



STATE OF KANSAS

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CURT T. SCHNEIDER
ATTORNEY GENERAL

October 24, 1978

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ATTORNEY GENERAL OPINION NO. 78- 344

Mr. Thomas C. Lysaught
Wyandotte County Counselor
511 Huron Building
Kansas City, Kansas 66101

Re: Elections--Board of Canvassers--Date of Canvass

Synopsis: A county board of canvassers which meets on Friday following the general election, and is unable to complete the canvass on that day due to the administrative and clerical problems of tabulating the election results, may recess to meet on the following Monday, in order to complete the canvass.

* * *

Dear Mr. Lysaught:

In Opinion No. 78-312, we concluded that the county board of canvassers must meet on Friday, November 10, 1978, to conduct the canvass required by K.S.A. 1977 Supp. 25-3104, notwithstanding many county courthouses propose to close county offices on that day in observance of Veterans' Day, which falls on the following Saturday, November 11, 1978.

You inquire concerning the application of that opinion to the procedure followed for many years in Wyandotte County. You advise that it is the practice of the Wyandotte County Board of County Commissioners to meet at 10:00 a.m. on the Friday following the general election, and then to adjourn the meeting until 10:00 a.m. on the following Monday morning. This procedure, you indicate, is followed for several reasons. First, all challenged voters who cast votes on a paper ballot are notified by certified mail

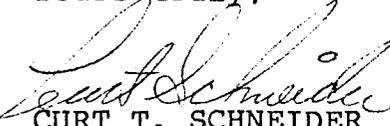
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that the Board will consider the challenges and determine them on Monday morning at 10:00 a.m., and that if they desire to be present, they may do so. It is not possible to get the notices mailed to provide an earlier date than that. Second, the election commissioner employs outside auditors to tabulate the votes, and they have never been able to complete the entire audit by the Friday morning meeting.

On Monday morning, the challenged ballots are counted, and the results are added to the figures prepared by the auditors. By late afternoon on Monday, the election commissioner is able to present the certificate of the total votes cast for each office to the Board of Canvassers, and it is then transmitted to the Secretary of State.

In the referenced opinion, we emphasized the importance of a prompt canvass and determination of the election results, and concluded that the board could not delay or postpone the canvass to any date other than that permitted by statute. Where the board does in fact convene on the first Friday following the general election, however, and it is unable to complete the canvass due to the administrative and clerical tasks of tabulating the election results on that day, the board may recess to a later date, for the purpose of completing the canvass. In my opinion, the procedure followed in Wyandotte County satisfies the statutory requirements, and is consistent with the emphasis upon prompt determination of election results expressed in the referenced opinion.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj