

Sheriffs clarify amendment on ballot

Editors note: the following were submitted by Brown County Sheriff John Merchant and Atchison County Sheriff Jack Laurie.

Over the last few weeks I have been contacted by county residents who have had questions about an upcoming concern that will be on the November ballot regarding the office of Sheriff in the state of Kansas. I hope this information will help inform individuals of what this issue pertains to. In short, the Sheriff answers directly to all voters and citizens in their respected counties. With this being said, a YES vote preserves the integrity of the office of Sheriff as we are not shielded or restricted by city or county boards or unelected administrators.

Ballot summary

The ballot summary for the amendment is as follows:[2]

“ This amendment would preserve the right of citizens of each county that elected a county sheriff as of January 11, 2022, to continue electing the county sheriff. The amendment would also provide that a county sheriff only may be involuntarily removed from office pursuant to either a recall election or a writ of quo warranto initiated by the attorney general.

A vote for this proposition would preserve the right of citizens of each county that elected a county sheriff as of January 11, 2022, to continue electing the county sheriff via popular vote. The amendment would also direct that a county sheriff only may be involuntarily removed from office pursuant to either a recall election or a writ of quo warranto initiated by the attorney general.

A vote against this proposition would not make any changes to the constitution and would retain current law concerning the election of a sheriff and the procedures for involuntary removal of a sheriff from office. ”

Sheriff John D Merchant

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This upcoming election, there is a proposed amendment to Article 9 of the Kansas Constitution that will be on the ballot. YOU, the voters, will be asked to decide a measure that will require all Kansas Counties to elect their Sheriff, with the exception of Riley County who consolidated law enforcement services in 1974. In addition, this amendment identifies the Kansas Attorney General as having the sole authority to initiate any ouster proceedings of a sitting sheriff. Currently, this authority is shared with the county attorney, which has shown to be partisan and subject to personal animus in other counties in Kansas. This change is supported by the Kansas County & District Attorneys Association. Lastly, this amendment does not eliminate or change the voter recall process in any manner. Kansas is one of fifteen states that do not recognize the office of Sheriff in their state constitutions. These fifteen states, mostly in the midwest, have the office created by an act of legislature. This means the office of sheriff can be abolished by an act of legislation or through a charter commission. This amendment will preserve the office of sheriff in each Kansas County, while also protecting the ability of electing a sheriff by popular vote every four years. This is a decision that belongs to the voters, and should never be regulated by a group of elected and/or appointed individuals. This vote is not about the individual holding the Office of Sheriff; rather it is about preserving your right to choose who holds that office.

Why is this important? The sheriff is the only elected law enforcement official in Kansas. As such, the Sheriff is directly accountable to the public they serve and are not filtered through an elected body or appointed official. The actions of the sheriff should be predicated upon the US Constitution, the Constitution of the State of Kansas and lawful statutes. A Sheriff is responsible for their own actions and those in their employ. They are subject to remedy grievances directly to the people and not at the direction of administrative oversight.

In recent years, attempts to abolish the office of sheriff in the Kansas Counties of Phillips, Lyon, Bourbon, Reno, Shawnee, Sedgwick and Johnson County but efforts have failed due to a strong opposition from the populace. However, the threat to remove the right to elect the County Sheriff remains in place.

In 2000, Johnson County established a Home Rule Charter and soon after abolished the elected offices of County Clerk, County Treasurer and Register of Deeds. These positions are now appointees of the county administrator. Although the office of sheriff and county attorney were initially preserved, every ten years the charter commission is required to revisit this issue. Earlier this year, the commission met and initially supported abolishing the office of sheriff only to change course and preserve it until the next review period. The citizens of Johnson County, with a population in excess of 600,000 came dangerously close to losing their ability to cast votes for who they wanted as the chief law enforcement officer of the county. Until the office of sheriff is preserved in the Kansas Constitution, the voice of 104 Kansas counties remain in jeopardy of being removed.

A YES vote, in support of this amendment is non-partisan. It will preserve your ability to vote for the Sheriff of Atchison County, while preserving the office of

sheriff itself.

Jack Laurie

Atchison County Sheriff

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