

## Shawnee County Commissioner of Elections

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### Testimony - HB2509 re: Election Commissioners

House Committee on Local Government

Tuesday, February 6, 2018; 1:30pm SH 281-N

by

**Andrew Howell, Shawnee County Election Commissioner**

Honorable Representative Kristey Williams, Chair and members of the Committee:

I stand before you today as the Shawnee County Election Commissioner and offer this testimony on HB 2509. As a side note, I understand the heavy decisions and the delicate balancing act you have before you as I served as a State Representative for 10 years for House District 4 from 1995 - 2005. I was first appointed to my current position as Election Commissioner in September, 2012.

My testimony is in opposition to this bill and will focus on four points.

#### **1. For Shawnee County, this bill is not about budgets:**

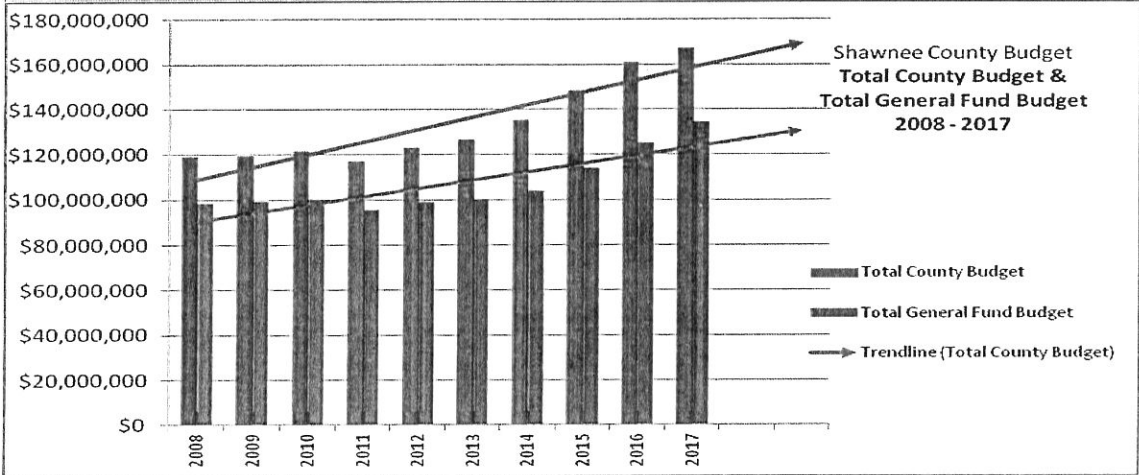
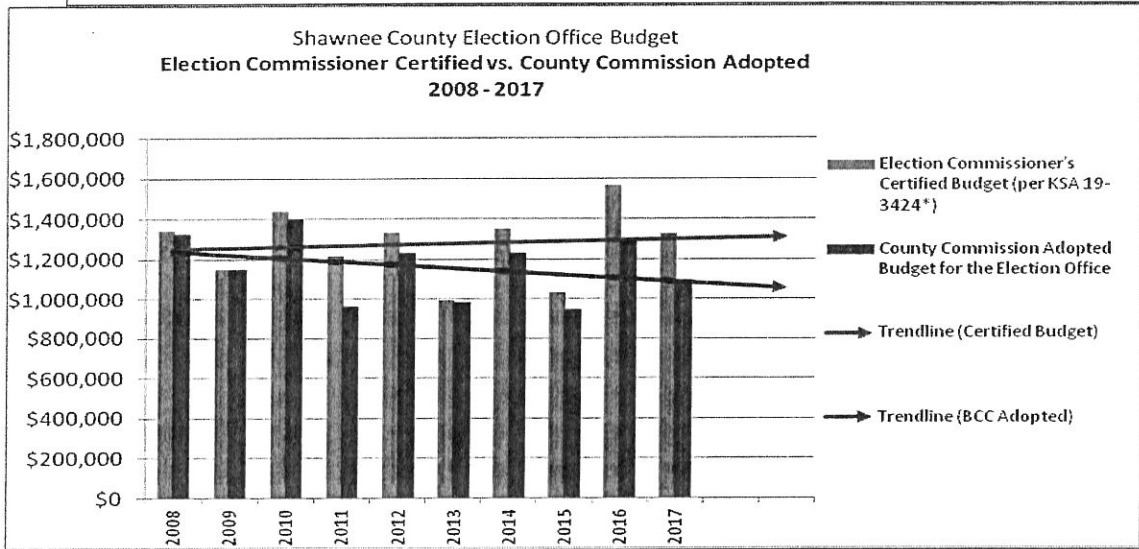
- A. **Shawnee County Election Commissioner's Certified Budget** has been flat over the last 10 years!
- The **2008 Certified Budget** was **\$1,340,052**; the **2017 Certified Budget** was **\$1,328,220**
  - How many other government budgets that can make that claim?
  - The 2017 Certified Budget was less than 1% of Shawnee County's 2017 General Fund Budget
  - This Election Commissioner **has never overspent the Certified Budget** ever!
    - Attorney General's Opinion No. 2017-11

