

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 8, 2001 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Office of the Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Natalie Haag, Chief Legal Counsel, Director of Governmental Affairs
Brad Bryant, Deputy Assistant, Secretary of State

Others attending: See attached list.

Hearing on: SB 256 - elections, requiring mandatory recount under specified conditions

Ken Wilke, Office of the Revisor of Statutes, gave a brief overview of **SB 256**. He stated if total votes cast for a statewide office, president or vice president of the United States, US Congressman or US Senator have a difference of ½ of 1% or less then there is an automatic recount. He noted a technical error on "page 1 line 21 the statute; KSA25-3104 should read KSA 25-3109".

Natalie Haag, Chief Legal Counsel, Director of governmental Affairs, testified in support of **SB 256** (Attachment 1).

There being no others wishing to testify on **SB 256** the hearing was closed.

Hearing on: SB 126 - recount procedure for offices elected on statewide basis

Dennis Hodgins, Kansas Legislative Research Department, gave a briefing on **SB 126**.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of **SB 126**. He summarized the Secretary of State's approach to **SB 126** (Attachment 2).

Natalie Haag, Chief Legal Counsel, Director of Governmental Affairs, is also supportive of **SB 126**.

There being no others wishing to testify on **SB 126** the hearing was closed.

Ken Wilke, Office of the Revisor of Statutes, provided general information to the committee regarding two bills concerning recounts in the House: **HB 2214** appears to be a version of **SB 126** and **HB 2260** a version of **SB 256**.

Chairperson Allen requested that the Secretary of State's office furnish a list illustrating how many races this recount recommendation in **SB 256** apply to in the last five years.

The committee was handed an answer from the Secretary of State's office in regard to the question Senator Clark had on **SB 47** during the hearing on January 24, 2001 (Attachment 3).

The meeting adjourned at 2:20 p.m.

The next meeting is scheduled for February 13, 2001.

STATE OF KANSAS

BILL GRAVES, Governor
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OFFICE OF THE GOVERNOR
Before the Senate Elections and Local Government Committee
February 8, 2001
Testimony by Natalie G. Haag
Chief Legal Counsel and
Director of Governmental Affairs

Senate Bill 256

Madam Chairman and members of the committee:

Thank you for the opportunity to testify on behalf of Governor Graves in support of Senate Bill 256. As a former Secretary of State, Governor Graves watched with interest the vote recounting efforts in the recent presidential election. Closer to home, the Governor watched the back and forth results in the Ames/Williams race in the 8th House District. The unfairness of requiring either one of those parties to accept fiscal responsibility for the recount when the election continued to switch between the two, became one of the reasons behind the Governor's consideration of a mandatory recount bill.

Senate Bill 256 provides for a mandatory recount when an election is within one half of one percent. The mandatory recount provisions apply only to elections for statewide offices, State Representative, State Senate, U.S. Senate, U.S. Representative to Congress, and President and Vice-president of the United States. These provisions do not apply to local races or judicial races.

The Secretary of State would order a recount based upon the preliminary totals from county election officials. The margin of victory is determined based upon the entire voting population. For example, the vote totals for one county in a Governor's race could be within one half of one percent, but the recount would not be ordered unless the entire state was within one half of one percent.

Senate Bill 256 provides for a recount in the same manner in which the votes were originally counted. A hand recount could be requested by any candidate in the same manner currently provided by law. Consistent with current public policy, the counties will continue to be responsible for the expenses of the election process, including this mandatory recount procedure.

Senate Bill 256 is proposed to address the unfairness of requiring one candidate in an extremely close race to expend money for the validation of the election results.

Governor Graves requests your support for Senate Bill 256.

Senate Elec + Loc. Gov
2-8-01
Attachment 1

RON THORNBURGH
Secretary of State



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STATE OF KANSAS

Senate Committee on Elections and Local Government

Testimony on Senate Bill 126

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 8, 2001

Madam Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 126. This bill was proposed by the Secretary of State to create a mechanism for the recount of ballots in elections in offices elected on a statewide basis. Although a statewide recount is technically possible under current law, this bill would make the process less cumbersome for persons requesting recounts, and it would provide central authority to oversee the recounts in the various counties.

Under this legislation, a candidate in an election for statewide office could file a request for a recount with the Secretary of State. The person making the request would designate which counties to recount, the method of the recount (hand recount or optical scan), and would post a bond to cover the costs of the recount if the election results are not reversed.

The Secretary of State would direct the county election officers to conduct the recount and report the results. The timing of the request and the recount is the same under this bill as it is under current law for recounts. The deadline to make the request is noon the Monday following the election, and the deadline for completion of the recount is the following Friday.

The major difference proposed by this bill is that the person making the request may make a single request rather than individual requests to each of the counties that they are requesting to be recounted.

In the wake of the recount problems experienced in the 2000 presidential election, many states are responding to the public outcry by reviewing, among other things, their recount procedures. Although statewide recounts are rare, we propose adoption of a procedure to allow them when they are needed. We urge passage of SB 126 to provide that procedure.

Thank you for your consideration.

*Senate Elec & Loc. Gov
2-8-01
Attachment 2*

From: <BradB@kssos.org>
To: <clark@senate.state.ks.us>
Date: Thu, Feb 8, 2001 10:58 AM
Subject: Question on filing objections

Recently the Senate elections committee had a hearing on SB 47, which would replace the district court clerk with an elected county official on the county objections board. During the discussion a question arose as to where objections are filed in districts comprising parts of more than one county. We looked at the question and thought we would send along our ideas.

As we understood it, the question was: In a school district comprising parts of more than one county, with which county election officer is an objection filed?

K.S.A. 25-308 is the statute governing the filing of objections. It says: "In the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer..."
K.S.A. 25-2007(b) says the county election officer for school elections is the county clerk of the home county. The home county is the county in which the greatest part of the population of the school district is located. So, we would conclude that the objection should be filed with the county clerk in the home county, and it is the objection board members from that county who would decide the objection.

CC: <allen@senate.state.ks.us>

Senate Elec + Loc. Gov
2-8-01
Attachment 3