

Approved

RLH 2-24-87
Date

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, February 19, 1987 in room 521-S of the Capitol.

All members were present except: Representative Jenkins, excused; Representative Littlejohn, excused; and Representative Sawyer, excused.

Committee staff present: Myrta Anderson, Legislative Research Department
Nancy Ryan, Secretary of State's Office
Ron Thornburgh, Secretary of State's Office
Jill Wolters, Revisor of Statute's Office
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Elaine Wells, Representative, Thirteenth District
Julene Miller, Office of the Attorney General
Carol Williams, Public Disclosure Commission
Earl Nehring, Kansas Common/Cause
Representative R. D. Miller

Chairperson Harper called the meeting to order.

Representative Elaine Wells was recognized by the Chair. The Representative came before the committee asking that they introduce legislation dealing with filling vacancies on Boards of County Commissioners. A problem had arisen on her Board of County Commissioners, and she told the committee that several other legislators had similar problems in their areas in the filling of a vacancy in years past. The intent of the proposed legislation is to prevent "stacking" the vote for a single candidate. It will also encourage County Chairmen to maintain a complete delegation (committee) so that all precincts are properly represented. (Attachment 1).

It was moved by Representative Kline to introduce legislation and have it referred back to this committee. Motion carried.

The next order of business for today is HB 2201 - An Act relating to financial reports of constitutional campaigns. The Chair recognized Julene Miller, Deputy Attorney General. Ms. Miller came before the committee urging them to revise the requirements of K.S.A. 25-4201. She told the committee during the 1986 election year, the office of the Attorney General had received numerous questions and complaints regarding the financial reports of constitutional campaigns, therefore, HB 2201 would make it less cumbersome and more easily regulated. (Attachment 2).

Carol Williams, Public Disclosure Commission, came before the committee in support of HB 2201.

Chairperson Harper recognized Earl Nehring, Kansas Common/Cause. Mr. Nehring appeared before the committee in support of HB 2201.

Following a discussion period, it was requested by Chairperson Harper that Jill Wolters make the necessary changes in the bill, and bring the balloon amendment back to the committee for further study. It was decided by the members of the committee the time when they start reporting should be when it passes both houses. A change was requested for when organizations lobby for status quo of constitutional provisions, as to the fact they are lobbying against the change.

The hearing closed on HB 2201.

HB 2261 - An Act concerning the public disclosure commission; relating to the powers of the commission; requiring an annual report submitted to the Secretary

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Thursday, February 19, 1987

of State. The Chair now recognized Representative R. D. Miller, author of HB 2261.

The Representative came before the committee telling them he had filed HB 2261 for the purpose of streamlining some parts of the public disclosure. He made it clear to the committee that it was not his intent to do away with the Commission, nor the operation of that office. Representative Miller brought to the attention of the committee the material which would be stricken from this bill. "The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the Commission, all of whom shall be in the unclassified service and shall receive compensation fixed by the Commission and not subject to approval by the governor," was noted as being stricken. This bill will now say that the secretary of state shall provide the office space and staff required by the commission. A provision had been added to the bill to supply an annual report to the Secretary of State's office. The biggest change in this bill is the part that tells how legislators file their report, and when it is filed. Representative Miller told the committee his purpose in changing the three reports to two reports, would thus cut expense and be a considerable savings measure. This bill would also help to centralize the procedure of reports, and thus, less chance of some reports getting lost. The utilization of an attorney within the Secretary of State's office, and a space being saved for offices, would be a benefit, and thus would be cutting down on expenses.

Representative Miller was requested to supply a written testimony to the committee, which would help them in further study of HB 2261.

Following a discussion period, the Chair recognized Carol Williams, Public Disclosure Commission. Ms. Williams appeared before the committee telling them the commission is totally against HB 2261. Committee members directed several questions to Carol, one being as to how many inquiries they get within the course of a campaign regarding monies or sources of wanting to know where money has come from. The committee was told that many calls come in right before an election from people within the district, many, or most of them do not identify themselves.

The Chair now recognized Earl Nehring, Common/Cause. Mr. Nehring had passed a statement in opposition to HB 2261 to committee members. