

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 27, 2001 in Room 245-N of the Capitol.

All members were present except: Senator Huelskamp - excused

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:

Others attending: See attached list.

SB 256 - elections; requiring mandatory recount under specified conditions

Ken Wilke, Office of the Revisor of Statutes, distributed a balloon to committee. Chairperson Allen requested Senator O'Connor to explain the balloon to **SB 256 (Attachment 1)**.

Senator O'Connor moved to amend SB 256 with the adoption of the balloon, seconded by Senator Schmidt. With a vote of 4 Yeas and 4 Nays, the motion failed.

Senator O'Connor made a motion to recommend SB 256 tabled until a date certain of Thursday, March 1st, seconded by Senator Schmidt. The motion carried.

SB 210 - counties; requirements on purchases of goods or services in amounts exceeding \$100,000

Senator O'Connor moved to amend SB 210 with the substitute language also a technical error, the removal of "the" in section 1(c) before "such" (Attachment 2). Senator Gilstrap seconded the motion. The motion carried.

Senator Schmidt made a motion to table SB 210 as amended until Tuesday, March 6th, seconded by Senator Brownlee.. The motion carried.

The meeting adjourned at 2:20 p.m.

The next meeting is scheduled for February 28, 2001.

SENATE BILL No. 256

By Committee on Elections and Local Government

2-6

Senate Elec + Loc. Gov
2-27-01
Attachment 1

9 AN ACT concerning elections; relating to mandatory recounts under cer-
10 tain conditions; amending K.S.A. 25-3104 and repealing the existing
11 section.

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

13 New Section 1. (a) (1) Whenever the general election returns for any [primary or
14 office listed in subsection (b) reflect that a candidate for such office was
15 defeated by one-half of one percent or less of the total number of votes
16 cast for such office, as determined by paragraph (2), the secretary of state
17 shall order a recount of the votes cast for such office. No recount shall
18 be required under this section if the defeated candidate submits to the
19 secretary of state a written request not to perform such recount.

20 (2) The secretary shall tabulate the results received from each county [section 2
21 as required by subsection (b) of K.S.A. 25-3104, and amendments thereto,
22 to determine a preliminary total of the votes cast in the election for each
23 office specified in subsection (b).

24 (3) Whenever a recount is required under paragraph (1), the secre-
25 tary of state shall notify the election official of each county on or before
26 12:00 noon of the day following the day upon which the tabulation re-
27 quired in paragraph (2) is made. The secretary of state shall coordinate
28 the recounts in the counties.

29 (b) Subsection (a) shall apply only to elections for:

- 30 (1) Statewide elected offices as specified in K.S.A. 25-101a and
- 31 amendments thereto;
- 32 (2) state senator;
- 33 (3) state representative;
- 34 (4) president and vice president of the United States;
- 35 (5) United States senator; and
- 36 (6) representative in the United States congress.

(1) 37 (c) Subject to the provisions of subsection (e), any recount under this
38 section shall be performed in the same manner used to count the votes.
39 Such recount shall be conducted prior to any final determination of the
40 vote pursuant to K.S.A. 25-3109, and amendments thereto.

41 (d) Subject to the provisions of subsection (e), the county shall bear
42 the cost of any recount required by this section.

43 (e) In any election requiring a mandatory recount, whenever a can-

(4) During any recount required by this section, if the secretary of state determines that further continuation of such recount would not affect the outcome of the election in question, the secretary of state may discontinue any remaining unfinished portions of the recount.

[in an election for a state representative, state senator or representative to congress

(2) Subject to the provisions of subsection (e), in an election for any office listed in subsection (b) except for a state representative, state senator or representative to congress, the state shall bear the cost of any recount required by this section. Such recount shall be conducted prior to any final determination of the vote pursuant to K.S.A. 25-3109 and amendments thereto.

1 didate desires the ballots to be counted by hand and such ballots had not
2 been counted by hand originally, such candidate shall post a bond in the
3 manner prescribed by K.S.A. 25-3107 and amendments thereto.

4 (f) All provisions of K.S.A. 25-3107, and amendments thereto, which
5 are not inconsistent with the provisions of this section shall apply to each
6 recount of votes required by this section.

7 Sec. 2. K.S.A. 25-3104 is hereby amended to read as follows: 25-
8 3104. (a) The original canvass of every election shall be performed by the
9 election boards at the voting places. The county election officer shall
10 present the original returns, together with the ballots, books and any other
11 records of the election, for the purpose of canvass, to the county board
12 of canvassers at any time between 8:00 o'clock a.m. and 10:00 o'clock a.m.
13 on the Friday next following any election held on a Tuesday. For elections
14 not held on a Tuesday, the canvass by the county board of canvassers shall
15 be held on a day and hour designated by it, and not later than the fifth
16 day following the day of such election.

17 (b) *The election results for each office specified in subsection (b) of*
18 *section 1 and amendments thereto shall be submitted, by electronic means,*
19 *to the secretary of state after such election results have been tabulated,*
20 *not later than 10:00 a.m. on the Monday following the election. For the*
21 *purposes of this subsection, "electronic means" includes facsimile or any*
22 *method of communication using technology having electrical, digital,*
23 *magnetic, wireless, optical, electromagnetic or similar capabilities.*

24 Sec. 3. K.S.A. 25-3104 is hereby repealed.

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

Substitute or Amendment SB 210

Sec. 1. The board of county commissioners of any county is hereby authorized to establish or participate in the mining or manufacturing of construction materials for the exclusive use of such county. Establishment of or participation in any such mining or manufacturing operation shall not occur unless: (a) Prior to the establishment of or participation in any such mining or manufacturing operation, the board of county commissioners holds a public hearing to consider the merits of the proposed mining or manufacturing operation;

(b) notice of such public hearing has been published in both the Kansas register and a newspaper having general circulation in the county in which such proposed mining or manufacturing operation is to be established or participated in not less than 20 days prior to the date of such public hearing;

(c) the board of county commissioners shall notify any county resident or taxpayer, as determined by the such county's vendor list, who customarily provides construction materials of the date, time and location of such public hearing. Such notification shall be made by mail not less than 20 days prior to the date of such hearing; and

(d) prior to such hearing, the board of county commissioners has prepared or caused to be prepared a verifiable cost/benefit analysis of the proposed mining or manufacturing operation. Copies of such cost/benefit analysis shall be available at the public hearing for consideration by the board of county commissioners and the public.

- ① Narrowed to mining or manufacture of Const. materials
- ② Tied to County Vendor list
- ③ Independent professional cost/benefit analysis dropped.

Senate Elec & Loc. Gov
2-27-01

Attachment 2