

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Richard L. Harper at
Chairperson

9:00 am a.m./p.m. on Thursday, March 22, 1984 in room 521-S of the Capitol.

All members were present except: Representative Crumbaker, excused; Representative Knopp, excused; Representative Reinhardt, excused; and, Representative Runnels, excused.

Committee staff present: Arden Ensley, Revisor
Ramon Powers, Legislative Research Department
Eric Rucker, Secretary of State's Office
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Janet Williams, Public Disclosure Commission
Carol Williams, Public Disclosure Commission
Representative Bunten
Senator Montgomery
Arden Ensley

Chairperson Harper called the Election Committee meeting to order, and at this time recognized Representative Bunten. Representative Bunten asked that the Committee consider putting an amendment on SB 792. Copies of the amendment had been placed at the committee members seats prior to the meeting. (Attachment 1)

Representative Moomaw made a motion to insert the proposed amendment on SB 792. Seconded by Representative Guldner. Motion carried.

Carol Williams, Public Disclosure Commission, was next to appear before the Committee on SB 792. Ms. Williams gave the Committee members a briefing on SB 792. Following a short discussion period, it was moved by Representative Justice to report SB 792, as amended, out of Committee. Seconded by Representative Dean. Motion carried by a show-of-hands vote.

SB 787, An Act relating to state governmental ethics; concerning the registration of and the filing of certain reports and statements by certain persons; concerning penalties prescribed for failure to register or file such reports or statements, was the next order of business for the day. At this time the Chairperson called upon Janet Williams, Public Disclosure Commission, to testify before the Committee on SB 787.

Representative Blumenthal made a motion to report SB 787 favorably for passage from the Committee. Seconded by Representative Grotewiel. Motion carried.

At this time, Chairperson Harper recognized Arden Ensley, Revisor. Mr. Ensley was asked to explain HB 3109 to the Committee. HB 3109 is An Act concerning presidential electors. Mr. Ensley told the Committee that this bill is simply a clean up, thus taking care of the inconsistency in the law.

Representative Justice made the motion that HB 3109 be passed favorably out of Committee. Seconded by Representative Acheson. Motion carried.

SB 299, An Act providing for the submission of petitions for nonbinding advisory referenda on matters of local and statewide public interest, was the next item up for discussion.

Representative Acheson made a motion to report SB 299 unfavorably and that this bill be not passed. On a voice vote the bill did not pass.

SB 493 was the next item up for discussion and possible action.

Representative Moomaw made a motion that an amendment be added to SB 493 on line 276, taking out "statute book" and inserting "Kansas register." Seconded by Representative Guldner. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Thursday, March 22,, 1984

At this time, Chairperson Harper recognized Senator Montgomery. The Senator came before the Committee asking support of SB 804, which is an act concerning the form and the recitals required thereon; concerning the withdrawal of names therefrom.

Following a briefing of this bill by Senator Montgomery, Representative Kline made a motion to pass out favorably and place on consent calendar. Seconded by Representative Justice. Motion carried.

A motion was made by Representative Justice to approve the minutes of the March 20th meeting of the Committee. Seconded by Representative Acheson. Motion carried.

The meeting adjourned at 10:15 am.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Elections

Recommends that Senate Bill No. 792 (As Amended by Senate Committee)

"AN ACT amending the campaign finance act; concerning the filing of certain reports, the making of certain investigations and the prescribing of penalties for the violation of certain provisions of the act; amending K.S.A. 25-4152, 25-4161 and 25-4171 and repealing the existing sections."

Be amended:

On page 3, by striking all of lines 91 and 92 and inserting in lieu thereof four new sections to read as follows:

"Sec. 4. K.S.A. 25-4145 is hereby amended to read as follows: 25-4145. (a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each such committee shall make a statement of organization and file it with the secretary of state not later than ~~July 17, 1981, or not later than~~ 10 days after establishment of such committee, ~~whichever occurs later~~.

(b) Every statement of organization shall include:

(1) The name and address of the committee;

(2) the names and addresses of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

(c) Any change in information previously reported in a

statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

Sec. 5. K.S.A. 25-4147 is hereby amended to read as follows: 25-4147. (a) Every treasurer shall keep detailed accounts of all contributions and other receipts received and all expenditures made by or on behalf of such the treasurer's candidate or committee.

(b) Accounts of any treasurer may be inspected under conditions determined by the commission, and shall be preserved for a period to be designated by the commission.

