

M I N U T E S

SPECIAL COMMITTEE ON ELECTIONS

November 14-15, 1977

Room 510 - State House

Members Present

Senator Paul Burke, Chairperson
Representative Norman Justice, Vice-Chairperson
Senator Bill Mulich
Senator Frank Smith
Representative Ward Ferguson
Representative James Gillmore
Representative Francis Gordon
Representative John Modrcin
Representative Richard Schmidt

Staff Present

Myrta Anderson, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office

Conferees and Others Present

Mike Hrynewich, Kansas Savings and Loan League
Teresa Thomas, Governmental Ethics Commission
Ronald Calbert, United Transportation Union, AKLD, Newton
Deb Harrison, Associated Students of Kansas
Debby Schmidt, Governor's Office
Teresa Duncan, Associated Students of Kansas
Barbara Neff, League of Women Voters, Overland Park
Mary Ritter, Secretary of State's Office
Marilyn Bradt, League of Women Voters, Lawrence
Betty Paxson, Shawnee County Election Commissioner's Office
Ralph McGee, Kansas State Federation of Labor, AFL/CIO
Roger Myers, Topeka Daily Capital

November 14, 1977

Senator Burke called the meeting to order at 10:00 a.m. and stated that the first order of business would be hearings on House Bills No. 2145 and 2465, Proposal No. 18, Voter Registration. The first conferee was Deb Harrison of the Associated Students of Kansas who presented testimony regarding voter registration. (See Attachment I.) She stated that in 1977 Associated Students of Kansas had supported and lobbied for voter registration by mail. In 1977 the Legislative Assembly of Associated Students of Kansas selected voter registration by mail as an issue item. The intent of that selection was to recommend that the bill be amended to simplify the registration process. Their organization recommends allowing applications to be requested by telephone or by another person who is registering. ASK is not committed to any one revision in the registration law, but rather is interested in any solution that would apply the necessary guidelines against fraud while making registration by mail easier for both those registering and for the county election officers. Committee discussion followed.

Senator Burke then called on the Legislative Research Department staff to present background information on the proposed federal legislation on Universal Voter Registration and on Proposal No. 18 - Voter Registration. (See Attachment II.) Committee discussion followed.

Representative Loren Hohman then presented testimony in support of his proposed legislation, H.B. 2145. Committee discussion followed. It was noted that in some states the registration application form is printed in the newspaper and voters can clip the registration application form and mail it to the election official. One goal of the proposed legislation is to cut down on the cost of mailings.

Representative Ferguson moved the following three amendments to H.B. 2145; that the language in line 24 read "election officer upon request in person or in writing or by telephone by an"; that the language in line 29 read "duplicating application forms and distributing them to the general"; that the language in line 37 read "conforms to the form of applications approved by said secretary". Representative Justice seconded the motion. Motion carried.

The Revisor of Statute's office advised the Committee that this would have to be a new bill since H.B. 2145 had been previously killed in the House Elections Committee.

Representative Ferguson then moved that the new bill (H.B. 2145) as amended, be accepted by the Committee. Representative Justice seconded the motion. Motion carried.

Committee discussion followed on H.B. 2465. Representative Justice stated that since the same provisions existed in H.B. 2145 that he would move H.B. 2465 be reported adversely. Representative Modrcin seconded the motion. Motion carried.

The Chairman then directed the discussion to the background report presented by the Legislative Research Department staff on Proposal No. 18 -Voter Registration. Representative Ferguson suggested that on page 4, lines 3 and following, that the up-to-date information from the state of Ohio be inserted. The Chairman then suggested that under Committee Deliberation that the report indicate that since no action had been taken on Universal Voter Registration on the federal level that the staff continue to monitor the legislation, as well as how election day registration is working in other states, and report to the standing Committees. Senator Smith then moved that the suggestions mentioned previously be added to the report and that the report be accepted, as amended. Representative Gillmore seconded the motion. Motion carried.

The Chairman reported that the procedure would be to mail final copies of the reports to the Committee and if no corrections had been received by staff, within ten days, the reports would be considered accepted.

The Chairman then called on the Revisor's staff to review draft legislation, 7 RS 1689, amending the Campaign Finance Act, relating to elections on propositions to amend the Kansas constitution. (See Attachment III.)

A question from the League of Women Voter's representative on whether or not their organization would be included under the definition of "political committee", page 4, line 6 and following, prompted a discussion of that section. It was suggested that the policy question to be determined was how to define the major purpose of such organizations and whether or not support or opposition to a constitutional amendment would be considered a major purpose. Discussion followed.

Discussion then centered on the need to establish a threshold to define the guidelines for an organization to report under the proposed legislation. Representative Gillmore moved that a section be added to the bill on page 5, Section 2(a) indicating that every treasurer of a candidate, candidate Committee or party Committee or of a political Committee which promotes or opposes a proposition to amend the Kansas constitution and makes an expenditure of \$500 shall file a report under this section, irrespective of any previous report filed. Representative Gordon seconded the motion. Motion carried. It was understood in this motion that the additional language would be added at any point where the language "every treasurer of a candidate, candidate Committee or party Committee or of a political Committee" of which a major purpose is to promote or oppose a proposition for amendment of the Kansas constitution" is found. Committee discussion followed.

Senator Smith then moved that 7 RS 1689 be recommended favorably for passage. Representative Gillmore seconded the motion. Motion carried.

Senator Smith then recommended that the House be the house of origin for the new bill to be drafted, amending H.B. 2145. Representative Ferguson seconded the motion. Motion carried.

Discussion followed on the need to consider the campaign finance legislation, the rules and regulations legislation and the state level conflict of interest legislation as a package of legislation and make the house of origin the same for these pieces of legislation.

Senator Smith then moved that the Committee reconsider its previous action on the house of origin for the proposed rules and regulations legislation. Representative Schmidt seconded the motion. Motion carried.

Representative Schmidt then moved that the Senate be the house of origin for the proposed legislation on rules and regulations. Senator Smith seconded the motion. Motion carried.

Senator Smith then moved that the Senate be the house of origin for the state level conflict of interest legislation, for the amendments to the Campaign Finance Act, and for the amendments to the Campaign Finance Act concerning elections on proposition to amend the Kansas constitution. Representative Schmidt seconded the motion. Motion carried.

Senator Burke then called upon the Legislative Research Department staff to present the final report on Proposal No. 16, Campaign Finance Act. (See Attachment IV.) Committee discussion followed. Senator Smith then moved that the language in page 6, lines 11 and following read as follows: "Some of the suggested changes recommended by the Governmental Ethics Commission, as well as other suggested changes, were included in the draft legislation, 7 RS 1621, etc." Representative Modrcin seconded the motion. Motion carried. Senator Smith then moved acceptance of the report as amended. Representative Modrcin seconded the motion. Motion carried.

Committee discussion returned to the subject of a treasurer's responsibility with respect to microfilming of records, previous Committee action on administrative rules and regulations 19-27-2, taken on June 6-7, 1977. Representative Gillmore then moved to reconsider the previous Committee action taken on June 6 with respect to microfilming of records. Senator Smith seconded the motion. Motion carried. Representative Justice wished to be recorded as abstaining.

Representative Gillmore then moved to amend 19-27-2, and subsection (c) and the proper statute by stating that each treasurer do either (1) or (2) listed below: (1) photocopy each contribution (or "other receipt") check, money order, or similar instrument in an amount of \$25 or more and keep all deposit slips with the photocopies of the checks to which they relate, or (2) arrange with a depository or other person to provide at the Commission's request, such photocopies at the Governmental Ethic Commission's expense." Senator Smith seconded the motion. Motion carried.

Chairman Burke then called on the Revisor's staff to review draft legislation 7 RS 1750, local conflict of interest legislation. (See Attachment V.) Committee discussion followed. Meeting adjourned.

November 15, 1977

Chairman Burke called the meeting to order at 9:00 a.m. Committee discussion returned to the review of draft legislation, T RS 1750, local conflict of interest (Attachment V).

A representative of the Secretary of State's office reported that their office had no comments to make on the local conflict of interest legislation but did recommend that any person could apply by telephone to be registered by the county election officer.

Discussion followed on whether rural water district officials would be included under the definition of "candidate for local office." After Committee discussion it was suggested to delete (e) (1) and (2), page 1, Section 1, and substitute language similar to the following "(1) any candidate for any elective office of any local governmental unit."

Committee discussion followed on page 3, Section 1, subsection (n) "representation case". Representative Gillmore made a conceptual motion to provide that any local officer or elected official who appears on a case representing someone other than his own governmental unit or agency would be required to file a statement. If such person appeared before any other governmental unit, he or she would not have to file a representation case statement. Representative Modrcin seconded the motion. Motion carried.

After Committee discussion it was decided to exclude "any board of commission who charge is advisory only" under section (a), Section 2, page 4, line 14.

After Committee discussion, Senator Smith made the motion to reword Section 2 (a) (4) and (5), page 4, and substitute language similar to the following: "any individual, or elected official appointed or employed to serve as a board member, attorney or executive or managing officer or department head of any local governmental unit or agency thereof." Representative Justice seconded the motion. Motion carried.

