

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on February 25, 2002 in Room 521-S of the Capitol.

All members were present except: Representative Melany Barnes, Excused
Representative Steve Huebert, Excused
Representative Gwen Welshimer, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Shirley Weideman, Secretary

Conferees appearing before the committee:

HB 2996 Proponents: Marilyn Chapman, Sedgwick County Election
Commissioner
Connie Schmidt, Johnson County Election Commissioner

Others attending: See attached list.

Chairman Powell opened the hearing on **HB 2996 - Time of election canvass by county board of canvassers.**

The bill would allow the county election officer to move the canvass from Friday to the Monday next following the election, provided the notice is published prior to the canvass in a newspaper with general circulation in the county.

Marilyn Chapman, Sedgwick County elections commissioner, appeared before the committee as a proponent of **HB 2996**. She said that in November 2000 the Sedgwick County election office had more than 2,000 provisional ballots taken at the polls on election day. Provisional ballots are provided at each voting place for voters who have moved and/or changed their name and failed to reregister prior to the deadline, for voters about whom there is a question concerning their registration and for voters who may be challenged. There are many complicated steps required to process each provisional ballot, therefore with an increased number of provisional ballots, the experienced full time staff must spend a lot of overtime to accomplish this. Ms. Chapman indicated that not every election canvass will need to be changed to Monday, but for those few needing extra time, it ensures that all figures released for certification are "true and correct". (Attachment 1)

Connie Schmidt, Johnson County elections commissioner, also testified in support of **HB 2296**. She said that elections throughout Kansas changed dramatically in 1996 with the implementation of provisional balloting. Prior to 1996, they were referred to as challenged balloting. A large quantity of provisional ballots are a result of voters moving within the county. In the 1996 and the 2000 presidential elections the number of provisional/challenged ballots grew to over 5,000 in both elections in Johnson County. These provisional ballots are sealed in a security envelope and returned to the election office for research prior to presenting to the board of county canvassers on Friday morning following the election. Ms. Schmidt indicated that provisional ballots can determine the outcome of a close election. She also said that larger counties need more time to process provisional ballots. (Attachment 2) Ms. Schmidt responded to questions asked by committee members.

The hearing on **HB 2996** was closed.

Representative Huff moved **HB 2996** favorable for passage. The motion was seconded by Representative Mayans. Motion carried.

Chairman Powell returned **HB 2761** to the attention of the committee. He said that the system being proposed by committee amendment is not workable according to law enforcement officials.

Representative Hermes moved that the committee reconsider **HB 2761**. The motion was seconded by Representative Morrison. Motion passed.

It was moved by Representative Hermes and seconded by Representative Gilbert to remove the

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amendment creating the reporting mechanism on felon voting. The motion carried.

Representative Huff moved a technical amendment to change the title; removing “election” and inserting “crimes, criminal procedure and punishment; relating to civil and voting rights of convicted felons;”. The motion was seconded by Representative Hermes. Motion passed.

Representative Ray moved and Representative Hermes seconded the motion to pass **HB 2761 as amended** favorably. Motion passed.

Chairman Powell brought the attention of the committee to **HCR 5042.**

Representative Morrison moved a conceptual amendment to **HCR 5042** to allow 17 year olds to vote in the primary election and on any questions on the ballot at the primary election provided they will be 18 on the day of the general election. The motion was seconded by Representative Hermes. The motion carried.

Representative Wilson moved and Representative Powers seconded the motion that **HCR 5042 as amended** be passed favorably from committee. Two members voted for the motion and seven members voted against the motion. The motion failed.

The meeting was adjourned at 4:20 p.m.