

HOUSE BILL No. 2597

AN ACT concerning local government; relating to urban areas; city governing bodies; county commission authority concerning election commissioners; amending K.S.A. 12-104, 17-1312f, 19-2654, 19-3419a, 19-3420 and 19-3424 and repealing the existing sections.

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

Section 1. K.S.A. 19-2654 is hereby amended to read as follows: 19-2654. (a) The area comprising ~~the county of~~ Johnson county is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.

(b) *The area comprising Sedgwick county is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.*

Sec. 2. K.S.A. 17-1312f is hereby amended to read as follows: 17-1312f. The provisions of K.S.A. 17-1308, 17-1311, 17-1312, and 17-1312a ~~to through 17-1312e, inclusive,~~ and amendments thereto, shall apply to and be controlling upon every individual, firm, partnership or other organization hereafter selling or conveying land for cemetery purposes, and for this purpose the term "corporation," except where the context clearly indicates a different meaning, shall mean and include such individuals, firms, partnerships or organizations. The provisions of this act shall not apply to: (a) Any municipality, corporation or quasi-corporation within the state of Kansas ~~which that~~ is empowered to issue bonds in payment of which taxes may be levied; ~~or~~

(b) any nonprofit organization formed primarily for religious purposes and constituting an established church ~~and which that~~ sells or conveys cemetery lots solely to the members of its own church or to persons related by consanguinity, either lineal or collateral, by adoption, or by marriage to any such member; ~~or~~

(c) any cemetery ~~existing on March 1, 1968, located in a county designated as urban, and owned and operated on said date by a nonprofit organization owned and operated by a nonprofit corporation located in a county designated as an urban area on or before March 1, 1968; or~~

(d) any cemetery having a permanent maintenance fund of less than ~~ten thousand dollars (\$10,000) which \$10,000 that~~ was organized prior to January 1, 1900, and ~~which that~~ has been maintained and operated continuously since such date.

Sec. 3. K.S.A. 12-104 is hereby amended to read as follows: 12-104. ~~In acts granting or limiting executive or administrative powers to city governments, or prescribing procedure, the designation of "the governing body" shall be held to include mayor and council, mayor and commissioners and board of commissioners, as the status of cities affected may require, and the commission to revise the statutes is authorized to substitute the words, "the governing body" for the terms mayor and council, mayor and commissioners or board of commissioners in all acts~~ *In commission and commission-manager cities, the mayor shall be considered part of the city governing body in all matters. In mayor-council, modified mayor-council and mayor-council-manager cities, the mayor shall be considered part of the city governing body for the purpose of voting on the passage of a charter ordinance. Whether the mayor is considered part of the governing body for purposes of voting on any other matter shall otherwise be established by ordinance of the city passed by a 2/3 majority of the council. All existing ordinances and charter ordinances relating to the mayor being considered part of the city governing body shall remain in effect until amended or repealed by such city.*

Sec. 4. K.S.A. 19-3419a is hereby amended to read as follows: 19-3419a. The election commissioners in any county shall receive a salary in an amount to be fixed by resolution of the board of county commissioners of the county. ~~On and after January 1, 1977, the compensation so fixed shall be in an amount not less than ten thousand dollars (\$10,000) per annum.~~ Such salary shall be an annual salary payable in equal monthly installments *or in the manner as other county officers and employees.*

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

Sec. 5. K.S.A. 19-3420 is hereby amended to read as follows: 19-3420. ~~The election commissioner shall appoint one assistant, known as assistant election commissioner, who shall receive an annual salary to be fixed by the election commissioner and shall be paid in the same manner as other county officers and employees, and in addition the election commissioner~~

shall certify to the board of county commissioners the amount necessary for clerk hire and expense, which amount shall be allowed by the board of county commissioners of said county. The board of county commissioners shall also authorize the statutory mileage allowance provided for in K.S.A. 75-3203 for the assistants of the election commissioner, to provide and maintain means of travel within their county. In counties having a population of more than two hundred thousand (200,000) the election commissioner shall appoint two (2) assistants, known as assistant election commissioners who shall be paid as provided for in this act. *The election commissioner may appoint one or more assistants, known as assistant election commissioners, who shall receive an annual salary to be fixed by the election commissioner, consistent with the compensation policies and pay plan adopted by the board of county commissioners, and shall be paid in the same manner as other county officers and employees. In addition, the election commissioner may hire additional staff as may be needed to effectively operate the office of election commissioner and to conduct the elections required by law, subject to the adopted policies and procedures of the board of county commissioners. Such staff shall be paid and provided employment benefits in the same manner as other county employees.*

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

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

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

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

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

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

On or before July 15 of each year, the election commissioner shall certify to the board of county commissioners an itemized statement showing the amount necessary to pay the salary of the election commissioner, the deputy election commissioner and other employees in the office of the election commissioner and other expenses of said office during the next ensuing budget year and the county commissioners shall cause the same to be included in the county budget for such ensuing budget year

(b) *In the administration of the office of the election commissioner, any action taken by the election commissioner shall be subject to the fol-*

lowing provisions established by the board of county commissioners applicable to all county departments, agencies and officials:

- (1) Personnel policies and procedures;
- (2) any pay plan, compensation plan and benefits for county employees;
- (3) purchasing policies and procedures;
- (4) budgeting policies and procedures;
- (5) financial policies and procedures; and
- (6) auditing policies and procedures.

(c) Each year, consistent with the county's budgeting procedures, the election commissioner shall submit to the board of county commissioners a requested budget for the office of the election commissioner showing the amount of funding deemed necessary to pay the costs for salaries of the election commissioner, any deputy or assistant election commissioners, and other employees of the office, together with the projected costs and expenses of the office for the next ensuing budget year. The board of county commissioners shall consider the request in the same manner as other departments and agencies of the county and shall approve and adopt a budget for the office of election commissioner within the county budget in an amount determined by the board of county commissioners to be sufficient and adequate for the performance of the duties of the office and the conduct of elections as required by law.

Sec. 7. K.S.A. 12-104, 17-1312f, 19-2654, 19-3419a, 19-3420 and 19-3424 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.