

*Elections
Expenses*



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

June 19, 1974

Opinion No. 74- 203

Mr. Charles Menghini
Pittsburg City Attorney
316 National Bank Building
Pittsburg, Kansas

Dear Mr. Menghini:

We have your letter of June 14. The apportionment of election expenses between the city and county is governed by K.S.A. 25-2001, which was amended by 1974 Senate Bill 663, a copy of which is enclosed. As applied to the August primary or the November general election, under section 1(b), the costs of the election would be borne by the county, which would not be entitled to reimbursement by the city in this instance.

Yours very truly,

Vern Miller
VERN MILLER
Attorney General

VM:JRM:jsm
Enc.

SENATE BILL No. 663

AN ACT concerning elections; apportionment of election expenses in certain cases; authorizing certain tax levies; amending K. S. A. 25-2201, and repealing the existing section.

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

Section 1. K. S. A. 25-2201 is hereby amended to read as follows: 25-2201. (a) Election expenses of all primary, general and question submitted elections which are township, city, school or community junior college elections shall be paid by the boards of county commissioners of the respective counties. Election expenses of all public special districts for which it is provided by law that the county election officer, county clerk, or county election commissioner is to conduct the election, shall be paid by the boards of county commissioners of the respective counties, and the provisions of this act shall apply thereto in the same manner as the same apply to township, city, school, and community junior colleges.

(b) The direct expenses of any primary, general and question submitted elections which are township, city, school or community junior college elections, except for ~~such elections that are held on the same day in every precinct in the county~~ any such election held on a day when every registered voter in the county is authorized to vote at one election or another, shall be reimbursed to the county by the township, city, school or community junior college district for which such expenses are incurred. Indirect expenses of such elections shall not be reimbursed to the county. All costs of publication of notices of election shall be reimbursed to the county by the township, city, school district or community junior college to which the notice applies.

(c) Whenever reimbursement to the county is required under subsection (b), the direct expenses of any election held at the same time and in the same area as an election for another subdivision of government shall be apportioned among the subdivisions of government for which such expenses are incurred, in equal proportions. In the event that the subdivisions of government sharing the expense of an election are not coextensive in territory, the subdivision of government which does not extend into a particular area shall not share in the expense of the voting place for such area.

New Sec. 2. Annually any county may make a tax levy on the taxable tangible property in the county in an amount not greater than the amount necessary to pay the direct expense of elections which the county is required to pay and for which the county is not reimbursed under the provisions of subsection (b) of section 1. Tax levies under this section shall be in addition to all other levies authorized by law and shall be exempt from the limitations imposed under the provisions of K. S. A. 1973 Supp. 79-5001 to 79-5016, inclusive. If a petition signed by five percent (5%) of the registered voters of any county is filed with the county election officer on or before July 10, 1974, requesting an election be held to determine whether the tax levy authorized by this section shall be permitted in such county, the county election officer shall hold a special question submitted election on the first Tuesday in August of 1974, in such county. The proposition shall be stated on the ballot as follows:

"Shall the board of county commissioners be authorized to make an annual tax levy on the taxable tangible property in the county to pay the direct expenses of certain elections of other subdivisions of governments as required by law."

If a majority of those voting on such question submitted are in favor of the proposition such county may in 1974 and thereafter immediately make the levy authorized in this section. If a majority of those voting on such question are against the proposition, and the board of county commissioners has theretofore included in its adopted budget any amount under authority of this section, such adopted budget and the tax levy therefor shall be reduced in an amount equal to the amount so budgeted, and no tax levy

under this section shall be made in such county in 1974 or thereafter.

Sec. 3. K. S. A. 25-2201 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the official state paper.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted
Conference Committee report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.