(c) An individual may serve as treasurer for a candidate or a candidate committee, party committee or political committee or of any two or more such committees or candidates.

(d) Every person who receives a contribution for a candidate ~~or for~~ a candidate committee, party committee or political committee more than five days prior to the ending date of any period for which a report is required by K.S.A. 25-4148 and amendments thereto shall, on demand of the treasurer, or in any event on or before the ending date of the reporting period, remit the same and render to the treasurer an account thereof, including the amount, the name and address of the person, if known, making the contribution and the date received.

(e) No contribution or other receipt received by a candidate ~~or a~~ candidate committee, party committee or political committee shall be commingled with personal funds of the candidate or the treasurer or other officers or members of such committee.

(f) No candidate, candidate committee, party committee or political committee shall receive any contribution or other receipt from a political committee unless accompanied by the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the political committee is not connected or affiliated with any one organization, the trade,

profession or primary interest of contributors of the political committee.

Sec. 6. K.S.A. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section in the office of the secretary of state so that it is received by ~~such~~ that office on or before each of the following days:

(1) The sixth day preceding the primary election, which report shall be for the period beginning on December 1 of the preceding election year for the office the candidate is seeking and ending 11 days before the primary election, inclusive;

(2) the sixth day preceding a general election, which report shall be for the period beginning 10 days before the primary election and ending 11 days before the general election, inclusive; and

(3) December 10 of an election year, which report shall be for the period beginning 10 days before the general election and ending on November 30, inclusive.

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

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

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period 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 \$50, 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, if the contribution is in excess of \$50 and which is not otherwise reported under ~~paragraph (7)~~, including subsection (b)(7), and the amount, date, and purpose thereof of the contribution;

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

(10) the total of expenditures.

(c) Treasurers of candidates and of candidate committees shall be required to itemize, as provided in ~~paragraph (2)~~ of subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154 and amendments thereto.

(d) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the

committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

(e) 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 the errors or omissions shall be part of the public record. Such The amended report shall be filed within 30 days after notice by the commission.

~~(e)~~ (f) 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 days after notice by the commission.

~~(f)~~ (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 the 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 the convention or caucus shall be considered the date of the primary election.

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

Sec. 7. K.S.A. 25-4145, 25-4147, 25-4148, 25-4152, 25-4161 and 25-4171 are hereby repealed.";

Also on page 3, in line 93, by renumbering section 5 as section 8;

In the title, in line 21, after the semicolon, by inserting "relating to political committees;"; also in line 21, after "K.S.A." by inserting "25-4145, 25-4147, 25-4148,";

And the bill be passed as amended.

Chairperson



NEMAHA COUNTY

SENECA, KANSAS

66538

March 9, 1984

ALVIN BAUMAN
COUNTY CLERK

PATRICIA C. BENTSEN
COUNTY CLERK, DEPUTY

Hon. Richard Harper, Chr.
House Elections Committee
House of Representatives
Topeka, Kansas 66612

RE: Senate Bill 804

Dear Rep. Harper:

As I read **Senate Bill 804** I have some concerns as to some clarifications.

On line 0043, after the word thereof. The following should be inserted, a coma after thereof and the words "To the County Election Officer."

I feel this would clarify where the names should be presented for withdrawl.

I also would like to have seen five days instead of three. The reason, in the rural areas theres so often only weekly papers, if given five days, sometime publicity could help to clarify some issues and five days would give more time for signers to think a lot of issues over.

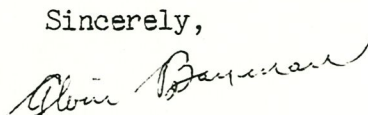
Another concern I have as Election Officer, is the publicity given to issues. And I don't see it directed in the legislation?

What would be wrong with the requirment that the subject of any or all petitions of special questions that are to be circulated, be published at least fifteen days, in a newspaper of general circulation, before the petition can be circulated.

The reasoning behind this thought, is the right to know, so often petitions are passed and the electorate asked to sign petitions and they are not aware of the question they are asked to sign a petition for.

Thanks for your time, I certainly feel my suggested amendment for line 0043 needs adopting.

Sincerely,



Alvin Bauman
Nemaha County Clerk

CC: Hon. Donna M. Kaiser
Hon. Pauline Lee
Hon. Lloyd Polson
Hon. Richard Eckert
Hon. Donald Montgomery

AB/sh