



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

February 17, 1975

Opinion No. 75- 68

Mr. Steven L. Opat
Dickinson County Attorney
Sunflower Building
Abilene, Kansas 67410

Dear Mr. Opat:

You advise that a question has arisen concerning liability for the costs of materials and other expenses involved in the registration of voters in Abilene prior to the recent general election. This question has arisen, you indicate, from the fact that the city has forwarded vouchers to the county for not only the expenses of setting up ballot booths and other necessary expenses of the election, but also vouchers for the costs of materials and other expenses of registration of voters.

K.S.A. 25-2303 states thus in pertinent part:

"The county election officer may appoint the city clerk of any city of the first or second class in his county to be a deputy county election officer for the purpose of registration under the provisions of this act; and he shall make such appointment in all such cities, if such city clerk has had the responsibility to register voters under the statutes of this state immediately prior to the effective date of this act. Deputy county election officers shall maintain records and perform duties under the provisions of this act only in the manner prescribed by the county election officer." [Emphasis supplied.]

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K.S.A. 25-2311(a) provides dates for the closing of registration:

"County election officers shall provide for the registration of voters at one or more places on all days except the following:

* * *

(2) Days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 1972 Supp. 25-2312."

Thus, it is the county election officer who provides for places of registration at the main offices of city government when city clerks are appointed as deputy county election officers. Similarly, under subsection (d) of this section, it is the county election officer who shall provide for registration for additional hours on certain days in cities of varying population and class. Obviously, in most if not in all such instances, the registration services are provided in the name of the county election officer by deputy county election officers who are also city clerks.

Notwithstanding city clerks thus act as deputies of the county election officers, K.S.A. 25-2315 provides for the apportionment of registration expenses thus:

"The expenses of registration incurred under this act shall be paid by the county in all cases except expenses incurred by city clerks, in which case such expenses shall be paid by such city. County and city governing bodies upon which this section imposes financial obligation shall make adequate provision to carry out the intent of this act by authorizing sufficient expenditure for both regular and temporary employees, record keeping methods approved

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by the secretary of state and such other expenditures as may be appropriate."

Clearly, it is the city which must bear the costs of registration materials, employees, and other expenses incurred for and on behalf of the discharge of the duties of a deputy county election officer by a city clerk appointed under K.S.A. 25-2303. If any clarification were needed, K.S.A. 25-119 states that although election expenses covered thereby shall be borne by the county,

"Expenses connected with registration and copies of registration lists by cities of the first and second classes shall be paid by such cities."

We concur fully with your opinion that in those instances where the city clerk is appointed as a deputy county election officer by the county election officer, pursuant to K.S.A. 25-2303, the expenses incurred by the city clerk in discharging the duties of that appointment must be borne by the city, which is by statute liable therefor.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

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