

Approved March 5, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Gordon at
Chairperson

1:30 ~~am~~/p.m. on February 26, 1986 in room 522-S of the Capitol.

All members were present except: Senator Johnston (excused)

Committee staff present:

Myrta Anderson, Legislative Research Department
Theresa Kiernan, Revisor's Office

Conferees appearing before the committee:

Mr. Pete McGill, McGill and Associates, Inc.
Carol Williams, Kansas Public Disclosure Commission
Mr. Burt DeBaun, House of Representatives

The minutes of February 19 were approved by motion of Senator Strict and second by Senator Martin.

Senator Norvell inquired as to whether the committee would hold hearings on HB 2192 and the Chairman replied that he planned on it after the committee had given consideration to all Senate bills that were referred to the committee. House Bill 2192 provides that at any voting place inaccessible to disabled voters at the main entrance which is accessible at some other entrance, signs directing voters to such other entrance shall be prominently displayed.

House Bill 2677. Representative DeBaun appeared before the committee to testify on the bill which he introduced in the House of Representatives. Mr. DeBaun stated that the current law provides that a classified state employee shall resign from service when filing for township office and the bill is needed to clarify the procedure of holding elective political office.

Senator Martin made the motion to favorably recommend HB 2677 for passage and be placed on the consent calendar as the bill is of a fairly noncontroversial nature. Senator Norvell seconded the motion and the motion carried.

Senate Bill 599 relates to electioneering at polling places. Committee discussion centered on the use of billboards near polling places, the size of billboards and whether or not they should be limited to commercial billboards.

Senator Reilly moved to amend SB 599 in line 29 after the word "a" by inserting the word "commercial" which would make it read "on a commercial billboard". Senator Martin seconded the motion. Senator Hoferer offered a substitute motion to report the bill adversely. Senator Strict seconded the motion and the substitute motion carried by a vote of 4 "yeas" and 2 "nos". Senator Martin and Senator Reilly voted "no".

The Chairman distributed copies of a letter (attachment 1) written by the Kansas Public Disclosure Commission to the President of the Senate and Speaker of the House. Carol Williams, Kansas Public Disclosure Commission, explained the contents of the letter and answered questions dealing with an opinion request concerning the possible transfer of campaign funds collected at the Federal level to a state level campaign. The fund involved was collected entirely under Federal law which has different contribution limitations, different standards as to the entities which may

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~xxx~~ p.m. on February 26, 19 86

legally give contributions and different reporting requirements. The committee discussed various aspects of the letter but no definite decisions were made. Some of the aspects discussed were whether the attorney general should interpret what the intent of the law was in such an instance and others were of the opinion that the Public Disclosure Commission was set up to administer the election laws of Kansas and therefore it was their duty to enforce the laws as they interpret them.

The Chairman distributed copies of a letter from the Kansas Public Disclosure Commission (attachment 2) responding to a letter of Mr. Pete McGill dated January 8, 1986 (attachment 3) directed to the President of the Senate and the Speaker of the House concerning his lobbyist registration forms. Mr. McGill read and explained his letter of January 8. The committee discussed the matter at length but no decision was made regarding the issue.

The meeting was adjourned.

Attachments:

- #1 - Letter dated January 29, 1986 (Richard E. Dietz)
- #2 - Letter dated January 29 to respond to letter of Mr. Pete McGill
- #3 - Letter dated January 8 (lobbyist registration)
- #4 - Committee Report SB 599
- #5 - Committee Report HB 2677
- #6 - Guest List

5 1986

KANSAS PUBLIC DISCLOSURE COMMISSION

109 W. NINTH
TOPEKA, KANSAS 66612
PHONE: (913) 296-4219

January 29, 1986

The Honorable Robert Talkington
President of the Senate
Statehouse
Topeka, Kansas 66612

The Honorable Mike Hayden
Speaker of the House
Statehouse
Topeka, Kansas 66612

Gentlemen:

The Kansas Public Disclosure Commission recently dealt with an opinion request concerning the possible transfer of campaign funds collected at the Federal level to a State level campaign (Opinion No. 85-19). The fund involved was collected entirely under Federal law which has different contribution limitations, different standards as to the entities which may legally give contributions, and different reporting requirements.

The language of K.S.A. 25-4153 was at issue. That section states:

(a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and dedicated to such candidate's campaign, by any person, except a party committee, the candidate or the candidate's spouse, shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor and for other state officers elected from the state as a whole, \$3,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election....

