

## MINUTES OF THE SELECT COMMITTEE ON CONTESTED ELECTIONS

The meeting was called to order by Chairman Mike O'Neal at 7:30 A.M. on February 1, 2007 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department  
Martha Dorsey, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Gordon Self, Assistant Revisor of Statutes  
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Eric Carter, Attorney for Mr. John Kriegshauser  
Victor Miller, Attorney for Mr. Gent Rardin

Chairman O'Neal announced that each attorney would have thirty minutes to present the facts in their case. Eric Carter, attorney for Mr. John Kriegshauser, addressed the committee first. Mr. Kriegshauser case focused on which candidate received the most "lawful" votes. Mr. Carter believes that illegal ballots were cast by citizens who did not reside in the 16<sup>th</sup> District. (Attachment 1)

He also commented that there were substantial violations of the elections laws by the Elections Commissioner, Mr. Newby, with regard to the handling of ballots. Such as, the Board of Canvassers never received copies of identification for first-time voters who cast provisional ballots. Their job is to determine whether a voter's identification is valid and whether the provisional ballot was properly cast. Instead, Mr. Newby, by himself, determined if the I.D. was valid and whether or not the ballot should count. The counted provisional ballots were then commingled with the other counted ballots and could no longer be separated from the group total.

The following ballots are those which are being challenged by Mr. Kriegshauser as being illegally casted ballots:

- Mr. Juan Mojica registered to vote while living at 9103 Webb, in Overland Park. However, he had moved, into another district, and had not re-registered to vote. He was given a provisional ballot and his vote counted. Mr. Mojica testified that he had not lived at the Webb address for about eight months and believed that he had voted for Mr. Rardin. Therefore, this was an unlawfully cast ballot and therefore it should not count.
- Heather Henderson shows on her Kansas Voter Registration Application that she resides at 10306 Long, Overland Park. However, the Kansas Voter Registration Application listed her mailing address as 6538 W 91<sup>st</sup>, Overland Park, outside the 16<sup>th</sup> District. She was given a provisional ballot which was counted. She claims to have voted for Mr. Rardin. Because there is confusion as to where she actually resided on Election Day her ballot should not be counted.
- Alicia Frieswyk submitted a Kansas Voter Registration Application on Election Day with the address listed at 10238 Barton St, Overland Park. She is a registered Democrat and was given a provisional ballot which counted. However, at the landlord of that address claimed that Ms. Frieswyk had not lived there for many months. Therefore, Ms. Frieswyk cast an unlawful ballot and it should not count. It's more likely than not she cast a ballot for Mr. Rardin since she was a registered Democrat.

Victor Miller, attorney for Gene Rardin, addressed the committee. Mr. Miller commented that the provisional ballot process is in place to head off problems before they pollute the ballot box. He was impressed with the Mr. Newby and the way he handled the provisional ballots and also Judge Tatum who studied the election laws before crafting the opinion he forwarded to the House. (Attachment 2)

Mr. Miller brought up the ballot of Mrs. Marceline Blickhan. The Johnson County Election Office did not open or count Mrs. Blickhan's ballot because they determined that the signature on the advance ballot form did not match the voter registration signature on file. During court, testimony was given that Mrs. Blickhan's husband and she signed each other's ballot envelopes by mistake and that she cast her ballot for Mr. Kriegshauser. Mr. Miller suggested that if the committee determines it would like to count Mrs. Blickhan's vote that it actually open her ballot and make sure who she voted for. He provided the committee with an

## CONTINUATION SHEET

MINUTES OF THE Select Committee on Contested Elections at 7:30 A.M. on February 1, 2007 in Room 241-N of the Capitol.

Authorization To Open Ballot and Waiver of Secret Ballot, signed by Mrs. Blickhan. ([Attachment 3](#))

Chairman O'Neal asked if there was any other information that the attorneys believed would be helpful to the committee that they had not received. It was suggested that they might want to receive that portion of the sealed transcript regarding Ms. Sara Olivares who signed her voter registration card with an address that she stated was current and had been living at for a period of two years. During court, her portion of the transcript was sealed by the Court, it related to the question of whether the address listed was the place she lived at on Election Day or if she was residing someplace else. The committee agreed to request the sealed transcript and stated that it would not be made available for publication.

The committee meeting adjourned at 8:45 a.m. The next meeting was scheduled for February 2, 1007.