de la Torre, Office of Secretary of State
John Smith, Vehicle Administrator over Drivers' Licenses, Dept. of Revenue
Others Attending: see attached list.

The chairman called the meeting to order shortly after 1:30 p.m.

HB-2878-concerning recounts of ballots.

Representative Elaine Wells appeared and presented written testimony concerning HB-2878. Ms. Wells told members that the bill would, under certain circumstances, bring about an automatic recount. (Attachment 1) It was further stated that often the public perception of a recount is that a count was overturned. It also appears the public does not realize a recount board is non-partisan.

Written testimony from Gayle Landoll, Legislative Chairman, Kansas County Clerks Association, was handed to committee members. (Attachment 2) In her testimony, Ms. Landoll raised a number of questions concerning HB-2878.

Joe de la Torre, Office of the Secretary of State, expressed the same concerns shown in Ms. Landoll's testimony, especially regarding overlapping counties and how responsibility for the recount would be determined.

HB-2022 - Concerning voter registration; providing that an application for for voter registration be included as a part of the application for motor voter vehicle drivers' licenses and nondriver identification cards.

John Smith, Vehicle Administrator over Drivers' Licenses, Department of Revenue appeared concerning HB-2022. Mr. Smith told the committee the Department of Revenue would prefer two separate forms be used, one for drivers' license renewal and one for voters' registration. The highlighted counties in Attachment 3 show counties where the County Treasurer's office is presently issuing drivers' license renewals. A concern was expressed by Mr. Smith about any procedure that would add to delays when applying for drivers' licenses. This would apply primarily in the larger areas.

Joe de la Torre, Office of the Secretary of State, noted that office would not want unlimited registration cards made available.

The meeting adjourned at 2:20 p.m.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE March 24, 1992

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

James H. Williams
Ly. La Tou TOPEKA
Michael Wolf Topeka
Rebecca Bossemeyer TOPEKA
Annette Smith Troy
John E. Smith Troy
John W. Smith Topeka
RICK SCHEIBE Topeka

KCGSC
SOS
CC/KS
SOS

D.O.R.
K.D.O.R.

ELAINE L. WELLS
 REPRESENTATIVE, FIFTY-NINTH DISTRICT
 OSAGE AND NORTH LYON COUNTIES
 R.R. 1, BOX 166
 CARBONDALE, KANSAS 66414
 (913) 665-7740



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ELECTIONS
 INSURANCE
 PENSIONS, INVESTMENTS AND
 BENEFITS

TESTIMONY ON HB2878

Again, thank you, Mr. Chairman, for the opportunity to testify.

HB2878 was the only controversial bill, of all the bills the Sub-committee looked at, to recommend to the full committee.

The intent of this bill is to require the county board of canvassers to hold a manual recount when the difference of an election is within 25 votes or 1%, which ever is less.

In 1985 I won the election by 25 votes. A recount was requested by my opponent and there was a discrepancy in the actual number of votes cast, particularly in Lyon county where the counting is done by optical scanning. In 1989 with a very close election (six votes) a recount again proved that there were inaccuracies in the counting. Again, the errors occurred mostly in the optical scanning county.

In both cases, one of the candidates had to request the recount.

There were many close elections in 1989, and several had recounts. The costs of these recounts was minimal. (mine was approximately \$350 for both counties), yet the publicity was intense, not only in the 59th District election but also in the other close ones. We do not know how many close elections there will be this year, and I sincerely hope that none of you have to go through one.

If we establish that an automatic recount is to be performed in these very close elections, it will solve two problems: first, it will assure that the counting is correct. Secondly, it will dispel the attitude that the recount was performed with bias.

In the major urban areas the question of the count is easily addressed. With the use of machine voting verses paper ballots, a recount is easily and quickly performed. In counties where paper ballots are used there are discrepancies which require a recount to be performed manually to establish a correct count.

Last year the Lyon County Clerk addressed this issue and recommended that township, and third class city elections be excluded due to the low number of votes cast. I believe the Sub-committee addressed this issue by adding 1% or less than the total number of

ballots cast or 25, whichever is less. In an election of 25 votes total, the difference of two votes would constitute a recount. In an election of 1000 votes a difference of ten votes would constitute a recount. In an election of 5000 votes, twenty-five votes would constitute a recount.

