

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2509

As Recommended by House Committee on
Local Government

Brief*

HB 2509 would make changes to the compensation, supervision, personnel, and budgeting policies of election commissioners.

Compensation

The bill would allow a board of county commissioners (Board) to decide the amount and method by which to compensate an election commissioner (Commissioner). The bill would authorize the Commissioner to hire additional staff, including one or more assistant election commissioners, as needed to effectively operate the office and conduct elections as required by law. The Commissioner would set the salaries of the additional staff, but would be required to comply with the compensation policies and pay plan adopted by the Board.

Supervision

The Commissioner would be required to operate under the general supervision of the Secretary of State and comply with the statutes, rules, regulations, standards, and directives relating to registration of voters and conduct of elections.

*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>

Personnel and Budgeting Policies

The bill would require actions taken in the administration of the office of the Commissioner be subject to the same personnel, compensation and benefits, purchasing, budgeting, financial, and auditing policies and procedures applicable to all county departments, agencies, and officials.

A Commissioner would be required to submit a requested budget to the Board each year, specifying the funding necessary to pay salaries of the office's employees, including the Commissioner, and projected costs and expenses of the office for the next budget year. The Board would be required to consider the budget request in the same manner as it considers budgets of other county departments and agencies. The Board would be required to adopt, as part of the county budget, a budget for the office of the Commissioner in an amount the Board determines is sufficient and adequate for the performance of the Commissioner's duties and conduct of elections as required by law.

Background

The bill was introduced at the request of Representative Orr. At the House Committee on Local Government hearing, representatives of the Johnson County Board of County Commissioners, the Kansas Association of Counties, the Shawnee County Board of Commissioners, and the Unified Government Wyandotte and Kansas City, Kansas appeared in support of the bill. They generally stated the intent of the bill was to give the board of county commissioners some oversight of the office practices of the elections commissioner. The proponents stated the board of county commissioners is elected by taxpayers, while the elections commissioner in each county with a population exceeding 130,000 is appointed by the Secretary of State. Written testimony in support of the bill was provided by the Sedgwick County Board of Commissioners.

Testimony in opposition to the bill was presented by Representative Esau and representatives of the Johnson County Elections Office, the Kansas Secretary of State, the Sedgwick County Elections Office, and the Shawnee County Elections Office. The opponents generally stated there were no issues with existing law and expressed concern that allowing boards of county commissioners to limit election commissioner budgets would result in budget cuts, which would impact the successful administration of elections. Written testimony in opposition to the bill was provided by the Wyandotte County Elections Office.

No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget, the Kansas Association of Counties has indicated enactment of the bill could have a fiscal effect on counties, as it would place election commissioners under the budget authority and personnel policies of the counties, giving the board of county commissioners the authority to reduce the commissioner's budget if necessary.