

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Gordon at  
Chairperson

1:30 ~~xxx~~ p.m. on February 20, 1985 in room 522-S of the Capitol.

All members were present except: Senator Johnston and Senator Reilly who were excused.

Committee staff present:

Myrta Anderson, Legislative Research Department  
Ramon Powers, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Phil Lowe, Secretary to Committee

Conferees appearing before the committee:

Carol Williams, Kansas Public Disclosure Commission

The minutes of February 13 were approved by motion of Senator Strict and second by Senator Martin.

SB 192. Myrta Anderson in explaining the bill which relates to campaign finance and filing of certain information said that the candidate transfers to his treasurer all information which he received concerning contributions or expenditures made on behalf of his campaign. She further pointed out that this is a Class A misdemeanor if this declaration is intentionally withheld. Carol Williams said SB 192 was recommended by the Kansas Public Disclosure Commission and provides that the candidate declares all contributions or information which the candidate receives concerning contributions or expenditures made on behalf of his campaign, or that he personally has knowledge of, be reported to his treasurer.

SB 200. Senator Norvell, the author of the bill, said this bill declares the incumbent candidate the winner in case of a tie vote in any election for which the county board of canvassers makes the final canvass rather than flipping a coin to determine a winner. In answer to a question of whether he would be supportive of another election to determine the winner in a tie vote, Senator Norvell answered he would not be supportive of an election because of the cost and time element involved in holding such an election. It was the opinion of the committee that a recount of votes should be taken before a tie vote is declared.

Substitute for SB 135. The revisor stated that everything in the original bill, except Sec. 1 (a) of K.S.A. 25-4156, has been stricken and new language inserted. The bill primarily defines corrupt political advertising and in order to make it uniform to the other statutes changes it to a Class A misdemeanor from Class C for intentionally charging an excessive amount for political advertising. It was reported that in checking with the Attorney General's office no cases of prosecution due to corrupt political advertising have been reported during the tenure of the present attorney general. Carol Williams of the Public Disclosure Commission said that presently the statute concerning corrupt political advertising affects only state candidates and falls under the jurisdiction of the Attorney General's office and that they are therefore unable to answer questions directed to them by the public. This bill would allow them to do that.

Senator Walker moved that Substitute for Senate Bill 135 be considered and approved by the committee. Senator Strict seconded the motion and the motion carried. Senator Strict then moved that Substitute for Senate Bill 135 be recommended favorably for passage. Senator Hoferer seconded the motion and the motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,  
room 522-S, Statehouse, at 1:30 ~~xxx~~/p.m. on February 20, 1985

Senate Bill 137. The committee discussed whether or not to provide that treasurers for a campaign other than a statewide election who are required to file a copy of a campaign finance report with the Secretary of State shall file a copy at the times prescribed in the office of the county election officer of the district.

Senator Martin moved to recommend Senate Bill 137 favorably for passage and the motion was seconded by Senator Strict.

Senator Norvell made a substitute motion that SB 137 be tabled. Senator Vidricksen seconded the motion and the motion carried.

The meeting was adjourned.

Attachments: #1 - Guest List  
                  #2 - Standing Committee Report  
                  #3 - Substitute for Senate Bill 135



REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that Senate Bill No. 135

"AN ACT concerning elections; relating to campaign finance and advertising; amending K.S.A. 25-4153, 25-4156, 25-4169 and 25-4170 and repealing the existing sections; also repealing K.S.A. 25-2407 and K.S.A. 1984 Supp. 25-1709."

Be amended:

By substituting a new bill to be designated as "Substitute for SENATE BILL No. 135," as follows:

"Substitute for SENATE BILL No. 135

By Committee on Elections

"AN ACT concerning elections; relating to the campaign finance act and violations thereof; amending K.S.A. 25-4156 and repealing the existing section; also repealing K.S.A. 25-4169."

And the substitute bill be passed.

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Chairperson

*Attachment # 2*

*Atch. 2  
S. Elect. 2/20/85*

MEMBERS COPY

## SUBSTITUTE for SENATE BILL NO. 135

By Committee on Elections

AN ACT concerning elections; relating to the campaign finance act and violations thereof; amending K.S.A. 25-4156 and repealing the existing section; also repealing K.S.A. 25-4169.

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

Section 1. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising is: Publishing or causing to be published in a newspaper or other periodical any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to state office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson of the political or other organization inserting the same or the name of the person who is responsible therefor; or broadcasting or causing to be broadcast by any radio or television station any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to state office, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairperson of the political or other organization sponsoring the same or the name of the person who is responsible therefor.

(2) Corrupt political advertising is a class A misdemeanor.

Sec. 2. K.S.A. 25-4156 and 25-4169 are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

*Attachment # 3  
5. Elect. 2/20/85.*