

Urban Area, Mayors, and Election Commissioners; HB 2597

HB 2597 amends law regarding designation as an urban area; when a mayor is considered a member of a governing body; and the compensation, supervision, personnel, and budgeting policies of election commissioners.

Designation as an Urban Area

The bill designates Sedgwick County as an urban area as permitted by Article 2, Section 17 of the *Kansas Constitution*. The designation allows the Kansas Legislature to pass laws specific to those areas.

The bill also clarifies a provision exempting certain cemeteries from requirements related to cemetery maintenance funds to specify any cemetery owned and operated by a nonprofit corporation located in a county designated as urban on or before March 1, 1968, is exempt.

Mayor as a Member of a Governing Body

Based on the form of government utilized by a city, a mayor is considered a member of a governing body, as follows:

- In commission and commission-manager cities, the mayor is considered part of the city governing body in all matters; and
- In mayor-council, modified mayor-council, and mayor-council-manager cities, the mayor is considered part of the city governing body for the purpose of voting on the passage of charter ordinances;
 - In order to be considered part of the governing body for purposes of voting on any other matter in mayor-council, modified mayor-council, and mayor-council-manager cities, an ordinance needs to be adopted by a two-thirds majority of the council establishing the matters on which a mayor may vote.

Ordinances and charter ordinances relating to a mayor being considered part of the city governing body remain in effect until amended or repealed by such city.

County Election Commissioners

The bill amends law regarding the supervision of election commissioners and their budgetary and personnel policies and procedures.

Compensation

The bill allows a board of county commissioners (Board) to decide the amount and method used to compensate an election commissioner (Commissioner). A Commissioner is

allowed to appoint more than one assistant election commissioner and other staff, as necessary, and set the salaries for these positions. (Under prior law, in a county with a population exceeding 200,000, the election commissioner must appoint two assistant election commissioners.) The bill authorizes the Commissioner to hire additional staff as needed to effectively operate the office and conduct elections as required by law. The Commissioner sets the salaries of the additional staff, but is required to comply with the compensation policies and pay plan adopted by the Board.

Supervision

The Commissioner is 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.

Personnel and Budgeting Policies

The bill requires 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.

The bill removes provisions requiring the election commissioner to certify, by each July 15, to the Board 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.

The bill requires the Commissioner to submit a budget request 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 is required to consider the budget request in the same manner as it considers budgets of other county departments and agencies. The bill requires the Board 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.