During the Committee discussion, the suggestion was made to apply the local conflict of interest legislation only to first and second class cities at the present time and amend the legislation during the Session to include third class cities. The Chairman stated he felt that all cities should be included under the legislation being considered.

Committee discussion followed on Section 3, page 5. Representative Gillmore moved that the language in Section 3, (g), page 4, lines 32-33 and Section 4(a), page 6, lines 8-9, read as follows: "shall be prescribed and printed by the Commission and distributed by each county election officer." Senator Mulich seconded the motion. Motion carried.

Representative Gillmore moved that a New Section 3 be added on page 5, line 15, to eliminate the requirement for those officials elected to file an amended report if their substantial interest required filing one. Representative Modrcin seconded the motion. Motion carried. Committee discussion followed.

Senator Mulich moved that the language in lines 15-19, page 6, Section 5, be deleted and similar language in the state conflict of interest legislation be deleted also. Representative Schmidt seconded the motion. Motion carried. Committee discussion followed. The decision was made to insert in Section 6, pages 6-7, the language containing the disclaimer for local officers such as city attorneys when they are representing the city.

Committee discussion followed on New Section 7 and Sections 8-20.

Senator Mulich moved a conceptual motion that a new section be added following Section 16 or 17, to include in local conflict of interest legislation what is contained in state level conflict of interest legislation concerning officials entering into contracts with governmental units following employment with that unit, K.S.A. 1976 Supp. 46-233 (b). Representative Justice seconded the motion. Motion carried.

Discussion followed on Sections 21 and 22.

Discussion then returned to Section 11, page 8. Representative Gillmore made a conceptual motion to allow activities of an individual under this section when the person is representing an employee's association. Representative Schmidt seconded the motion. Motion carried.

Representative Gillmore moved to add language to Section 11, page 8, lines 30-31 "action or inaction by his or her governmental unit on any ordinance or resolution." Representative Ferguson seconded the motion. Motion carried.

Discussion followed on Section 23-32. Representative Justice moved that 7 RS 1750, as amended be accepted for favorable action by the Committee. Senator Mulich seconded the motion. Motion carried.

Representative Gillmore moved that the Senate be the house of origin for 7 RS 1750, the local conflict of interest legislation. Representative Ferguson seconded the motion. Motion carried.

Discussion followed on whether or not it was necessary to amend rules and regulations to conform with local conflict of interest changes. After Committee discussion, it was determined that the Governmental Ethics Commission does this automatically.

The Chairman then called on the Revisor of Statute's office to explain the necessity for amending K.S.A. 1976 Supp. 25-4110, (reports by certain persons) to conform with the provisions of 7 RS 1689, as amended, relating to elections on propositions to amend the Kansas Constitution. Representative Justice moved that such an amendment be drafted. Senator Mulich seconded the motion. Motion carried.

Senator Mulich moved that the following language "Senator Mulich seconded the motion. Motion carried." be inserted on page 3, line 30 in the minutes of October 26-27 and that the minutes be accepted as amended. Representative Gillmore seconded the motion. Motion carried.

Representative Justice moved that the Committee reconsider its action on the acceptance of the minutes of September 7. Senator Mulich seconded the motion. Motion carried.

Representative Ferguson moved that the minutes of September 7, page 3, line 22, be corrected to read K.S.A. 25-2505, instead of K.S.A. 25-2502 and the minutes be accepted as amended. Senator Mulich seconded the motion. Motion carried.

Chairman Burke then called on the Legislative Research Department staff to present the final report on Proposal No. 15. *Rec'd. 11/11/68*

Representative Justice moved that the Committee report be amended on page 7, line 7, to indicate the Committee's action on K.A.R. 19-26-2 with respect to photocopying records, and amend the last paragraph to indicate Committee's concern. Senator Mulich seconded the motion. Motion carried.

Representative Justice moved that the Committee report on Proposal No. 15, Governmental Ethics Commission be accepted as amended. Senator Mulich seconded the motion. Motion carried.

Chairman Burke then thanked the Committee members and the staff for their work and cooperation during the interim. Meeting adjourned.

Prepared by Myrta Anderson

Approved by Committee on:

(date)

MA/dmb



ASSOCIATED STUDENTS OF KANSAS

1700 College
Topeka, Kansas 66621
(913) 354-1394

TESTIMONY FOR VOTER REGISTRATION

Attachment I
11-14-77

In 1976 Associated Students of Kansas supported and lobbied for the voter Registration by Mail Bill. The issue was selected because we felt that registration by mail could simplify registering problems for absentee voters, which many college students are.

What we discovered during last years election though, was that the entire procedure was cumbersome, I'm sure you are all aware of the many steps which must be passed through. To register-by-mail one must first write and request an application to register. After the County Election Clerk receives the request s/he mails the application, which must be filled out and returned. The applicant is still not registered though. Only after the County Election Clerk has sent the applicant a card by nonforwardable first class mail and the applicant receives it, is registration complete.

Obviously, there are alot of steps involved, and the more steps, the more confusing the procedure can become for those who use it.

I was working with voter registration at Kansas State University during the 1976 election when registration by mail was first used. Many students that I spoke with at KSU were confused by the system. The most common problem that I ran into was that the registering process is a long one. Many students were not aware of how many steps were involved. They started too late and were unable to complete their registration by the deadline. County Election Clerks that I spoke with also said that many of the requests they received were too late.

With this in mind, the Legislative Assembly of Associated Students of Kansas selected voter registration by mail as an issue item. The intent of

~~Member Institutions~~ that selection was that the bill would be amended in some fashion that would
EMPORIA STATE • FORT HAYS • KANSAS STATE • PITTSBURG • WASHBURN • WICHITA STATE

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simplify the registration process, possibly, eliminating a step.

One obvious solution is to allow applications to be requested by telephone or by another person who is registering. This might help because the difficulty is that writing for the request is cumbersome, not only for the individual making the request, but also for the County Election Clerk's office. As the practice stands now, County Election Clerks not only record and save all written requests, but must also record all applications mailed out. For that reason, many County Election Clerks suggested that people should be able to telephone in requests for an application. Telephone requests would simplify the process and eliminate dual recordings. Besides, there are those of us who would prefer making a long distance call to hunting up a stamp!

It should be emphasized though, that ASK is not committed to any one revision in the registration law, but rather is interested in any solution that would apply the necessary guidelines against fraud while making registration-by-mail easier for both those registering and for the County Election Officers.

Thank you.

Attachment I
11-14-77

COMMITTEE REPORT

TO: Legislative Coordinating Council
FROM: Special Committee on Elections
RE: PROPOSAL NO. 18 - VOTER REGISTRATION*

Proposal No. 18 called for the Special Interim Committee on Elections to examine and monitor proposed changes in federal voting procedure and to review the Kansas statutes concerning postcard voter registration and recommend necessary changes.

Proposed Federal Legislation

The Universal Voter Registration Act (H.R. 5400) and S.B. 1072 were introduced on March 22, 1977. Vice President Mondale, at the press briefing, stated that the universal registration bill had bipartisan support and was developed in close cooperation with Congress.

The Universal Voter Registration Act would permit qualified voters to register at their polling places on election day if they present acceptable identification, such as driver's license, establishing proof of identity and residence. Federal funds would be provided to states to conduct the program. Additional money would be given to states that extended election day registration to state and local elections and implemented approved preregistration "outreach" programs to spur voter participation. The administration has estimated the cost of the entire program to be around \$50 million every two years.

The program would be operated under the auspices of the Federal Election Commission. The penalty for voter fraud would be up to five years in prison, a fine of up to \$10,000 or both.

House Democratic leaders and Vice President Mondale agreed June 14 to add three amendments to the proposed legislation when it reached the House floor for debate. One amendment would make election-day registration at the polls optional to

Attch. II

the states in 1978 but mandatory by 1980. Additional financial incentives would be provided to encourage voluntary participation in 1978 and a special Presidential Commission would review the experience of 1978 and report to the Congress of its findings. If major difficulties were encountered in 1978, enough time to make improvements in the program would be available before the 1980 election.

The second amendment was an anti-fraud provision requiring that "positive identification" such as drivers' licenses be presented by voters registering at the polls. The form of "positive identification" would be determined by the individual states.

The third amendment would allow cities to set up "satellite" voting places to prevent confusion at the regular polling places. This would separate previously registered voters from those who want to register on election day. The states would have the option of allowing voters both to register and to vote at the satellite stations or requiring them to return to their regular polling places to cast their votes.

The bill, H.R. 5400, has been removed from the House Calendar three times because of uncertainty by Democratic leaders about its chances. House action was originally scheduled for May 25, then for July 21 and for July 26. It was then removed from the Calendar and sent back to the House Administration Committee for reconsideration on the staff level and is to be redrawn by the Committee to include amendments that had been agreed upon earlier by the Democratic leaders and the administration. The general counsel for the House Administration Committee has stated that it is unlikely that the bill will be considered this session.

Revision of the measure by the Committee would entail incorporation of other major and technical amendments, designed to strengthen the bill's chances of survival. Such incorporation might require a complete rewriting of the bill because of the extent of the amendments and the explanation of them required in this bill.

In addition to the three major amendments mentioned previously the Administration has accepted other amendments which would:

- 1) Delete a section requiring the states to maintain their present level of financing in order to receive federal funds.
- 2) Define the "chief election official" in each state by function, rather than by title of position.
- 3) Permit the states to use voter registration lists in accordance with state law, rather than prohibiting use for commercial or other purposes.
- 4) Link financial payments to the states with a requirement that the state audit at least 5 percent of election-day requirements.
- 5) Insure that the bill in no way affected protection offered by the Voting Rights Act.
- 6) Establish a Registration Review Commission to monitor the operation of the admittedly experimental registration procedures and to make recommendations for its improvement.

The Senate Rules Committee reported S.B. 1072, providing for election-day registration, on May 16. However, no action is expected by the Senate until after the House deals with its bill.

The following arguments have been presented in support of the Universal Voter Registration Act:

1. The general arguments in favor of the Universal Registration Voters Act center around the issue of voter participation. Those who favor the legislation feel that the proposed bill will help arrest a disturbing trend toward lower levels of participation. In the November 1976 election more than 60 million eligible persons did not vote. The Universal Voters Registration Act would be another step toward extending the franchise

and assuring the involvement of a greater proportion of the electorate in the electoral process.

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2. ~~Six~~ states already permit voting without prior registration: Minnesota, Wisconsin, Maine, Oregon, North Dakota and Ohio. (Legislation providing for election-day registration in Ohio was enacted last month after Governor James Rhodes' veto of three parts of the bill was overridden by the Ohio House and Senate.) Minnesota used the system in the 1976 general elections and registered 210,000 new voters at the polls on election day. Voter turnout was 71.7 percent in 1976, up 3.3 percent from 1972. In Wisconsin, ^{turnout} throughout was 65.5 percent, up 3.5 percent from 1972. The national average in the 1976 Presidential election was 54.4 percent. (For further information see "How Election Day Registration Has Worked Out So Far," page 912, Congressional Quarterly, Inc., May 14, 1977.)

3. Fraud. Attorney General Griffin Bell said the chance of fraud exists in any voting system that was directly open to full and equal participation but he noted that most of the significant election-fraud cases handled by the Justice Department involved election officials not voters. He stated some of the fraud that now occurs is made possible by inaccurate and outdated registration records. Federal funds in the proposed legislation for modernized election records and better training might reduce potential for fraud in elections.

4. Studies indicate that difficulties in registration are the primary problems for 20 to 25 percent of the 70 million nonvoters in the United States. Disproportionate numbers of less educated, less affluent, more urban and nonwhite citizens are nonvoters. The Universal Voters Registration Act would help alleviate this problem.

5. In another answer to the charge of fraud, proponents of Universal Voter Registration state that provisions in the bill making fraudulent registration on election day a federal felony with penalty of five years imprisonment or a \$10,000 fine, or both were adequate for protection against voter fraud. H.R. 5400 contains strong safeguards and the record in states which use the approach is very good.

The following arguments have been presented against support of the Universal Registration Act:

1. The arguments opposed to the Universal Voters Registration Act center around the issue of increased federal bureaucracy. The minimum cost under the proposal is estimated at \$50 million ^every two years. There is no guarantee that the funds will be perpetually available. The states may be required to eventually fund a program forced upon them in order to comply with a federal mandate. The Universal Voter Registration Act would deny the states the freedom to choose their own system of registration. One political consultant testifying stated that the bill was unconstitutional because Article I, section 2, of the Constitution states that the qualifications for voting members of Congress shall be prescribed by the several states.

2. Another important argument against Universal Voter Registration centers around the issue of potential fraud. Opponents to the proposal stated that the 30 day period prior to an election during which registration is closed offers several safeguards against fraud. These include an opportunity to compile and post a complete list of voters at the polls a certain number of days before election, to conduct mail verification, a door-to-door canvass of registered voters and to permit precinct judges to verify signatures on election day. These safeguards would be wiped out by election-day registration. There would be no opportunity to check on residence or eligibility of voters applications.

Universal
3. Other arguments against ~~University~~ Voter Registration point to the issue of identification. Many conferees believed it is impossible to find a good identification card. It is wrong to ask election workers to make judgments at the polls with respect to identity and identification documents. It was predicted that many people would wait until election day to register, thereby placing an administrative burden on the judges of elections.

4. The Universal Voter Registration Act would lead to confusion since there would be little opportunity to assign voters names to the proper precincts and political

subdivisions, such as cities, wards, school districts, fire districts, etc. There would be the problem of dual lines at voting places, dual ballots, uncertainty as to the number of ballots and voting machines needed at voting places, additional members of election boards and long lines of people waiting to vote.

5. Opponents also argue that the temptation of voter fraud under the Universal Voter Registration Act would lead to increased voter distrust and hence, voter apathy. The potential for manipulating elections would be increased under the proposed system.

6. A recent Gallup poll indicates that 55 percent of those surveyed on the issue of universal voter registration oppose the plan. The plan is favored by 40 percent of the public. (See Sunday World Herald, May 8, 1977.)

How Federal Legislation Would Influence Kansas

Under the original provisions of H.R. 5400, Kansas would receive with bonus for state and local elections or with outreach programs - \$374,600 and with bonus for state and local election and with outreach programs, \$566,200. However, this amount would be changed in the House Administration Committee version, May 5, to grant states 35¢ each for each of the state's voters in the last presidential election (1976 Kansas, 968,000) to implement programs for federal elections. The revised version grants bonuses of 10¢ times the turnout in the last presidential election for states applying the system to state and local elections, and 20¢ on the same formula for states that develop an "outreach" plan approved by the Federal election Commission.

The Kansas Secretary of State, Mrs. Elwill W. Shanahan, stated in a letter printed in the Congressional Record, May 26, 1977, that the Universal Voters Registration Act is a "Pandora's Box" that once opened could cause fraud, chaos and confusion at the polling place.

In addition, the Secretary of State's Office has received letters from the following groups and organizations opposing the legislation: Jackson County Board of Election Commissioners, Independence, Missouri; National Association of Counties, Washington, D.C.; American Conservation Union, Washington, D.C.; International Institute of Municipal Clerks, Pasadena, California; Allen County Clerk, Iola, Kansas; Kansas County Clerks Association.

Kansas Legislation Proposed

Two bills, H.B. 2145 and H.B. 2465, pertaining to voter registration were referred to the Special Interim Elections Committee.

H.B. 2145 would amend K.S.A. 1976 Supp. 25-2309 (a) concerning applications for voter registration by mail. The bill would provide that applications for voter registration by mail could be distributed to the general public by any person or organization if the application forms were approved by the Secretary of State. Hearings were held on H.B. 2145 by the House Elections Committee and the bill was reported adversely by the Committee on March 1, 1977.

H.B. 2465 amends K.S.A. 1976 Supp. 25-2309 (a) concerning requests for applications for voter registration. As amended, the bill provides that any person may apply in person or by mail to the county election officer to be registered. In addition, the bill provides that any person may deliver to the county election officer written requests for application, as long as such requests are signed by the person making the requests, and the request states the mailing address to which the application is to be sent. The application shall be signed by the applicant under penalty of perjury.

Hearings were held by the House Election Committee on H.B. ²⁴⁶⁵2145 and the bill was passed out of the Committee. However, the bill was defeated by the House on March 14 by a vote of 61 "yes" and 62 "no."

insert (committee deliberation)

Respectfully submitted,

Sen. Paul Burke, Chairperson
Special Committee on Elections

_____, 1977

Rep. Norman Justice, Vice-Chairperson
Sen. Bill Mulich
Sen. Frank Smith
Rep. Ward P. Ferguson
Rep. Francis Gordon

Rep. Glee Jones
Rep. John M. Modrcin
Rep. Belva J. Ott
Rep. Richard Schmidt
Rep. James Gillmore

yes
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_____ BILL NO. _____
By Special Committee on Elections
Re Proposal No. 16

AN ACT amending the campaign finance act; relating to elections on propositions to amend the Kansas constitution amending K.S.A. 1977 Supp. 25-4102, 25-4108 and 25-4109 and repealing the existing sections; also repealing K.S.A. 1977 Supp. 25-4201.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1977 Supp. 25-4102 is hereby amended to read as follows: 25-4102. As used in this act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee,

(2) makes a public announcement of his or her intention to seek nomination or election to state office,

(3) makes any expenditure or accepts any contribution for the purpose of influencing his or her nomination or election to any state office, or

(4) files a declaration or petition to become a candidate for state office.

(b) "candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Commission" means the governmental ethics commission created by K.S.A. ~~1974 Supp. 25-4119~~ 1977 Supp. 25-4119a.

(d) (1) "Contribution" means: (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office or for the purpose of promoting or opposing a proposition for amendment of the Kansas constitution;

Att. h. III

(B) a transfer of funds between any two or more candidate committees, party committees or political committees;

(C) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(D) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events.

