

**Shawnee County
Office of the County Counselor**



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**TESTIMONY ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS
OF SHAWNEE COUNTY, KANSAS TO THE SENATE ETHICS, ELECTIONS AND LOCAL
GOVERNMENT COMMITTEE ON SB 299**

February 6, 2018

Madam Chair and Members of the Committee:

I am Jim Crowl, the Shawnee County Counselor, and I want to thank you for this opportunity to speak on behalf of the Board of County Commissioners of Shawnee County in support of SB 299. SB 299 will solve a recent, serious problem that has arisen in Shawnee County over who has the final say regarding the amount to be budgeted each year for the Elections Office - the appointed Elections Commissioner or the elected Board of County Commissioners.

Each year the Board of County Commissioners carries the statutory responsibility of setting the budgets and exercising oversight over the spending of twenty different County Departments, including the budgets for several elected officials, e.g., District Attorney, Sheriff, County Clerk, etc. The Courts established long ago that if a Board of County Commissioners has failed to adequately fund an elected official's budget, that elected official can file a mandamus action to compel the Board of County Commissioners to fund all necessary expenses. For over fifty years, this budgetary formulation has also been applied to the budgets of the four appointed Elections Commissioners in Johnson, Sedgwick, Shawnee, and Wyandotte Counties.

The Kansas Secretary of State and Elections Commissioners are now interpreting the relevant budgetary statute in such a way that an Elections Commissioner has the sole legal authority to set his/her own budget without oversight by the Board of County Commissioners or anyone else. This interpretation is irresponsible and unprecedented in our system of government. This is a new interpretation for us. Shawnee County had no previous difficulties working with past Elections Commissioners in order to set responsible budgets. This interpretation has emboldened the current Shawnee County Elections Commissioner to overspend his allocated budget by \$85,524.00 in the year 2016 and \$184,501.00 in the year 2017.

No other Shawnee County Departments have exceeded their allocated budgets during 2016 and 2017. Furthermore, from 2008 through 2016, the growth in spending in the County's General fund has been lower than the CPI during the same period; however, spending by the Elections Commissioner has far outpaced the CPI (Elections 19.36% vs. CPI 14.84). These spending percentages do not include an additional \$425,245 that the County pays out of its General Fund each year for the Elections Office building and new elections equipment. The taxpayers of Shawnee County need their elected representatives, the Board of County Commissioners, to be able to exercise oversight over runaway spending in the Shawnee County Elections Office.

This proposed bill will clarify that the Board of County Commissioners does have the authority to exercise oversight over the budget of an Elections Commissioner in the same manner as it does for District Attorneys, Sheriffs, County Clerks, etc. There is no reasonable justification for treating the budgets of Elections Commissioners differently than all other County elected and appointed officials. Thank you for your consideration of this important issue.