In all organizations that use Roberts Rules of Order of which I have been a member, we have always recounted close elections. Human error or more importantly machine error should be taken into consideration for the election of public officials. A recount should be performed to insure that our elections were performed as correctly as possible.

Again, thank you, and I respectfully request this bill be recommended favorable for passage.

Kansas County Clerks Association

March 24, 1992

To: Senate Elections Committee
Senator Don Sallee, Chairman

From: Gayle Landoll, Marshall County Clerk and
Legislative Chairman, Kansas County Clerks
Association

Re: House Bill 2878

The County Clerks Association respectfully requests clarification of House Bill 2878 before we can offer our support for this bill.

When this bill was heard by the House Elections Committee we asked that it be amended to pertain to county and state offices only. The Committee agreed and it was amended, but it is still not clear that what we requested was accomplished. On page 2, line 8, the words "such office" were stricken and replaced with the words "any office". Does this then open the recount to the township and precinct offices, again? If so, the automatic recount required in this bill, when applied to elections for township officers; precinct committeemen and women; second and third class cities; and small school districts, many if which are determined solely by write-in votes, would require recounts in virtually every election.

Many times there are not enough write-in votes cast to nominate a candidate for township office, or elect a precinct committeeman or committeewoman, but House Bill 2878, if applicable to these offices, appears to require a recount even if no one is nominated or elected.

If a recount is required, do we recount just the top two candidates, or all candidates? Since you cannot cast a fraction of a vote, do we assume that one percent of the total votes cast would be a minimum of one vote?

There is also the problem of state offices overlapping county boundaries. The County Board of Canvassers do not have access to the vote tally in other counties and therefore would not know if the vote difference was one percent or less than the total votes cast for that office in all counties.

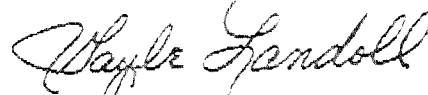
Senate Elections
March 24, 1992
Attachment 2

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Senate Elections Committee
HB 2878, March 24, 1992

We are concerned that a close vote not carry with it the negative assumption that the vote tally was in error. We recognize the concerns expressed by House Bill 2878, but we are also concerned that if applicable to the smaller jurisdictions, nominated and elected largely by write-in votes, the cost of each and every election would be greatly increased, with no change in the results of the election.

Your consideration in the clarification of House Bill 2878 would be greatly appreciated.

Sincerely,



Gayle Landoll
Marshall County Clerk
KCCA Legislative Chairman

TREASURER OFFICES TO DO D.L. ISSUING

COUNTY, CITY
BROWN (BR), HIAWATHA
CHASE (CS), COTTONWOOD FALLS
CHEYENNE (CN), ST. FRANCIS
CLARK (CA), ASHLAND
COMANCHE (CM), COLDWATER
DECATUR (DC), OBERLIN
DICKINSON (DK), ABILENE
EDWARDS (ED), KINSLEY
ELK (EK), HOWARD
GOVE (GO), GOVE
GRAHAM (GH), HILL CITY
GRAY (GY)
GREELEY (GL), TRIBUNE
HAMILTON (HM), SYRACUSE
HARPER (HP), ANTHONY
HODGEMAN (HG), JETMORE
JEWELL (JW), MANKATO
LINCOLN (LC), LINCOLN
LINN (LN), MOUND CITY
LOGAN (LG), OAKLEY
MARSHALL (MS), MARYSVILLE
MEADE (ME), MEADE
MIAMI (MI), PAOLA
MORRIS (MR), COUNCIL GROVE
MORTON (MT), ELKHART (AS/400)
NORTON (NT), NORTON
OSAGE (OS), LYNDON
OSBORNE (OB), OSBORNE
OTTAWA (OT), MINNEAPOLIS
POTTAWATOMIE (PT), WESTMORELAND
RAWLINS (RA), ATWOOD
RUSH (RH), LACROSSE
STANTON (ST), JOHNSON CITY
TREGO (TR), WAKEENEY
WALLACE (WA), SHARON SPRINGS
WASHINGTON (WS), WASHINGTON
WAUBUNSEE (WB), ALMA
WILSON (WL), FREDONIA (AS/400)
WOODSON (WO), YATES CENTER (AS/400)
SHADED LOCATIONS NOW ISSUING