(2) "Contribution" does not include:

(A) the value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services to promote or oppose a proposition for amendment of the Kansas constitution;

~~(B)~~ (C) costs to a volunteer related to the rendering of volunteer services, to influence the nomination or election of a candidate, not exceeding a fair market value of fifty dollars (\$50) during an allocable election period as provided in K.S.A. 1975 1977 Supp. 25-4109;

~~(C)~~ (D) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

~~(D)~~ (E) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of ten dollars (\$10) per event.

~~(e) "Election" means:--(1)--A--primary--or--general--election--for--state--office--and--(2)--a--convention--or--caucus--of--a--political--party--held--to--nominate--a--candidate--for--state--office.~~

~~(f)~~ (1) "Expenditure" means: (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office or for the purpose of promoting or opposing a proposition for amendment of the Kansas constitution;

(B) any contract to make an expenditure;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) payment of a candidate's filing fees.

(2) "Expenditure" does not include

(A) the value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services to promote or oppose a proposition for amendment of the Kansas constitution;

~~(B)~~ (C) costs to a volunteer incidental to the rendering of volunteer services, to influence the nomination or election of a candidate, not exceeding a fair market value of fifty dollars (\$50) during an allocable election period as provided in K.S.A. 1975 1977 Supp. 25-4109;

~~(C)~~ (D) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

~~(D)~~ (E) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of ten dollars (\$10) per event; or

~~(E)~~ (F) any communication by an incumbent elected state officer with one or more of such incumbent's constituent unless the primary purpose thereof is to influence the nomination or election of a candidate or to promote or oppose a proposition for amendment of the Kansas constitution.

(f) "General election" means a general election for state office.

(g) "Party committee" means the state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or the county central committee or the state committee of a political party regulated under article 38

of chapter 25 of the Kansas Statutes Annotated, or the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated.

(h) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(i) "Political committee" means any combination of two or more individuals or any person other than an individual, (a major purpose) of which is to support or oppose any candidate for state office or to promote or oppose a proposition for amendment of the Kansas constitution, but not including any candidate committee or party committee.

(j) "Primary election" means:

(1) With respect to a candidate seeking nomination by convention or caucus and any committee of which the primary purpose is supporting or opposing the nomination of such candidate, such convention or caucus; or

(2) with respect to all other candidates and committees, the primary election for state office.

~~(j)~~ (k) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in his or her official capacity.

~~(k)~~ (l) "State office" means any state office as defined in K.S.A. ~~1975~~ 1977 Supp. 25-2505.

~~(l)~~ (m) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise funds for such candidate's campaign or an event held to raise funds for a campaign promoting or opposing a proposition for amendment of the Kansas constitution. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

~~(m)~~ (n) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under this act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. ~~1975~~ 1977 Supp.

25-4136.

Sec. 2. K.S.A. 1977 Supp. 25-4108 is hereby amended to read as follows: 25-4108. (a) Every treasurer of a candidate, candidate committee or party committee or of a political committee (of which a major purpose is to support or oppose) a candidate for state office shall file a report prescribed by this section in the office of the secretary of state so that it is received by such office on or before each of the following days:

(1) The seventh day preceding the primary election, which report shall be for the period beginning on ~~December~~ January 1 ~~of the preceding year~~ and ending on the tenth day preceding the primary election, inclusive;

(2) the tenth day following the primary election, which report shall be for the period beginning nine (9) days before the primary election and ending the date of the primary election, inclusive;

(3) the seventh day preceding a general election, which report shall be for the period beginning the day after the primary election and ending ten (10) days before the general election, inclusive;

(4) ~~December 3 of an election year~~ the tenth day following a general election, which report shall be for the period beginning nine (9) days before the general election and ending on the date of the general election, inclusive ~~and~~;

(5) January 10 of a year following a year when a general election is held, which report shall be for the period beginning the day after the general election and ending on ~~November 30~~ December 31, inclusive, ~~each such period to be reported separately on the same date~~; and

~~(5) -- December 3~~ (6) January 10 of a year when ~~no~~ a primary or general election is held, which report shall be for the period beginning on ~~December~~ January 1 of the preceding year and ending on ~~November 30~~ December 31, inclusive, of the same year in which it is filed.

(b) Every treasurer of a political committee of which a

which spends \$500.

major purpose is to promote or oppose) a proposition for amendment of the Kansas constitution shall file a report prescribed by this section in the office of the secretary of state so that it is received by such office on or before each of the following days:

(1) The seventh day preceding election at which the proposition is submitted, which report shall be for the period beginning on January 1 and ending on the tenth day preceding such election, inclusive;

(2) the tenth day following any election at which the proposition is submitted, which report shall be for the period beginning nine (9) days before such election and ending the date of the election, inclusive; and

(3) January 10 of a year following a year when an election is held at which the proposition is submitted, which report shall be for the period beginning the day after such election and ending on December 31, inclusive.

~~(b)~~ (c) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) except as provided in subsection ~~(d)~~ (e), the name and address of each person who has made one or more contributions together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund, or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in

excess of twenty-five dollars (\$25), with the amount, date, and purpose of each and the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate or to or for any candidate committee, party committee or political committee in excess of twenty-five dollars (\$25) and which is not otherwise reported under paragraph (7), including the amount, date, and purpose thereof;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

~~(e)~~ (d) Every report required to be filed ~~on the tenth day following a primary election~~ pursuant to subsection (a)(2) shall show and identify all receipts and expenditures allocated or required to be allocated to the primary election. Every report required to be filed ~~on the December 3 immediately following a general election~~ pursuant to subsection (a)(4) shall show and identify all receipts and expenditures allocated or required to be allocated to the general election.

~~(d)~~ (e) Party committees and political committees shall be required to itemize, as provided in paragraph (2) of subsection ~~(b)~~ (c), only contributions received from any person who contributed an aggregate amount or value in excess of ten dollars (\$10) during the calendar year. All other contributions shall be reported in an aggregate amount, but such committees shall be required to maintain, in their own records, the information required by paragraph (2) of subsection ~~(b)~~ (c) for each such contribution.

~~(e)~~ (f) The commission may require any treasurer to file an

amended report for any period for which the original report filed by such treasurer contains material errors or omissions, and notice of such errors or omissions shall be part of the public record. Such amended report shall be filed within thirty (30) days after notice by the commission.

~~(f)~~ (g) The commission may require any treasurer to file a report for any period for which the required report is not on file and notice of the failure to file shall be part of the public record. Such report shall be filed within five (5) days after notice by the commission.

~~(g) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of such candidate's committee or by the treasurer of any party committee or political committee of which the primary purpose is supporting or opposing the nomination of any such candidate, the date of such convention or caucus shall be considered the date of the primary election.~~

(h) If a report is sent to the office of the filing officer by certified or registered mail on or before the day it is due, such mailing shall constitute receipt by that office.

Sec. 3. K.S.A. 1977 Supp. 25-4109 is hereby amended to read as follows: 25-4109. With respect to candidates, candidate committees, party committees and political committees a major purpose of which is to support or oppose a candidate for state office:

(a) All contributions and other receipts received and expenditures made from midnight on one general election date until the next ensuing primary election date at midnight shall be allocated to the primary election on such date.

(b) All contributions and other receipts received and expenditures made from midnight on the date of a primary election until midnight on the date of the next ensuing general election shall be allocated to the general election on such date.

~~(b) For the purposes of allocating, pursuant to subsection~~

~~(a), contributions to or expenditures by a candidate seeking nomination by convention or caucus or such candidate's candidate committee, the date of such convention or caucus shall be considered the primary election date.~~

Sec. 4. K.S.A. 1977 Supp. 25-4102, 25-4108, 25-4109 and 25-4201 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the official state paper.

COMMITTEE REPORT

Attachment IV
11-14-77

TO: Legislative Coordinating Council
FROM: Special Committee on Elections
RE: PROPOSAL NO. 16 - CAMPAIGN FINANCE ACT*

Proposal No. 16 directed the Special Committee on Elections to review and evaluate the Campaign Finance Act adopted in 1974 as applied to the 1976 election of members of the Kansas Senate and House of Representatives, including consideration of general revisions that were submitted to the 1977 Legislative Session.

Background

House Substitute for S.B. 656, setting forth the major provisions of the Campaign Finance Act, was passed in the 1974 Session of the Legislature. The legislation provided for full disclosure of all campaign contributions and expenditures in elections for state office by all candidates, political parties and political committees.

The major provisions of the bill were as follows:

- 1) No contributions were to be received and no expenditures made by or on behalf of a candidate until he or she had appointed a treasurer, or in the alternative established a committee and appointed its treasurer. All contributions and expenditures were to go through the treasurer appointed by the candidate. Requirements similar to those for candidates, as well as registration provisions, were established for political parties and political committees.
- 2) Candidates, political parties and political committees were required to file a report of all contributions and expenditures seven days before such primary election, 30 days after each primary election, seven days before each general election and on December 3 of each year.
- 3) Except for bona fide political parties no individual, organization or committee could contribute directly or indirectly, more than \$2,500 per election to a candidate for statewide office or \$500 per election to a candidate for any other state office.

