



**Testimony before the House Committee on Taxation
Riley County Clerks & Elections Office
March 9, 2016**

I am Rich Vargo, Riley County Clerk and Election Official—a position I have held since my election in 1996. I am also testifying on behalf of the Kansas County Clerks & Election Officials Association. I thank you for the opportunity to present information in support of HB 2609.

Effective Date of House Bill 2609

House Bill 2609 is helpful—particularly compared to the Senate’s competing bill, SB 316—because it keeps the January 1, 2018 enacting date for K.S.A. 9-2925b. This is beneficial to local units of government and their constituents because it allows time to plan for not only the implementation of the tax-policy change but also the changes to the elections process. The pending 2018 law and the SB 316 legislation raise serious questions regarding the timing of elections, the method of elections, the cost of the elections, and implementation of altered aspects of the budget and tax-roll processes. We still lack resolution on whether cities and counties that submit a question to the voters must approve and publish two budgets in case the ballot measure fails. We still have questions about whether it is even possible to conduct an election within the statutory time periods for the tax roll and the budget certification. These are key pieces that HB 2609 helps address.

The exemptions added to HB 2609 in the calculation of the tax levy are a significant improvement to the restrictions in the current law and those proposed in SB 316. HB 2609 would allow for logical increases in taxes due to growth in communities. Most of these exemptions mimic those in the 90s tax lid, which helps facilitate implementation. The Senate’s bill would stifle growth in communities by preventing cities and counties from budgeting for infrastructure needs. House Bill 2609 provides the structure to maintain the mechanism for a public vote, while maintaining the principle of local control. The legislation would help accommodate the growth in Riley County and other vibrant communities by developing the budget to support infrastructure needs.

HB 2609 provides the best timeline to implement a public vote. The Senate is currently pursuing a new enacting date of K.S.A. 9-2925b to July 1, 2016. This could not come at a worse time. Presidential elections are by far the most challenging election to administer. In Riley County for the Tuesday, August 2, 2016 Primary Election we will have 108 ballot styles, 54 republican and 54 democratic. If our county’s budget increased property taxes, the implementation of SB 316 would add 54 more ballot

styles for any registered voter who wishes to participate but is unaffiliated with a party when the question is placed on the Primary Election ballot. To further complicate matters, if all five cities and Riley County submitted a tax question to the voters, every city voter would have two questions on their ballot. Not only does this risk creating a two-page ballot (non-workable with Kansas polling machines), but the length of a ballot would significantly increase the time it takes to vote and lines at the polling places. In the 2000 election, officials across the nation—including Kansas—were criticized due to long lines during the presidential election. If the legislature places the questions on the November 8, 2016 general election, then the risk of congestion due to ballot length and time to vote is compounded. But the November ballot really is not an option as the tax roll and bills could not be completed to meet current statutory deadlines.

By contrast, the petition process calling for an election submitted by 10% of the electors would still allow public input and participation in the process, while creating fewer unnecessary elections asking for logical taxing authority. I submit that the petition process would need some amendments to allow for a more efficient petition process in order to conduct the elections and fulfill the statutory requirements for the budget and tax-roll processes. But this is a more sensible and cost-effective method to enable a public vote. It is a key provision for HB 2609, and one we ask this committee to firmly support.

Overview of Clerk Responsibilities

HB 2609 because—while it still facilitates a public vote—it would do so without becoming a truly burdensome tax lid. The current lid and SB 316 have the potential in Riley County of causing five cities and Riley County to hold multiple special elections which may be by: (1) a polling place, (2) by mail, or (3) during a regularly scheduled election—all the more during presidential elections. Please remember only four counties in our State have separate Election Commissioners who exclusively conduct elections. The 101 other counties have elected county clerks. In Riley County, the office I currently hold as county clerk does administer elections. I also administer tax rolls (including 57 budgets of taxing entities, 84 mill levies, and 10 joint levies), administer human resources, all benefits administration, payroll, accounts payable, budget and finance, clerk to the board of county commissioners, sell wildlife and parks permits, oversee intangible taxes, homestead taxes, moving permits, cereal-malt-beverage licenses, and all other duties as assigned. Most county clerk's offices in Kansas have five or fewer staff members. This legislation is setting local governments up to fail, which only hurts our constituents. HB 2609 still creates difficulties for cities and counties, but it is a balanced approach to meet the objectives of more public access.

