



STATE OF KANSAS

Senate Committee on Ethics, Elections and Local Government

Testimony on SB 299

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Madam Chairwoman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 299. SB 299, if passed, would change the process for adopted and approving a budget in counties that have an election commissioner. Current law requires each election commissioner to certify a budget to the county board of commissioners, who are required to fund the certified budget. The proposed bill would delete that requirement and place the authority for adopting a budget with the county board of canvassers. In addition, the bill would require the office of the election commissioner to follow all county policies and procedures in the areas of personnel, compensation and benefits, purchasing, budgeting, and auditing. The Secretary of State's office is opposed to this bill.

It is the belief of the Kansas Secretary of State's office that the current law, which has been in effect in some form since 1947, currently serves the taxpayers of Kansas well. There are currently four election commissioners in Kansas. Each election commissioner works in collaboration with the Secretary of State's office, their own election staff and county budget staff before submitting a certified budget. Every year election commissioners work with county commissioners to ensure the certified budget fits within the parameters of the budget needs of the county, to the extent practical.

Election commissioners, although appointed by the Secretary of State's office, are not subject to the political winds that may blow through county courthouses. Budget decisions impact, positively or negatively, the number of polling places open on Election Day, the extent advance voting is used through-out the county, maintenance on existing voting equipment, and security protocols that are implemented by the election office. All of these decisions impact voters. And voters hold election offices and the Secretary of State's office accountable for those decisions. It is my belief there have been several instances in other counties, where funding decisions are made by a board of county commissioners, that voters have held county clerks responsible and not the county commissioners, for funding decisions affecting election administration.

Budgets for election commissioners have historically risen at a slower rate when compared to other county budgets. Each election commissioner works hand-in-hand with each county budget department. Although differences can and do arise, and will continue to do so, the responsibility

of the budget must lay with the election commissioner. Kansas law since 1947 has provided for an election commissioner to be appointed by the Governor or Secretary of State. The purpose is to remove as much political influence as possible in the professional administration of elections, and still have voters able to hold someone accountable, currently the Secretary of State, who is the chief election administrator of the state.

It is important to note, all four election commissioners already work within their respective counties to follow policies and procedures in the areas of personnel, compensation and benefits, purchasing, budgeting, and auditing. Election commissioners do not operate on their own, but work in partnership and collaboration with all other counties. There is a natural tension that exists in the current structure that works to develop a good budget. This is assuming the current law is followed. There have been instances where county commissioners have ignored the certified budget submitted to them. An attorney general opinion was issued last year, 2017-11 to re-state the status of the current law. It is my hope this practice will stop immediately. Professional administrators should be allowed to create budgets to run offices to effectively serve the voters of this state, free from local political influence.

Thank you for the opportunity to provide testimony against this bill, and I stand for any questions.