Attch. IV

- 4) The amount which could be spent for a candidate's campaign was limited to \$500,000 in the case of candidates for governor and lieutenant governor running as a pair; \$250,000 in the case of candidates for other statewide offices; \$8,000 in the case of candidates for the senate; \$5,000 in the case of candidates for the house of representatives; and \$10,000 in the case of candidates for district judge, district attorney, and the state board of education.
- 5) An eleven-member Commission on Governmental Ethics was created and charged with administering the act, including the investigation and hearing of complaints.
- 6) Intentional violation of the act was a class A misdemeanor and subjected an elected state official to possible removal from office.

The first Governmental Ethics Commission was appointed in April of 1974, while the rest of the bill became effective May 1, 1974.

S.B. 1020, also passed in 1974, amended House Sub. for S.B. 656 to provide that the Rules and Regulations which the Commission was authorized to adopt were subject to the provisions of Art. 4 of Ch. 77 of Kansas Statutes Annotated as amended by 1974 H.B. 1852. As originally passed, House Sub. for S.B. 656 provided a separate rules and regulations procedure.

In the same year, S.B. 1017 was passed which amended K.S.A. 25-903 and 25-904, relating to campaign expenditures, to restrict their application to local elections. State elections were covered by the provisions of House Sub. for S.B. 656. The change, plus the addition of language in K.S.A. 25-904 making it clear that a candidate was required to file even in cases where there was no expenditure, were designed in part to eliminate the constitutional problems delineated by the Shawnee County district court decisions in Kansas v. Stevens (No. 28535), Kansas v. Kern (No. 28355), and Kansas v. Love (No. 28356).

During the 1975 Legislative Session Senate Sub. for H.B. 2483 was passed which amended various sections of the Campaign Finance Act of 1974 and added new sections to the Act. The major provisions of the bill were as follows:

- 1) Amended the definition of "contribution" and "expenditure" to ease the reporting requirements of the Act. Amended the definition of "treasurer" to include treasurers of out-of-state political and party committees.
- 2) Required that vacancies in the office of treasurer were to be filed within ten days and that succeeding treasurers were not responsible for accuracy of records of the preceding treasurer.
- 3) Required that all contributions received or expenditures made by or on behalf of a candidate were to be made through the candidate's treasurer.
- 4) Provided that no treasurer could accept contributions from a party committee or political committee or from a combination of individuals or a person other than an individual which had not filed a statement of organization.
- 5) Required reports of treasurers or candidate committees seeking nomination at a convention or caucus.
- 6) Required that party committees and political committees need only itemize contributions received in excess of \$10 from any person.
- 7) Provided that if reports were sent by registered or certified mail to the appropriate filing officer on or before the day they are due, such mailing constitutes receipt of the report.
- 8) Clarified the status of out-of-state non-individual contributors.
- 9) Required that allocation of radio, television and newspaper advertising should be allocated on the basis of when used.
- 10) Changed reporting period to coincide with the dates of the primary and general elections and eliminated one report previously required.

- 11) Provided for verification of reports by persons considered responsible for reports and allows the Governmental Ethics Commission to require filing amended or overdue reports.
- 12) Provided that no treasurer could accept contributions or make expenditures unless reports or statements required of such treasurers had been filed.
- 13) Provided that the face value of a loan at the end of the period of time allocable to the primary or general election was to be the amount subject to limitations of the Act.
- 14) Provided that expenditures made by a party committee for obtaining time, space or services by a communication media for the purpose of jointly promoting three or more candidates were not expenditures allocable to the limits which apply to individual candidates.
- 15) Provided that candidates who intended to spend or receive less than \$500 in each the primary and general election should file an affidavit of such intent with the secretary of state, and were not required to file reports required by the Act.
- 16) Provided that political committees which intend to spend or receive less than \$500 in a calendar year and receive no contributions in excess of \$10 from any one contributor should file an affidavit of such intent with the secretary of state and were not required to file reports required by the Act.
- 17) Amended K.S.A. 25-901 to provide that organizations which filed under the Campaign Finance Act (K.S.A. 1974 Supp. 25-4101 et seq.) need not file the reports required under section 21 of Senate Sub. for H.B. 2483.

During the 1976 Legislative Session, S.B. 910 was passed which amended various sections of the Campaign Finance Act of 1974 to bring it into compliance with

the decision of the United States Supreme Court in Buckley v. Valeo which overturned portions of the Federal Election Campaign Act of 1971 as amended.

S.B. 910 provided that except for bona fide political parties, the candidates, or the candidate's spouse, no individual, organization or committee could contribute directly or indirectly more than \$2,500 per election to a candidate for statewide office or \$500 per election to a candidate for any other state office.

In addition, S.B. 910 repealed K.S.A. 25-4114 which established maximum expenditure limits for candidates for governor, lieutenant governor, statewide offices, the Legislature, district judge, district attorney, and the state board of education. S.B. 910 also repealed K.S.A. 1975 Supp. 25-903 which related to expenditure limitations for candidates for local office.

Committee Deliberation

The interim Committee on Elections reviewed the Campaign Finance Act, including a summary of proposed legislation that was submitted to the 1977 Session. The following bills were included in the summary and review: H.B. 2318; H.B. 2337; H.B. 2344; H.B. 2500; H.B. 2573; H.B. 2623. The decision was made to recommend H.B. 2500 and parts of H.B. 2573, recommended by the Governmental Ethics Commission, for favorable consideration by the 1978 Legislature. Other bills were reported unfavorably.

H.B. 2500, as amended, supplements the Campaign Finance Act by defining and classifying the crimes of unfair campaign practices and campaign fraud. As amended, the bill specifies certain intentional acts to be unfair campaign practices and provides a penalty for any violation. Several other enumerated acts are defined in H.B. 2500, as amended, to be campaign fraud and subject to the penalties contained in a class B misdemeanor.

H.B. 2573, (7 RS 1621, Senate Bill) amends several sections of the Campaign Finance Act and was initially recommended by the Governmental Ethics Commission. In addition, draft legislation, 7 RS 1689, was considered and accepted at the November meeting. 7 RS 1689 will include coverage of contributions for the purpose of promoting or opposing the adoption or repeal of any provisions of the Kansas Constitution.

, as amended,

A bill draft, 7 RS 1686, which would prohibit contributions from corporations, partnerships and union general funds to help nominate or elect a candidate was reported unfavorably.

Several recommended amendments to the Campaign Finance Act, approved by the Governmental Ethics Commission, were accepted by the Committee. These amendments pertain to reporting periods, recordkeeping requirements, penalties, exemption from reporting requirements, designation of a depository by treasurers, and extension of authority of the Governmental Ethics Commission to incorporate the principals of criminal responsibility to individuals who aid or abet a treasurer with or without a treasurer's knowledge.

as well as other (and other)

All of the suggested changes in the proposed legislation and the suggested changes recommended by the Governmental Ethics Commission were included in the draft legislation, 7 RS 1621, which was reviewed and accepted by the Committee at the October meeting. The Committee decided to introduce the legislation as a Senate bill.

*Some of the
insert
①*

Draft legislation, 7 RS 1689, which would include coverage of contributions for the purpose of promoting or opposing the adoption or repeal of any provisions of the Kansas Constitution, was reviewed and accepted by the Committee at the November meeting. The Committee decided to introduce the legislation as Senate Bill _____.

*insert
①*

Some of the suggested changes recommended by the Governmental Ethics Commission, as well as other suggested changes, were included in the draft legislation, 7 R.S. 1621, which was reviewed and accepted by the Committee at the October meeting. The Committee decided to introduce the legislation as a Senate Bill.

Attacker
11-14-77

PROPOSED BILL NO. _____

By Special Committee on Elections

Re Proposal No. 15

State

AN ACT concerning ethical conduct of certain person in relation to certain local governmental units; repealing K.S.A. 75-4301, 75-4302, 75-4303a, 75-4304, 75-4305 and 75-4306.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act, unless the context otherwise requires:

(a) "Agency" means any authority, department, board, bureau, office, institution, council or commission.

(b) "Associated person" means a person associated with a local officer or employee in a partnership, limited partnership, association or professional service corporation as a partner or officer.

(c) "Business" means:

(1) Any corporation, association, partnership, proprietorship, trust, joint venture or other business interest, including ownership or use of land for income;

(2) the state or any local governmental unit.

(d) "Calendar year" shall have its usual meaning, except that in the case of statements required to be filed by candidates and individuals newly appointed to office or employment, it shall mean the twelve-month period ending one calendar month prior to the required filing date.

(e) "Candidate for local office" means:

(1) Any candidate for nomination or election to any county, city or school office, as defined by K.S.A. 1977 Supp. 25-2505 and amendments thereto;

(2) any candidate for nomination or election to the office of member of a board of public utilities established pursuant to

delete

delete

office of a local unit

(1) any candidate for any elective office of any local governmental unit

Atch. V

K.S.A. 13-1220 and amendments thereto; and

2 (3) any candidate for nomination or election to the office of district magistrate judge.

