

HB 2603--Summary

HB 2603 establishes the citizens' election oversight board. The board shall consist of the following members:

- (1) Each political party that is a recognized political party in accordance with K.S.A. 25-302a shall appoint one member;
- (2) the speaker and the minority leader of the house of representatives shall each appoint two members, one of whom shall be unaffiliated with any political party;
- (3) the president and the minority leader of the senate shall each appoint one member;
- (4) the secretary of state, or the secretary's designee, who shall serve as a nonvoting ex officio member;
- (5) the attorney general, or the attorney general's designee, who shall serve as a nonvoting ex officio member; and
- (6) the Kansas county clerks and election officials association shall appoint one member, who shall serve as a nonvoting member.

The citizens' election oversight board shall receive complaints on the conduct of elections held in this state and election procedures, including, but not limited to, voter registration, advance voting procedures, access to the polls, use of election equipment, handling of ballots, canvassing of ballots and election audits. The subject of such complaints may relate to policies and procedures of the secretary of state or one or more county election officers, or both. Any person may submit a complaint to the board.

The attorney general shall provide investigatory services as may be requested by the board. Such investigatory services shall not exceed 10 hours per month unless additional services are agreed to by the attorney general.

Upon receiving a complaint, the board shall review such complaint and may, upon a majority vote of the members, conduct a hearing on the matter. If the board decides to conduct a hearing on the complaint, such

hearing shall be held not more than 60 days after the decision to conduct a hearing is made. The board shall provide not less than 30 days' written notice of such hearing to the complainant and any persons named in the complaint. The board shall allow the complainant, any person named in the complaint and any other interested party an opportunity to be heard at the hearing. The board shall conduct a hearing upon the request of the secretary of state or the attorney general.

At the conclusion of the hearing or if no hearing is conducted, if the board determines that the complaint cannot be substantiated, then the board may:

- (1) Dismiss the complaint and provide written notice of such dismissal to the complainant within 10 days of the board's decision; or
- (2) refer the complaint to the appropriate authority with the recommendation that additional information or clarification of the applicable federal or state law or rules and regulations be provided to the complainant.

Any complaint alleging a violation of any provision of title III of the "help America vote act of 2002" shall be immediately referred to the secretary of state pursuant to the help America vote act of 2002 administrative complaint act, K.S.A. 25-4701.

The board shall develop and implement a tracking system for all complaints submitted to the board.

The board, with assistance from the secretary of state, shall prepare and submit a report to the legislature and the governor summarizing the activities of the board during the immediately preceding calendar year.

Mike Heim
Revisor of Statutes Office