

SENATE BILL No. 299

By Committee on Ethics, Elections and Local Government

1-18

1 AN ACT concerning elections; dealing with election commissioners;
2 amending K.S.A. 19-3419a, 19-3420 and 19-3424 and repealing the
3 existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 19-3419a is hereby amended to read as follows: 19-
7 3419a. The election commissioners in any county shall receive a salary in
8 an amount to be fixed by resolution of the board of county commissioners
9 of the county. ~~On and after January 1, 1977, the compensation so fixed~~
10 ~~shall be in an amount not less than ten thousand dollars (\$10,000) per~~
11 ~~annum.~~ Such salary shall be an annual salary payable in equal monthly
12 installments *or in the manner as other county officers and employees.*

13 The election commissioner shall receive a car allowance in an amount
14 to be fixed by resolution of the board of county commissioners.

15 Sec. 2. K.S.A. 19-3420 is hereby amended to read as follows: 19-
16 3420. ~~The election commissioner shall appoint one assistant, known as~~
17 ~~assistant election commissioner, who shall receive an annual salary to be~~
18 ~~fixed by the election commissioner and shall be paid in the same manner~~
19 ~~as other county officers and employees, and in addition the election~~
20 ~~commissioner shall certify to the board of county commissioners the~~
21 ~~amount necessary for clerk hire and expense, which amount shall be~~
22 ~~allowed by the board of county commissioners of said county. The board~~
23 ~~of county commissioners shall also authorize the statutory mileage~~
24 ~~allowance provided for in K.S.A. 75-3203 for the assistants of the election~~
25 ~~commissioner, to provide and maintain means of travel within their county.~~
26 ~~In counties having a population of more than two hundred thousand~~
27 ~~(200,000) the election commissioner shall appoint two (2) assistants,~~
28 ~~known as assistant election commissioners who shall be paid as provided~~
29 ~~for in this act~~ *The election commissioner may appoint one or more*
30 *assistants, known as assistant election commissioners, who shall receive*
31 *an annual salary to be fixed by the election commissioner, consistent with*
32 *the compensation policies and pay plan adopted by the board of county*
33 *commissioners, and shall be paid in the same manner as other county*
34 *officers and employees. In addition, the election commissioner may hire*
35 *additional staff as may be needed to effectively operate the office of*
36 *election commissioner and to conduct the elections required by law,*

1 *subject to the adopted policies and procedures of the board of county*
 2 *commissioners. Such staff shall be paid and provided employment benefits*
 3 *in the same manner as other county employees.*

4 Sec. 3. K.S.A. 19-3424 is hereby amended to read as follows: 19-
 5 3424. (a) *The election commissioner, in the conduct of elections, shall*
 6 *operate under the general supervision of the secretary of state and shall*
 7 *comply with the statutes, rules and regulations and standards and*
 8 *directives that relate to the registration of voters and the conduct of*
 9 *elections. The election commissioner, as a part of his or her official duties*
 10 *shall have and exercise the following powers and authority:*

11 ~~(a) (1) Such commissioner shall~~ Establish and fix the boundaries of
 12 wards and precincts within the county and in all cities the greater part of
 13 the population of which is located in ~~said the county.~~ ~~Such The~~
 14 commissioner shall accept and file nomination and declaration papers of
 15 candidates and declarations of party affiliation.;

16 ~~(b) (2) Such commissioner shall~~ give notice by publication in the
 17 official county paper, at least ~~fifteen (15)~~ 15 days before the holding of any
 18 election, except as otherwise provided by law, of the time of holding ~~such~~
 19 *the election*, and the officers at that time to be chosen, and any other
 20 matters to be voted upon.;

21 ~~(c) (3) Such commissioner shall~~ publish notice giving the proper
 22 party designation if required by law, the title of each office, the names and
 23 addresses of all persons seeking national and state offices and as certified
 24 to ~~such the county election officer~~ by the secretary of state, ~~as provided by~~
 25 ~~law~~, and of all persons from whom nomination papers or declarations have
 26 been filed with ~~such the election officer~~ ~~as provided by law~~, giving the
 27 name and address of each, the title to ~~such the office~~, the day of the
 28 election, the hours during which the polls will be open and the location of
 29 the voting place in each precinct or area, and mail to all persons whose
 30 nomination or declaration papers are on file with ~~such the election officer~~,
 31 a copy of the first issue containing ~~such the publication notice~~.;

32 ~~(d) (4) Such commissioner shall~~ have charge of the printing of the
 33 ballots for all elections to which this act applies held within the county, or
 34 held within any city, school district, township or drainage district located
 35 in ~~said the county.~~ ~~Such The~~ commissioner shall conduct negotiations for
 36 the letting of the contract to print ~~such~~ ballots and shall let the contract,
 37 with the approval of the board of county commissioners.;

38 ~~(e) (5) Such commissioner shall~~ be the clerk of the court for the trial
 39 of contested elections except national and state elections, and all intentions
 40 to contest any election shall be filed with ~~said the election commissioner~~,
 41 ~~and shall proceed in accordance with any laws of the state dealing with the~~
 42 ~~subject.~~

43 ~~On or before July 15 of each year, the election commissioner shall~~

1 ~~certify to the board of county commissioners an itemized statement~~
2 ~~showing the amount necessary to pay the salary of the election~~
3 ~~commissioner, the deputy election commissioner and other employees in~~
4 ~~the office of the election commissioner and other expenses of said office~~
5 ~~during the next ensuing budget year and the county commissioners shall~~
6 ~~cause the same to be included in the county budget for such ensuing~~
7 ~~budget year~~ (b) *In the administration of the office of the election*
8 *commissioner, any action taken by the election commissioner shall be*
9 *subject to the following provisions established by the board of county*
10 *commissioners applicable to all county departments, agencies and*
11 *officials:*

12 (1) *Personnel policies and procedures;*
13 (2) *any pay plan, compensation plan and benefits for county*
14 *employees;*
15 (3) *purchasing policies and procedures;*
16 (4) *budgeting policies and procedures;*
17 (5) *financial policies and procedures; and*
18 (6) *auditing policies and procedures.*
19 (c) *Each year, consistent with the county's budgeting procedures, the*
20 *election commissioner shall submit to the board of county commissioners*
21 *a requested budget for the office of the election commissioner showing the*
22 *amount of funding deemed necessary to pay the costs for salaries of the*
23 *election commissioner, any deputy or assistant election commissioners,*
24 *and other employees of the office, together with the projected costs and*
25 *expenses of the office for the next ensuing budget year. The board of*
26 *county commissioners shall consider the request in the same manner as*
27 *other departments and agencies of the county and shall approve and adopt*
28 *a budget for the office of election commissioner within the county budget*
29 *in an amount determined by the board of county commissioners to be*
30 *sufficient and adequate for the performance of the duties of the office and*
31 *the conduct of elections as required by law.*

32 Sec. 4. K.S.A. 19-3419a, 19-3420 and 19-3424 are hereby repealed.

33 Sec. 5. This act shall take effect and be in force from and after its
34 publication in the statute book.