(f) "Commission" means the governmental ethics commission provided for by K.S.A. 1977 Supp. 25-4119a and amendments thereto.

(g) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by such person or another.

(h) "Contract" means any agreement, including but not limited to sales and conveyances of real and personal property and agreements for the performance of services.

(i) "Economic opportunity" means any purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services wherein a local officer or employee or candidate for local office may gain a personal economic benefit, but not including any gift.

(j) "Gift" means the transfer of money or anything of value unless legal consideration of a reasonably equal or greater value is received in return.

(k) "Local governmental unit" means:

(1) Any county, township, city, school district, drainage district or other governmental subdivision having authority to expend public moneys, and any agency thereof; and

(2) any community junior college, municipal university or board of public utilities established pursuant to K.S.A. 13-1220 et seq. and amendments thereto, and any agency thereof.

(l) "Local officer or employee" means:

(1) Any individual elected, appointed or employed to serve as an officer or employee of any local governmental unit; and

(2) any judge, officer or employee of the district court whose total salary is payable by one or more counties or any judge, officer or employee of a municipal court.

(m) "Person" means an individual, proprietorship,

partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency, unit or subdivision.

(n) "Representation case" means the representation of any person by a local officer or employee, for compensation, in any matter before such officer or employee's local governmental unit where the action or non-action of the local governmental unit involves the exercise of substantial discretion; but representation case does not mean or include:

*or
agency
there*

(1) Any communication initiated by an elected local officer on behalf of a constituent or other member of the public for which no compensation is received or to be received;

(2) any activity of a local officer or employee in carrying out the duties of his or her office or employment; or

(3) a preliminary inquiry by any person into a matter before a local governmental unit.

(o) "Special interest" means an interest of any person in the action or non-action of any local governmental unit or local officer or employee upon any matter affecting such person as distinct from affect upon the people served by the local governmental unit as a whole.

(p) "Substantial interest" means any of the following:

(1) The ownership by an individual or spouse, either individually or collectively, of a legal or equitable interest exceeding five thousand dollars (\$5,000) or five percent (5%) of any business, whichever is less.

(2) The receipt in the preceding calendar year by an individual or spouse, either individually or collectively, of compensation which is or will be required to be included as taxable income on Kansas income tax returns of such individual and spouse in an aggregate amount of one thousand dollars (\$1,000) from any business or combination of businesses.

(3) The receipt in the preceding calendar year by an individual of gifts or honoraria having an aggregate value of five hundred dollars (\$500) or more from any person other than a

relative of such individual.

(4) The holding of the position of officer or director of any business, irrespective of the amount of compensation received by the individual holding any such position.

(5) If an individual's compensation is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, such individual has a substantial interest in any client or customer who pays fees or commissions to such business or combination of businesses from which fees or commissions such individual received an aggregate of one thousand dollars (\$1,000) or more in the preceding calendar year.

Sec. 2. (a) The following individuals shall file written statements of substantial interests as provided in section 3:

(1) Any individual holding a county, city or school office, as defined by K.S.A. 1977 Supp. 25-2505 and amendments thereto;

(2) any member of a board of public utilities established pursuant to K.S.A. 13-1220 et seq. and amendments thereto;

(3) any judge of the district court whose total salary is payable by one or more counties and any judge of a municipal court;

(4) any candidate for local office; and

need changes

(5) any individual ^{(with in) elected official} / appointed or employed to serve as a board member, attorney or executive or managing officer ^{or dept head} of any local governmental unit. ^{or agency thereof}

(b) Any local officer or employee not required by subsection (a) to file a statement of substantial interests may elect to file such a statement as provided in section 3.

Sec. 3. The statement of substantial interests shall include:

(1) The name, address and type of business of any corporation or the name, address and type of practice of any professional organization or individual professional practice in which the individual making the statement was an officer, director, associate, partner or proprietor at the time of filing; and

(2) each substantial interest of the individual making the statement in such detail and form as is required by the commission.

(b) The statement of substantial interests shall be filed at the following times:

(1) For a candidate, on the date of filing declaration to become a candidate or, if the individual becomes a candidate by another means, then within ten (10) days of becoming a candidate, unless within such period the candidacy is officially declined or rejected.

(2) For any other individual, within ten (10) days of appointment, election or employment to serve in a position enumerated in section 2 and annually thereafter commencing on the next succeeding January 31 so long as the act applies to such individual.

New (3)
(d) Whenever any individual who is required or elects to file a statement of substantial interests pursuant to this section acquires a substantial interest after the date when such statement is required to be filed, such individual shall file, within thirty (30) days of acquisition of such substantial interest, a supplemental statement disclosing the substantial interest acquired.

(e) Any person who has filed a statement of substantial interests may file an amended statement of substantial interests at any time after the date when such statement is required to be filed.

(f) Statements of substantial interest shall be filed with the county election officer of the most populous county any portion of which lies within the jurisdiction of the officer or employee's local governmental unit or court.

(g) Forms for the statements and supplemental statements provided for by this section shall be prescribed by the commission and *distributed* ~~provided~~ by each county election officer. *and printed*

Sec. 4. (a) Any local officer or employee who has not filed a statement of substantial interests pursuant to section 2 and

New section (3)

eliminate requirement for those elected to file another report

who, in his or her official capacity, acts on any matter which materially affects any substantial interest of such officer or employee shall, before acting thereon, file a written statement disclosing such interest. Such statement shall be filed in the office of the county election officer of the most populous county any portion of which lies within the jurisdiction of the officer or employee's local governmental unit or court. The form for such statement shall be prescribed and provided by the commission. *not printed by commission & distributed*

change wording

(b) A local officer or employee shall not be deemed to have acted upon a matter if such officer or employee abstains from any action in regard thereto.

Sec. 5. All statements filed pursuant to sections 2, 3 and 4 shall be available for examination and copying by the public at all reasonable times. ~~Each individual examining a statement must first fill out a form or sign a register prepared and publicly maintained by the county election officer identifying the examiner by name, occupation, address and telephone number, and listing the date of examination.~~

Sec. 6. (a) Any local officer or employee who is employed in any representation case shall file, not later than ten (10) days after the acceptance of employment for such case or on the first appearance before the local governmental unit involved, whichever occurs first, on a form prescribed and printed by the commission and distributed by each county election officer, a disclosure statement as provided in this section. *include attorney file*

disclosure statement

(b) The disclosure statement required by this section shall be filed with the county election officer of the most populous county any portion of which lies within the jurisdiction of the officer or employee's local governmental unit or court. Any individual who files a statement may file an amended statement at any time after the statement is originally filed. A copy of every disclosure statement shall be transmitted by the county election officer to the local governmental unit involved.

(c) The disclosure statement required by this section shall

be signed by the person making the same and shall state the name of the employer, the purpose of the employment and the method of determining and computing the compensation for the employment in the representation case.

(d) Any person who is employed in a representation case and who is required to file a disclosure statement pursuant to this section may file, upon termination of such person's employment in such representation case, a termination statement with the county election officer of the county in which the disclosure statement was filed. Such statement shall be on a form prescribed and printed by the commission and distributed by each county election officer and shall state the name of the employer, the local governmental unit involved in the case, and the date of the termination of employment. The county election officer shall transmit a copy of such statement to the local governmental unit involved.

New Sec. 7. (a) The commission may require any person to file a statement for any period for which such person has failed to file a statement required to be filed by such person pursuant to this act. Such statement shall be filed within ten (10) days after receipt of notice from the commission, and a copy of the notice of the failure to file shall be part of the public record.

(b) The commission may require any person to file an amended statement for any period for which the statement filed by such person pursuant to this act contains material errors or omissions. Such amended statement shall be filed within thirty (30) days after receipt of notice from the commission, and a copy of the notice of the errors and omissions shall be part of the public record.

Sec. 8. (a) No local officer or employee shall accept a representation case if such officer or employee knows or should know that it is obviously without merit and is being offered with intent to obtain improper influence over a local governmental unit.

(b) No local officer or employee shall use threat or

promise of official action in an attempt to influence a local governmental unit in any representation case.

(c) No local officer or employee shall accept or agree to accept any compensation for employment in a representation case which is contingent upon the result achieved or attained.

Sec. 9. (a) No person having a special interest, and no person on behalf of such a person, shall offer employment or employ any local officer or employee or associated person thereof for a representation case, with intent to obtain improper influence over a local governmental unit.

(b) No person having a special interest, and no person on behalf of such a person, shall offer employment or employ any local officer or employee or associated person to use or attempt to use threat or promise of official action in an attempt to influence a local governmental unit in any representation case.

Sec. 10. No local officer or employee shall accept compensation for performance of official duties, other than that to which such officer or employee is entitled for such performance. No person shall pay or offer to pay any local officer or employee any compensation for performance of official duties, except a local officer or employee performing official duties in making payments to local officers and employees. The receipt of wages or salary from an individual's employer, other than the local governmental unit or court of which the individual is an officer or employee, shall not be construed as compensation for performance of official duties.