County Expense

The reason it is important to move to a protest petition, while implementing reasonable exemptions is because of the immense cost the current law—and SB 316—looks to inflict on cities and counties. Consider the cost of special elections. Because of the timeline issues described above, the following samples show the potential costs to counties for running special elections:

Shawnee County – Based on a recent mail-ballot election, the cost is approximately \$300,000 for a county-wide, mail-ballot election. Shawnee County has not had a county-wide, polling-place election recently enough to provide helpful data.

Saline County – Based on a 2014 election, the cost is approximately \$43,000 for a mail-ballot election. A polling-place election would cost approximately \$48,000.

Smith County – Based on a recent mail-ballot election, the cost is approximately \$8,800. The Smith County Clerk noted that a Smith Center election has 1,800 voters, while a county-wide election is 2,890. The type of election will vary widely from city to county. When estimating a polling-place election, the clerk would subtract postage and replace the costs with payment for workers and handicap accessibility. She further stressed the many variables that factor into an election estimate.

Hodgeman County – There is not recent data for a mail-ballot election, but the county clerk offered a conservative estimate of \$3,200 for under 1,400 registered voters (compared to 35,000 registered voters in Saline County). This figure assumes a single-ballot style with no additional voter questions.

Even for cities, the cost will be burdensome. In Riley County, our smallest city of the third class, Randolph (population 171), had a 2015 tax levy of \$16,965 for the 2016 budget. For even a 10% increase of \$1,697 it would cost \$6,000 to conduct a special election. In talking with other county clerks, we found a number of smaller cities in which the cost of a special election would exceed the amount of a 10% increase in the tax levy they may be seeking. For this reason if this law is passed I would hope the legislature would exempt cities of the third class from this legislation.

Proposed Sedgwick County Timeline

Sedgwick County has attempted to fix the errors in the current tax lid with a proposal that causes additional issues for the election calendar. The first issue is requiring the county clerk to certify the tax-lid ballot question by July 1. By statute, all other candidate and special-question filings are to be certified by June 1 for the primary election. Kansas requires a written election plan for mail-ballot elections to be filed with the Secretary of State. The Secretary must approve the plan prior to proceeding with the election. The Secretary of State's publication, "Kansas Election Standards,"

recommends 90 days for the mail-ballot process to include developing the written plan, securing approval, preparing for the election, and tabulating and canvassing the results. Following the Secretary of State's process and guidelines would put the election at September 28—90 days after the certification of the tax-lid question on July 1. This further complicates the tax-roll timelines.

Sedgwick County's amendments state the mail ballot election is to be held on September 15. Mail-ballot elections are to be open for 20 days from the day the ballots are mailed. So ballots would have to be mailed on August 27. If we use the Sedgwick County amendment of September 15 and follow the Secretary of State's guidelines of 90 days to complete a mail-ballot election, then certification of the ballot question should be June 18. Once again the date is familiarly close to the current filing deadline of June 1 for good reason. These processes do not happen overnight and do take time for the benefit of the election to be conducted properly and for the benefit of the public. The protest petition gives locals a better method to address and properly execute the special election.

Conclusion

Most of the conferees today will discuss the policy benefits to HB 2609—particularly compared to the Senate's bill. But the best piece of this is that it helps ensure a reasonable process for running an election when the voters demand it. Without a timeline that works with the valuation process and the budget process, the elections piece will not work. This imposes more costs on taxpayers with no return on investment.

I have represented all of Riley County since 1996 and worked with my fellow elected officials to provide the essential services that our citizens expect. If they aren't happy with our work, the citizens can vote us out of office. This law cuts against local control, but it does so with a complete misunderstanding of the local processes and the safeguards that ensure thoughtfulness, deliberations, and public access. A rushed process is no way to run a tax roll or an election.

Thank you for allowing me the opportunity to provide testimony in opposition to Senate Bill 316, and I ask you to vote against the bill.

Sincerely,

Rich Vargo
Riley County Clerk and Election Official