- B. For the same time frame (2008-2017), the **Shawnee County General Fund increased 37%!**
- The 2008 General Fund was \$98,346,912; the 2017 General Fund was \$134,395,605
  - The 2016 Shawnee County Independent Audit (page 3) states "In 2016, the General Fund's fund balance increased by \$5,217,596 to an ending balance of **\$39,060,527** or 38.1% of revenues. This is the sixth consecutive year that the General Fund's fund balance has increased." Emphasis added.

*See the data sheet and graphs on the next page.*

**Budget Years 2008 - 2017**

Year	Election Commissioner's Certified Budget (per KSA 19-3424*)	County Commission Adopted Budget for the Election Office	Difference between Election Commissioner's Certified Budget & County Commission Adopted Budget	Total County Budget	Total General Fund Budget
2008	\$1,340,052	\$1,326,790	-\$13,262	\$119,159,760	\$98,346,912
2009	\$1,147,790	\$1,147,988	\$198	\$119,492,544	\$99,051,137
2010	\$1,436,283	\$1,396,058	-\$40,225	\$121,629,290	\$99,541,061
2011	\$1,213,381	\$964,029	-\$249,352	\$116,927,615	\$95,440,356
2012	\$1,333,834	\$1,232,404	-\$101,430	\$122,830,945	\$98,601,265
2013	\$991,830	\$981,150	-\$10,680	\$126,748,888	\$99,445,788
2014	\$1,354,718	\$1,232,000	-\$122,718	\$135,118,191	\$103,879,060
2015	\$1,036,145	\$950,000	-\$86,145	\$148,018,243	\$113,806,660
2016	\$1,566,827	\$1,296,114	-\$270,713	\$161,075,584	\$124,796,756
2017	\$1,328,220	\$1,096,682	-\$231,538	\$167,099,217	\$134,395,605
Actual \$ Amount Change 2008 - 2017	-\$11,832	-\$230,108		\$47,939,457	\$36,048,693
<b>% Change</b>	<b>-1%</b>	<b>-17%</b>		<b>40%</b>	<b>37%</b>
Election Commissioner's Certified Budget as a % of Total County Budget - 2017				0.79%	
Election Commissioner's Certified Budget as a % of Total General Fund - 2017				0.99%	



