

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 299

As Recommended by Senate Committee on
Ethics, Elections and Local Government

Brief*

SB 299 would amend law regarding the supervision of election commissioners and their budgetary and personnel policies and procedures.

The bill would remove a provision setting a minimum salary of \$10,000 and require the salary of election commissioners to be paid in equal monthly installments or in the same manner as other county officers and employees.

Election commissioners would be allowed to appoint more than one assistant election commissioner and other staff, as necessary, and set the salaries for these positions. (Under current law, in a county with a population exceeding 200,000, the election commissioner shall appoint two assistant election commissioners.) The bill would require the salary and benefits to be consistent with the policies and procedures adopted by the board of county commissioners.

The bill would authorize the election commissioner to hire additional staff needed to effectively operate the office of election commissioner and to conduct the elections required by law, subject to the policies and procedures of the board of county commissioners.

The bill would require the election commissioner, in the conduct of elections, to operate under the general supervision of the Secretary of State and comply with the statutes, rules

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

and regulations, and standards and directives that relate to the regulation of voters and the conduct of elections.

The bill would remove provisions that require the election commissioner to certify, by each July 15, to the board of county commissioners an itemized statement showing the amount necessary to pay the expenses of the office, including salaries, and for county commissioners to include that amount in the county budget for the subsequent year.

Under the bill, any action taken by the election commissioner would be subject to policies and procedures established by the board of county commissioners for all county departments, agencies, and officials on these topics:

- Personnel;
- Purchasing;
- Budgeting;
- Financial; and
- Auditing.

The actions of the election commissioner also would be subject to any pay plan, compensation plan, and benefits for county employees as established by the board of county commissioners.

The bill would require the election commissioner to submit a budget request to the board of county commissioners. The budget request would be considered in the same manner as that of other departments and agencies of the county, and the board of county commissioners would approve and adopt the budget within the county budget in an amount determined by the board of county commissioners to be sufficient and adequate to perform the duties of the office and conduct elections.

Background

The bill was introduced in the Senate Committee on Ethics, Elections and Local Government, at the request of the Kansas Association of Counties (KAC). In the Senate Committee hearing representatives from the Johnson County Board of County Commissioners, KAC, Shawnee County Board of County Commissioners, and the Unified Government of Wyandotte County and Kansas City, Kansas provided proponent testimony, stating the bill is a compromise in which the Secretary of State maintains the authority to appoint election commissioners in the largest four counties, but the board of county commissioners retains authority over the county budget and local policies. They noted Attorney General Opinion 2017-11 concludes a board of county commissioners must appropriate funds requested by the election commissioner. Written-only proponent testimony was provided by the Sedgwick County Board of County Commissioners.

Opponent testimony was provided by the Election Commissioners of Johnson, Sedgwick, Shawnee, and Wyandotte counties, as well as by the Director of Elections, Office of the Secretary of State. Opponents stated budget decisions made by the board of county commissioners could have potentially negative effects on the conduct of elections. Written-only opponent testimony was provided by Representative Esau.

According to the fiscal note prepared by the Division of the Budget, the KAC states enactment of the bill could have an impact on counties as it would place election commissioners under the budgetary authority and personnel policies of the counties, allowing the board of county commissioners to reduce the election commissioner budget.