Sec. 11. No local officer or employee shall accept compensation, other than that provided for performance of his or her official duties, which is specifically attributable to promoting or opposing, in any manner, action or inaction by his or her local governmental unit ~~or court on any matter.~~

*Attempt
to influence
court*

*insert
language*

Sec. 12. No local officer or employee, candidate for local office or associated person shall charge to or accept from a person known to have a special interest a price, fee, compensation or other consideration for the sale or lease of any

property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

Sec. 13. No person having a special interest, and no person on behalf of such a person, shall pay or offer or agree to pay to any local officer or employee, candidate for local office or an associated person thereof a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

Sec. 14. No local officer or employee or candidate for local office shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service from any person known to have a special interest, under circumstances where such officer, employee or candidate knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee or candidate.

Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to:

(a) Any contribution reported in compliance with the campaign finance act or in compliance with K.S.A. 25-901 et seq. and amendments thereto;

(b) a commercially reasonable loan or other commercial transaction in the ordinary course of business; or

(c) any solicitation for the benefit of any charitable organization which is required to file a registration statement with the secretary of state pursuant to K.S.A. 17-1740 or which is exempted from filing such statement pursuant to K.S.A. 1977 Supp. 17-1741 or for the benefit of any educational institution or such institution's endowment association, if such association has qualified as a nonprofit organization under paragraph (3) of subsection (c) of section 501 of the internal revenue code of

1954, as amended.

Sec. 15. No local officer or employee or candidate for local office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of one hundred dollars (\$100) or more in any calendar year from any one person known to have a special interest, under circumstances where such officer, employee or candidate knows or should know that a major purpose of the donor is to influence the performance of his or her official duties or prospective official duties.

Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to:

(a) Any contribution reported in compliance with the campaign finance act or in compliance with K.S.A. 25-901 et seq. and amendments thereto;

(b) a commercially reasonable loan or other commercial transaction in the ordinary course of business; or

(c) hospitality in the form of food and beverages.

Sec. 16. (a) No local officer or employee, in such capacity, shall make or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee has a substantial interest, and no such person or business shall enter into any contract where any local officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contract and is employed by or has a substantial interest in such person or business.

(b) A local officer or employee does not make or participate in the making of a contract if such officer or employee abstains from any action in regard to the contract.

(c) This section shall not apply to contracts let after competitive bidding has been advertised for by published notice or contracts for property or services for which the price or rate is fixed by law.

Sec. 17. (a) Whenever any individual has, within the

*Amended
11/27/11 per section - 46-233*

preceding two (2) years, participated as a local officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination as a local officer or employee.

(b) Subsection (a) shall not apply to contracts let after competitive bidding has been advertised for by published notice or contracts for property or services for which the price or rate is fixed by law.

Sec. 18. (a) No elected local officer shall receive, within one year after the expiration of such officer's last term, any civil appointment to any office which was created by resolution or ordinance of such officer or employee's local governmental unit during such term for which such person had been elected and for which compensation in excess of amounts provided for by K.S.A. 75-3223 and amendments thereto is provided. Any such appointment shall be void.

(b) Upon resignation by an elected local officer, such person may be appointed to any elective local office to fill a vacancy.

Sec. 19. No local officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

Sec. 20. Intentional and knowing violation of any provision of this act is a class B misdemeanor.

Sec. 21. The commission may adopt rules and regulations for the administration of the provisions of this act, subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated.

Sec. 22. The commission upon its own initiative may, and upon the request of any individual to which this act applies shall, render an opinion in writing on questions concerning the interpretation of this act. Any person who acts in accordance with the provisions of such an opinion, shall be presumed to have

complied with the provisions of this act. A copy of every opinion rendered by the commission shall be filed with the secretary of state, and any opinion so filed shall be open to public inspection. The secretary of state shall publish all opinions rendered under this section monthly and each such publication shall be cumulative. The secretary of state shall cause a copy of each filing under this section to be supplied to each county election officer and adequate copies of all such filings under this section to be supplied to the state library.

Sec. 23. Any individual, including any member of the commission, may file with the commission a verified complaint in writing stating the name of any person to whom or which this act applies alleged to have violated any provision of this act, and which shall set forth the particulars thereof. If a member of the commission files a complaint, such member must disqualify himself or herself from the commission consideration of that complaint. Whenever a complaint is filed with the commission, the commission shall promptly send a copy thereof to the person complained of, who shall thereafter be designated as the respondent.

Sec. 24. If the commission determines that a verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any provision of this act, it shall dismiss the complaint and notify the complainant and respondent thereof. Whenever a complaint is filed with the commission alleging a violation of any provision of this act, such filing and the allegations therein shall be confidential and shall not be disclosed except as provided in this act. If the commission determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of this act, the commission shall promptly investigate the alleged violation. If, after the preliminary investigation, the commission finds that probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint. If after such preliminary investigation,

the commission finds that probable cause exists for believing the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, the commission shall fix a time for a hearing in the matter, which shall be not more than thirty (30) days after such finding. In either event the commission shall notify the complainant and respondent of its determination.

Sec. 25. After a verified complaint alleging violation of any provision of this act has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint, including the transcript of the hearing, if any. If a hearing is to be held pursuant to section 24, the commission, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party. Any hearing held under section 24 may be conducted and held by a subcommittee of not less than three (3) members of the commission, of whom not more than a majority shall be of the same political party. Final determination of all complaints shall be made by the commission as a whole. The chairperson of the commission or other member presiding over the commission or the presiding officer of any subcommittee of the commission shall have the power to administer oaths and affirmations and to compel, by subpoena, the attendance of witnesses and the production of pertinent books, papers and documents. Witnesses shall be entitled to receive fees and mileage as provided by law for witnesses in civil actions, which shall be paid out of appropriations to the commission. Depositions may be taken and used in the same manner as in civil actions. Any person subpoenaed to appear and give testimony or to produce books, papers or documents, who fails or refuses to appear or to produce such books, papers or documents, or any person, having been sworn to testify, who refuses to answer any proper question, may be cited for contempt of the district court of Shawnee county, Kansas. The commission shall report to such court the facts relating to any such contempt. Thereupon

proceedings before such court shall be had as in cases of other civil contempt.

Sec. 26. At any hearing held by the commission:

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have the right to be represented by legal counsel, to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses.

(c) The hearing shall be open to the public.

Sec. 27. The commission shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the commission, and all records and transcripts of any investigations, inquiries or hearings of the commission under this act shall be confidential and shall not be open to inspection by any individual other than a member of the commission, an employee of the commission, or a state officer or employee designated to assist the commission, except as otherwise specifically provided in this act. The commission may, by adoption of a resolution, authorize the release to the attorney general or to the county or district attorney of the appropriate county or the appropriate state or federal enforcement agency of any information, records, complaints, documents, reports, and transcripts in its possession pertaining to the violation of this act or of any other state or federal law. All matters presented at a public hearing of the commission and all reports of the commission stating a final finding of fact pursuant to section 30 shall be public records and open to public inspection.

Sec. 28. The commission may investigate, or cause to be investigated, any matter required to be reported upon by any person under the provisions of this act, or any matter to which this act applies, irrespective of whether a complaint has been filed in relation thereto.

Sec. 29. The commission may permit a complainant to withdraw his or her complaint at any time. The respondent may

bring a civil action in the district court against the complainant for malicious prosecution for the filing or prosecution of any complaint with the commission under this act, whenever under like circumstances an action for malicious prosecution would arise for filing or prosecution of an action or complaint in a court. All papers in the possession of the commission relating thereto shall be admissible.

Sec. 30. After a hearing of an alleged violation of this act, the commission shall state its findings of fact. If the commission finds that the respondent has not violated any provisions of this act, it shall order the action dismissed, and shall notify the respondent and complainant thereof. If the commission finds that the respondent has violated any provisions of this act, it shall state its findings of fact and submit a report thereon to the attorney general and the county or district attorney of the appropriate county and send a copy of such findings and report to the complainant and respondent.

Sec. 31. K.S.A. 75-4301, 75-4302, 75-4303a, 75-4304, 75-4305 and 75-4306 are hereby repealed.

Sec. 32. This act shall take effect and be in force from and after its publication in the statute book.

COMMITTEE REPORT

Attachment VI
11-15-77

TO: Legislative Coordinating Council
FROM: Special Committee on Elections
RE: PROPOSAL NO. 15 - GOVERNMENTAL ETHICS COMMISSION

Proposal No. 15 directed the Special Committee on Elections to conduct a study of the activities, statutory authority, rules and regulations, and operations and procedures of the Kansas Governmental Ethics Commission. The proposal specifically referred to H.C.R. 5026, introduced during the 1977 Legislative Session, which directed the Governmental Ethics Commission to adopt certain amendments to the Rules and Regulations of the Governmental Ethics Commission.