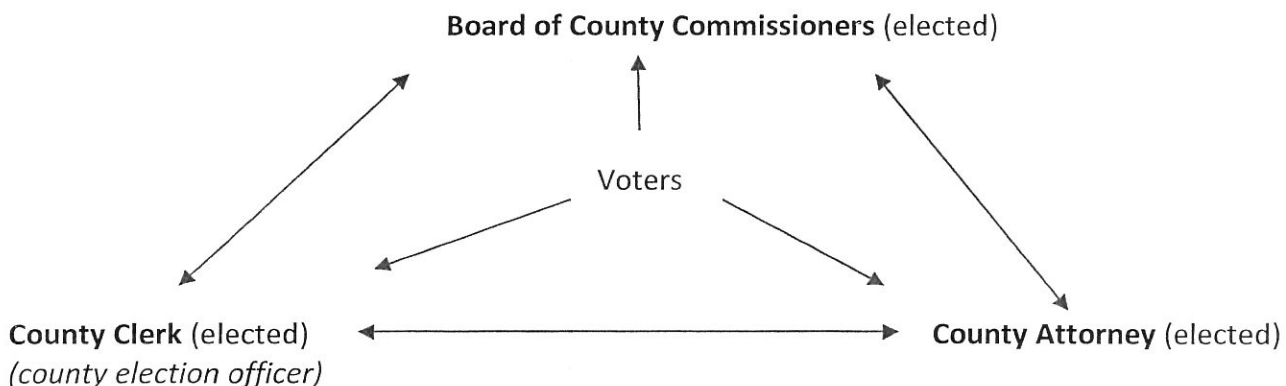
- C. The **Election Commissioners collaborated to save taxpayer dollars and to help the entire State.**
- i. They joined together to develop and implement a Joint RFP for New Voting Equipment
  - ii. This was an **Election Commissioners' initiative** that resulted in aggregating their buying power in cooperation with their County Commissions.
  - iii. In effect, it became a Statewide Contract as the Election Commissioners **required vendors to open the terms to all counties in Kansas and that all counties receive the same prices.**
  - iv. The RFP yielded two (2) vendor winners so the counties could choose
  - v. Due to the Election Commissioners requesting quantity discounts in the RFP, the **statewide savings so far have been \$1,622,150**
    - \* Sedgwick County saved taxpayers \$771,000
    - \* Shawnee County saved taxpayers \$320,430
    - \* Wyandotte County saved taxpayers \$189,900
    - \* Johnson County has not purchased yet
    - \* Another 15 counties in Kansas saved taxpayers an average of \$22,721
  - vi. The Joint RFP won the **2017 Innovator Award** from the International Association of **Government Officials (iGO)**
  - vii. Kimberly Bush, Sedgwick County Purchasing won the 2016 KAPPP Buyer of the Year for her work on the Joint RFP

**2. HB 2509 would “unbalance” the Checks & Balances set-up by Legislature and “Shorten the State’s Leg of the 3 Leg Milk Stool” of Election Checks & Balances**

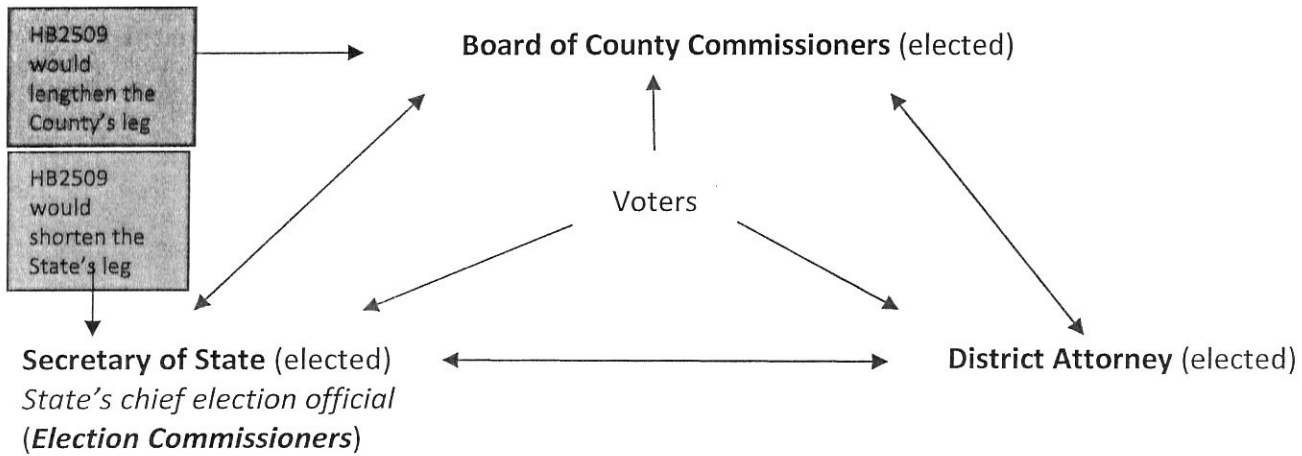
**Three Leg Milk Stool  
Checks & Balances  
For Kansas Elections**

Three Leg Milk Stool = The best “checks & balances” system is one of the three separate, independent, equally powered units (i.e. legislative, executive & judicial branches of government). One of them cannot get to far awry with the other two watching.

