

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairperson Keith Esau at 1:30 pm on Wednesday, February 17, 2016, 281-N of the Capitol.

All members were present except:

Representative John Alcala – Excused
Representative Mark Kahrs – Excused
Representative Brett Hildabrand, appointed substitute member to the committee
Representative Jarrod Ousley, appointed substitute member to the committee

Committee staff present:

Ruth Mahner, Kansas Legislative Committee Assistant
Daniel Yoza, Office of Revisor of Statutes
Mike Heim, Office of Revisor of Statutes
Cindy Lash, Legislative Research Department
Martha Dorsey, Legislative Research Department

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Meeting call to order

Vice-Chairman Esau, acting in place of Chairman Kahrs, called the meeting to order at 1:30 p.m. He welcomed Representative Jarrod Ousley, sitting in a second time for Representative Alcala, as well as Representative Brett Hildabrand who took the place of Representative Kahrs.

Announcements

Vice-Chairman Esau directed attention to a report from Legislative Research which answered certain questions regarding **HB2507** that had been raised in a previous meeting. ([Attachment 1](#)) There were no other announcements.

Discussion & possible action on: HB2543 — Elections; manual audit of certain election results by county election officer prior to canvass.

Vice-Chairman Esau opened discussion on **HB2543**. *Representative Sawyer moved to add an amendment which would change the time of canvass to 13 days following an election and also change the term "poll watcher" in the text to "poll agent". Representative Dierks seconded.* In discussion, Representative Peck noted that the amendment also changes the effective date of the bill to 2016; Representative Sawyer said he had not intended to include that change. Without objection, that balloon was struck, returning the effective date to 2017. Representative Esau noted that this appeared to reflect the intent of the Secretary of State. ([Attachment 2](#)) *The motion passed.*

CONTINUATION SHEET

MINUTES of the Committee on Elections at 1:30 pm on Wednesday, February 17, 2016 in Room 281-N of the Capitol.

Representative Ousley moved to add an amendment to clarify the selection of a random sample to occur after the election but prior to the canvass, and to replace the term " or paper ballot equivalent on any electronic voting device" with "ballots selected pursuant to subsection (a)". Representative Sawyer seconded. In discussion, it was mentioned that this process could cause difficulty and added expense in the handling of advance ballots. Representative Hill recommended that the phrase "or a minimum of one precinct" be added to prevent confusion in cases of 1% being less than one precinct. Without objection, the wording was changed. Representative Ousley closed discussion on his amendment. (Attachment 3) The motion passed.

Representative Ousley moved to add an amendment to impose certain restrictions on new purchases or leases of voting machines and to prohibit using electronic poll books as a replacement for physical poll books. Representative Bollier seconded. In light of concerns regarding the size of the amendment and certain added provisions, and without objection, Representative Ousley removed subsections dealing with open-source software and the references to electronic poll books. Representative Ousley then closed discussion on his amendment. (Attachment 4) The motion passed.

Representative Sawyer moved to add an amendment to make Sedgwick County a pilot county for the 2016 election cycle. Representative Carmichael seconded. On discussion, in response to concerns that there may be legitimate obstacles to putting an audit in place within such a short timeframe, and without objection, the wording in the amendment was changed from "shall" to "may", making the provision voluntary. Representative Sawyer closed discussion on his amendment. (Attachment 5) The motion passed.

The revisors recommended in consideration of the substantial number of amendments, and if the bill is going to be passed out of committee, that it be passed as a substitute bill. Vice-Chairman Esau so moved; Representative Sawyer seconded. The motion passed.

Representative Ousley moved that **HB2543**, as amended, be passed favorably out of committee. Representative Bollier seconded. The motion passed.

Adjournment

Vice-Chairman Esau adjourned the meeting at 2:55 p.m.