

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairperson Mark Kahrs at 1:30 pm on Wednesday, March 18, 2015, 281-N of the Capitol.

All members were present

Committee staff present:

Cindy Lash, Legislative Research Department
Martha Dorsey, Legislative Research Department
June Christensen, Kansas Legislative Committee Assistant
Daniel Yoza, Office of Revisor of Statutes
Mike Heim, Office of Revisor of Statutes

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Approval of Minutes

Chairman Kahrs opened the meeting.

Representative Esau moved to approve the March 4, 2015, and March 9, 2015, Minutes as presented; seconded by Representative O'Brien, and carried.

Final action on HB2398 - elections; presidential preference primary; date delayed

Chairman Kahrs introduced Daniel Yoza to review **HB2398**, which will eliminate the presidential preference primary election in 2016 and will resume in 2020 and each four years thereafter.

*Motion by Representative Esau, seconded by Representative Scapa, to pass **HB2398** favorably from the committee.*

Representative Scapa moved to amend the motion to repeal current statutes; seconded by Representative O'Brien.

Chairman Kahrs introduced Mike Heim, revisor, to explain the amendment to the motion. Mr. Heim said it would repeal K.S.A. 2-14 Supp. 25-4501. ([Attachment 1](#)).

Discussion followed. Representative Sawyer said he would not support the amendment to the bill; Representative Esau said he would support the amendment to the bill, since a presidential primary had only been used twice in many years. Representative Whitmer questioned that should a party want to have a presidential campaign, would it have to come before the Legislature, and was advised that it would be if the state wanted to conduct a presidential preference primary. Representative Campbell

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said he believed Clay Barker, executive director of the Republican Party, had testified he would be in favor of it, and Representative Scapa verified this, as he had talked with Mr. Barker about it.

Representative Scapa closed the motion, and it carried.

Representatives Alcalá, Carmichael, and Sawyer requested their votes be recorded as "nay" votes.

Representative Scapa made a substitute motion to pass the bill, as amended, favorably from committee. Seconded by Representative Esau, and carried.

Representatives Alcalá, Carmichael, and Sawyer requested their votes be recorded as "nay" votes.

Final action on SB77 - Ethics commission; proposed fee increases.

Representative Whitmer moved and seconded by Representative O'Brien, to pass **SB77** favorably from committee.

Representative Esau moved to amend the motion to strike the amount of \$275 on line 4, page 12, and replace it with \$350. Seconded by Representative Whitmer.

He explained the reasons for making the amendment. The motion carried.

Representative Whitman moved to favorably pass **SB77**, as amended, from the committee. Seconded by Representative O'Brien, and it carried.

Final action on HB2182 - Campaign finance; dealing with contributions.

Representative Esau said that three bills originally heard by the committee would be worked today - **HB2182**; **HB2213**, and **HB2215**.

Representative Esau moved that **HB2182**, as previously amended, be passed favorably from the committee. Seconded by Representative O'Brien.

Daniel Yoza briefly reviewed the bill that the committee had previously approved.

The motion carried.

Final action on: HB2213 - Campaign finance; relating to campaign contributions.

Representative Esau moved to pass **HB2213** favorably from committee. Seconded by Representative Sawyer, and the motion carried.

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Final action on HB2215 - Concerning certain public officers and employees; relating to the use of unexpended campaign funds.

*Representative Esau moved, seconded by Representative Whitmer, to pass **HB2215** favorably from the committee.*

Daniel Yoza, revisor, reviewed the bill, which will restore a previous law to transfer funds from one public office candidacy to another. Chairman Kahrs further explained the bill. There was discussion clarifying the intent of the bill and several scenarios that might happen. Carol Williams, executive director of the Governmental Ethics Commission, explained the manner in which the funds could be transferred. If a candidate is transferring from a position that has a higher contribution limit and becomes a candidate where there is a lesser allowable contribution, the difference must be paid back to the contributor. This applies only for the current election cycle. She answered several more questions.

Representative Campbell asked for clarification of Section 6, line 15 and 16, on filing termination reports and moving funds back and forth. Ms. Williams and Ms. Dorsey, revisor, clarified the issues on termination.

Representative Carmichael renewed his request to have a definition on page 2, line 18, subsection e, lines 29-31, on limitations. Ms. Williams said no reference had been made to contributions in the past, and there had been no definition then, and that all monies could be transferred in. Mr. Yoza referenced page 6 and said the transfer would not be a contribution to the current cycle.

Representative Carmichael said he believed this bill to be very unfair to challenging candidates running against incumbents, as the incumbent would have considerable funds, and suggested those who had voted for the bill before reconsider their vote. Chairman Kahrs said he believed it could work in a challenger's favor as well. Representative Sawyer said he would like to have the bill read as it formerly was - that legacy monies are transferrable and that current year funds are limited. Mr. Heim presented an amendment that had been considered previously, and Representative Powell said this had been covered before and had not been accepted at the time the bill was voted from committee favorably.

Representative Campbell said he believed the donors give money for a certain campaign, and if the candidate changes to a different race, the donor might not agree. He said he would vote against the bill. Representative Whitmer he believed a donor would be supporting the candidate no matter the office, and if not, the donor could ask for the money to be returned. He said he would support the bill.

Chairman Kahrs asked for further clarification from Ms. Williams before the final vote. She said legacy funds raised from a previous election cycle and transferred would not be restricted to any campaign limits. Monies raised during the current election cycle and transferred would be restricted to campaign limits.

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Representative Esau moved to add an amendment to HB2215 that would define residual or legacy funds raised during the current cycle. Seconded by Representative Sawyer. (Attachment 2).

Representative Carmichael requested that the word "and supplemental" rather than "be supplemental," be added in Subsection b of the balloon amendment, to which the maker of the motion agreed.

The motion carried.

Representative Esau moved a Substitute bill for **HB2215**, as amended, be passed favorably from the committee.

Discussion followed with further clarification. Mr. Heim noted that a "current election cycle" should be added in some places in the balloon amendment.

The motion carried, seven to five.

Representatives Alcala and Carmichael requested their votes be recorded as "nays."

Adjournment

There are no plans for further meetings at this time. Chairman Kahrs adjourned the meeting at 2:27 pm.