**In counties of less than 130,000 population, the three leg milk stool**



In counties of 130,000 or more in population, the three leg milk stool



- In 1947, the Kansas Legislature recognized the state has a very vested interest in elections which are conducted at the local level (but they are electing more than local officials)
- They also recognized that it would be very difficult with 105 counties to have all of them the same
- They drew a line between counties at a population of 130,000
- For counties over 130,000, the state would provide some uniformity and consistency by appointing an "election commissioner" (originally by the Governor; then moved to Secretary of State)
- Election Commissioners need to be independent from local political influence & game playing
- The Legislature provided those counties the ability to set a separate elections levy
- **Specifically** did not give budget authority to the County Commission, as the conduct and outcome of elections are greatly affected by the amount of the budget
- **State's Interest** in elections in the current four counties with election commissioners
  - 50% of the state's registered voters
  - 57.5% of State Senators = 23
  - 52% of State Representatives = 65

3. Negative impacts of passing HB2509 and past Shawnee County Budgets

HB2509 essentially would strip the election commissioners of the independent status as envisioned by the legislature; giving the 3 Leg Milk Stool a very definite tilt. Arbitrarily squashed budgets would have a severe impact on the conduct of elections, mostly at the expense of voters and candidates.

- A. Poll Worker mistakes – In the 2012 August Primary Election, poll workers handed out incorrect ballots to voters for a good portion of election day. This was a direct result of reducing the number of polling places at the urging of county commissioners (as a budget reduction maneuver). A state representative race was impacted with questionable results.

- B. The number of election board workers & voting machines – is a function of the number of registered voters assigned to that specific polling location. Some county commissioners have suggested in the past for the election commissioner to reduce the number of polling places and the number of election board workers in an effort to save money. Shawnee County does not have a sufficient number of available buildings of sufficient size to use as polling places that have adequate voter parking, large enough rooms in which to vote, that are ADA/HAVA compliant, located in or near the precincts that would vote at those locations, and the owners are willing to have open to the voting public for 12 – 14 hours on election day.
- C. Pay for Poll Workers & Polling Places – Shawnee County pays election workers minimum wage (\$7.25 per hour; can't go lower) and polling places receive \$50.00 per election for the use of their facilities; which may or may not cover the cost of cleaning, utilities and inconvenience.
- D. County's Budget Timeline – Shawnee County requires departments to submit budget requests by the middle of May for the budget year following. It is very difficult to predict some direct election budget items 12 months ahead of time. Some examples include:
  - a. Cost of Ballots – At budget development time, there is no way to know the length or cost of ballots since there is no way to know how many candidates will file for office, how many ballot questions (or their length) will be submitted, how many or how long any constitutional questions will be on the ballot, etc.
  - b. Voter Turnout – Voter turnout can be somewhat predictable closer to an election, but 12 months prior is very difficult. The number of poll workers and the amount of ballots (and the costs thereof) is driven by voter turnout. Ballot length is also a factor in the number of poll workers and voting machines deployed as it's a function of voter throughput (if trying to manage voter wait times).
- E. Potential Impacts of arbitrarily reduced election budgets include:
  - a. State/Federal Law Violations – Over 600 state laws and many federal requirements for elections. Reductions in staff or staff time could negatively impact an election office's ability to meet them (many are time sensitive). The federal Department of Justice would probably be unforgiving.
  - b. Long lines at polls/Longer voter wait times
  - c. Poll Worker mistakes (some unrecoverable?)
  - d. Delayed reporting of results on Election Night
  - e. Questionable results?
  - f. Reduced voter confidence
  - g. Disenfranchisement of some voters

#### **4. Election Commissioner has been a willing and helpful partner**

The Shawnee County Election Commissioner has been a willing and helpful partner to the Shawnee County Commission. Examples include:

- A. Purchase of new equipment – reduced the cost from \$2.5 million to \$2.0 million. Additionally, saved Shawnee County taxpayers \$320,430 via the Joint RFP with the other Election Commissioners.

- B. Reduced Early Voting days & hours – to help lower the budget without a huge negative impact on voter customer service
- C. Reduction/modification in Nursing Home Ballot Delivery - to help lower the budget without a huge negative impact on voter customer service
- D. Implementation of Cost Saving Measures – The Election Commissioner implemented several cost saving measures including:
  - a. Ballot Secrecy Covers – made of re-purposed file folders
  - b. Voter Way Finding Sign Stands – made from PVC pipe and assembled with staff
  - c. Advance Voted Ballots delivered to Polls – found acceptable bags for 69 cents each
- E. Cooperation – invited the County Commission to be an involved partner in developing the certified budget.

Thank you for your time. I would be happy to try to answer any questions.

Thank you for your service.