From a review of this language, it was our opinion by a 3-2 vote, that only \$3,000 of the Federal fund could be transferred into a State level campaign in any election period.

Attachment I
2/26/86 S. Elections

The Hon. Robert Talkington
The Hon. Mike Hayden
January 29, 1986
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We have directed our staff to answer any questions and provide any information you may wish to assist you in resolving these difficult questions.

Sincerely,


Richard E. Dietz, Chairman

By Direction of the Commission

RED:DDP:d1w

Attachment #1

STATE OF KANSAS

KANSAS PUBLIC DISCLOSURE COMMISSION

109 W. NINTH
TOPEKA, KANSAS 66612
PHONE: (913) 296-4219

January 29, 1986

The Honorable Robert Talkington
President of the Senate
Statehouse
Topeka, Kansas 66612

The Honorable Mike Hayden
Speaker of the House
Statehouse
Topeka, Kansas 66612

Gentlemen:

We would like this letter to respond to the letter of Mr. Pete McGill dated January 8, 1986, directed to Senator Talkington and Representative Hayden concerning his lobbyist registration forms.

As we understand the situation, Mr. McGill has taken the position under K.S.A. 46-265 and K.S.A. 46-270 that the person "compensating" his employees for lobbying is himself, rather than the entities on whose behalf they are appearing. Under this interpretation, the lobbyist registration statement under K.S.A. 46-265 lists Mr. McGill's firm instead of the name of the special interest group. Under K.S.A. 46-270, the badges are issued indicating Mr. McGill's employees are lobbying on behalf of Mr. McGill's firm.

We believe Mr. McGill's interpretation is legally incorrect. In our view, Mr. McGill's employees should each list on their registration statement the entities interests they will represent and the badge should likewise list each entity and not Mr. McGill's firm name.

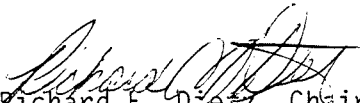
We note, however, that under K.S.A. 46-270 there is no penalty for non-compliance and, therefore, we can take no action to enforce our view.

Attachment II
2/26/86 S. Elections

The Hon. Robert Talkington
The Hon. Mike Hayden
January 29, 1986
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In addition, given the colourable argument that Mr. McGill makes, we believe that under K.S.A. 46-277 we are precluded from further action. Thus, we too, would request the legislature to review this situation. We have directed our staff to provide whatever assistance you may request.

Sincerely,


Richard E. Dretz, Chairman

By Direction of the Commission

RED:DDP:d1w

CC: Pete McGill

Attachment II

January 8, 1986

The Honorable Robert Talkington
President of the Senate
Statehouse
Topeka, Kansas 66612

The Honorable Mike Hayden
Speaker of the House
Statehouse
Topeka, Kansas 66612

Re: Lobbyist Registration

Gentlemen:

This is to advise you of a change in our method of lobbyist registration for Pete McGill and Associates for 1986. I registered this week for all the clients that have formally retained this firm to date for lobbying services in 1986.

There are two additional lobbyists, members of this firm on an annual salary paid by me, Linda McGill and Charles "Chip" Wheelen. I asked them to register for Pete McGill and Associates, as opposed to them listing all the clients of the firm. Since they were not involved in negotiations with the client, and not necessarily aware of the amount of compensation or method of compensation; it seems far more appropriate for them to register for Pete McGill and Associates, since I retained their services and pay their salaries and expenses on an annual basis.

Quoting from the Kansas Public Disclosure Commission pamphlet on Kansas Laws Governing Lobbying, KSA 46-265 states: "Every lobbyist shall register with the secretary of state by completing a registration form prescribed and provided by the commission and by signing and verifying the same. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment and the method of determining and computing the compensation of the lobbyist." (Emphasis added).

The same pamphlet refers to KSA 46-270 as follows: "The secretary of state shall obtain suitable name tags in two colors, of a size not smaller than two inches by three inches, to be fastened on the outside of the

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that Senate Bill No. 599

"AN ACT concerning elections; relating to electioneering; amending K.S.A. 25-2430 and repealing the existing section."

Be not passed.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that House Bill No. 2677

"AN ACT concerning state officers and employees; relating to participation in political activity; amending K.S.A. 75-2953 and repealing the existing section."

Be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Chairperson