



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
Attorney General

March 6, 1975

Opinion No. 75- 98

Ms. Donna M. Kaiser  
County Election Officer  
Dickinson County Courthouse  
Abilene, Kansas 67410

Dear Ms. Kaiser:

You inquire, first, whether the Board of County Commissioners has any authority to determine who the county election officer appoints as judges and clerks under K.S.A. 25-2801 through -2803. Those sections are self-explanatory, and it is unnecessary to detail their provisions here. It is clear from those sections that the board of county commissioners has no legal authority to appoint any person as an election judge or clerk, or to recommend any person for such appointment.

You also inquire, concerning K.S.A. 25-120, whether the county election officer or the board of county commissioners is responsible for payment of election expenses. K.S.A. 25-120 provides in pertinent part thus:

"The expenses of elections in counties not having a county election commissioner shall be paid by the county out of the general fund, or the board of county commissioners of any such county may levy a tax each year upon the taxable tangible property in the county, in such amount as may be necessary to provide the necessary funds for the payment of the election expenses, both direct and indirect, of elections for which it is provided by law shall be conducted by the county election officer or the county clerk."

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You question not whether the county is liable for a particular expense, but which fund of the county must bear the liability, monies budgeted for your office, or the general fund. So far as concerns K.S.A. 25-120, election expenses must be borne by the general fund, or by the proceeds from a tax levied specifically to provide the necessary funds for payment of election expenses. I suggest that you discuss this matter with Mr. Opat, your county attorney, for further clarification. If a levy is made specifically for election expenses, and the proceeds of that levy are budgeted for your office, then election expenses would be properly chargeable to that fund. Without more information, however, it is difficult to provide a more definitive answer to your specific question.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj

cc: Mr. Steven Opat  
Dickinson County Attorney  
Dickinson County Courthouse  
Abilene, Kansas 67410