Background

Governmental Ethics Commission. The Governmental Ethics Commission was established by the 1974 Legislature to administer and enforce the 1974 Campaign Finance Act (K.S.A. 1975 Supp. 25-4101 et seq.), and another 1974 enactment relating to the ethical conduct of state officers and the regulations of lobbyists (K.S.A. 1975 Supp. 46-215 et seq.) The Ethics Commission is empowered to render advisory opinions under the general (local) conflict of interest law (K.S.A. 1974 Supp. 75-4301 et seq.) The 1974 Campaign Finance Act provides for full disclosure of campaign contributions and expenditures in elections for state office by most candidates, political parties, and political committees. The 1974 enactment pertaining to state governmental ethics regulates the ethical conduct of state officers and employees, and provides for the registration and regulations of lobbyists.

The Governmental Ethics Commission administers both the Campaign Finance Act, and the conflict of interest legislation, including the investigation and hearing of complaints. The intentional violation of various provisions of these acts is either a class A or class B misdemeanor and also subjects a state officer or employee to possible removal from office. The Ethics Commission is authorized to promulgate rules and regulations concerning both acts and also render opinions in writing on various questions concerning the interpretations of these enactments.

Atch. VI

Committee Deliberations

During the course of the study, the Committee heard testimony from the Executive Director of the Governmental Ethics Commission, two members of the Commission, and other conferees. The Committee was presented a review of the structure and activities of the Governmental Ethics Commission. In the review was a lengthy statement including agency goals, objectives and program activities. In addition, fact sheets, description of operations, and the general policy regarding the Campaign Finance Act and audit guidelines was presented. Information pertaining to conflict of interest and lobbying regulations were summarized for the Committee and information pertaining to the general (local) conflict of interest law was presented.

A comprehensive review of the Rules and Regulations of the Governmental Ethics Commission was conducted by the Committee. Testimony was presented by the Executive Director of the Governmental Ethics Commission and other conferees and after Committee deliberation a revised version of H.C.R. 5026, 7 RS 1591, containing amendments to the Rules and Regulations of the Governmental Ethics Commission was accepted for final approval.

Ethical Conduct and Lobbying Regulation. S.B. 689, regulating the ethical conduct of state officers and employees and certain other persons, was passed in the 1974 Session of the Legislature. The bill provided for the disclosure of substantial financial interests by certain state officers and employees, and provided for the registration and regulation of lobbyists. The bill established an 11-member Governmental Ethics Commission which administers the act and investigates the hearing of complaints. Intentional violation of the act is a class A misdemeanor and subjects an elective state officer to possible removal from office.

The major provisions of the bill were as follows:

- 1) State officers or employees were prohibited from among other things:
(a) soliciting anything of value from a person with a special interest if the purpose of the donor could be to influence the officer; (b) accepting during a calendar year anything worth more than \$100, with certain exceptions, from a person with a special interest if the purpose of the donor is to influence the officer; and (c) accepting, from a person with a special interest, compensation for property or services in excess of that charged in the ordinary course of business.

- 2) State officers or employees or a person associated with them in business were also prohibited from representing any person in a matter before a state agency without first filing a disclosure statement indicating the name of the employer, the purpose of the employment and the method of compensation.

- 3) All elected state officers and candidates for such office as well as individuals whose appointment is subject to confirmation by the Senate and those officers and employees receiving \$15,000 or more per year must file a statement of their substantial financial interests.

- 4) Generally speaking, the following people must register as lobbyists: (a) individuals who are employed to lobby; (b) most individuals who are appointed to lobby; and (c) any person, with certain exceptions, who makes expenditures of more than \$100 in a calendar year for lobbying. In addition, lobbyists must file expenditure statements periodically.

The sections of S.B. 689 which created the Commission went into effect upon publication in the official state paper. The rest of the bill became effective January 1, 1975. Until that date both state and local officers and employees were governed by K.S.A. 75-4301 et seq. As of January 1, 1975, only local officers and employees were covered by K.S.A. 75-4301 et seq.

The first general Kansas conflict of interest was enacted in 1967. That law was repealed in 1970 and replaced with the present language. The present law was modified in 1974 to apply only to local government. A summary of the law is as follows:

- 75-4301 - The following words and terms are defined in the definition section: substantial interest, business, public office, public officer, public employee, municipal corporation, quasi-municipal corporation, contracts, acts.
- 75-4302 - This section provides for disclosure of substantial interest by all individuals holding elected local office, candidates for such office, and by anyone appointed to fill a vacancy in an elected office. Changes in the disclosure information must be reported within ten (10) days.
- 75-4303a - This section provides for the Governmental Ethics Commission to render advisory opinions on the interpretation or application.
- 75-4304 - This section provides that local officers and employees shall not participate, with certain statutory exceptions, in the making of a contract with anyone by whom he or she is employed or in whose business he or she has a substantial economic interest. This provision does not apply to contracts let after competitive bidding or contracts for property or services for which the price or rate is fixed by law. Any public officer or employee who is convicted of violating this section shall forfeit his office or employment.
- 75-4305 - This section provides that any local officer or employee who has not filed a Disclosure of Substantial Interests Statement, and who, while acting in his or her official capacity, shall pass upon any matter which will affect any business in which he or she holds a substantial economic interest, shall, before acting file a written statement of the nature of said interest with the county clerk. In the alternative, the local officer or employee may abstain from any action.

75-4306 - This section provides that any person who violates K.S.A. 75-4304 or 4305, and any person who fails to make any disclosure of substantial interest required by law shall be guilty of a class A misdemeanor.

Conflict of Interest Legislation
in Other States

A brief summary of conflict of interest legislation in other states follows:

- 1) At least 15 states have passed no legislation which prescribes conflict of interest by requiring personal finance disclosure. In some states which have passed no legislation there are legislative rules which cover conflict of interest.
- 2) Most state acts apply financial disclosure requirements to both public officials and candidates for public office. Minnesota, North Carolina, and North Dakota, in addition, specifically mention nominees for appointive public office in their statutes. The laws of Alabama and Kansas, unlike the NCSL bill apply the disclosure requirements to all state employees earning over \$15,000 per year.
- 3) Although specific language differs, many states require the same basic information in their disclosure reports. Both the source and the amount of income and the names of business interests are almost always required. The kind and amount of stock and description of real property owned are also frequently cited disclosure information. Other states — including Arizona, Colorado, Florida, Maryland, Michigan, Washington, and Wisconsin — require officials or candidates to list their creditors. A few states require other information. California, Florida, Illinois, Indiana, Missouri, Maryland, and Texas are examples of states that require the listing of gifts over a specified amount.

- 4) Few state statutes contain the general conflict of interest prohibitions included in the NCSL bill. The prohibition against a public official's representation of another person before a governmental body (Section 4) is found in the Utah and Florida statutes. Arizona, Alabama, Utah, and Wisconsin specifically prohibit a public official from using confidential information to further his own financial interests. Minnesota, Maine, and Wisconsin are examples of states which disqualify public officials with a financial interest in a decision from participating in that decision. In Connecticut, Oregon, and Maryland legislators may vote despite a conflict of interest if they publicly state that they are convinced that they can vote objectively.
- 5) Ethics commissions administer conflict of interest laws in about 25 states, but these include over 60 percent of those states which passed conflict of interest legislation. Secretaries of State are given the responsibility in most of the others with the disclosure laws.
- 6) Penalties for violation are usually strong. Alabama, for example, requires a fine of not more than \$10,000 plus imprisonment. States with less severe fines include Arkansas (\$50 to \$500) and Rhode Island (not more than \$500). Several states, including Florida, Minnesota, Oregon, South Dakota, Texas, and Utah, mandate that violators should be removed from office or from the ballot.

Committee Deliberations

A staff review of conflict of interest legislation was presented to the Committee including a general background statement of conflict of interest legislation, an example of the legislation in the State of Washington, a summary of four model bills, a summary of conflict of interest legislation in Kansas.

Testimony was presented by the Executive Director of the Governmental Ethics Commission and several other conferees.

The Committee made a policy decision that costs associated with internal organizational communications of business, labor or professional organizations do not constitute expenditures for lobbying under K.A.R. 19-60-3(c)(1)(iv). Another policy decision included adding members of the judiciary and court employees to the list of public officials who are subject to the conflict of interest legislation. Another decision made the penalty for violation of both the state and local conflict of interest law a class B misdemeanor. [In other action, the decision was made to drop the requirement for photocopies of contributions of more than \$25.00 (K.A.R. 19-27-2).] Other policy decisions were made concerning the rules and regulations and conflict of interest legislation.

provide for the option for the treasurer

The Committee considered and accepted draft legislation, 7 RS 1597, (H.B. 2575) concerning state level conflict of interest legislation. The Committee considered a separate bill, 7 RS ~~1588~~, on local conflict of interest which was also accepted by the Committee.

1750

reimbursement of non-profit activities

The Committee considered the subject of reimbursement) ~~of leadership trip expenses~~ but did not have sufficient time to investigate the matter thoroughly. The Committee recommended that the matter of reimbursement ~~(of leadership trip expenses)~~ be dealt with in future legislation.

to public officials and employees reimbursement by non profit activities