

SENATE BILL No. 256

By Committee on Elections and Local Government

2-6

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

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

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

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

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

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

(1) Statewide elected offices as specified in K.S.A. 25-101a and amendments thereto;

(2) state senator;

(3) state representative;

(4) president and vice president of the United States;

(5) United States senator; and

(6) representative in the United States congress.

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

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

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

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.

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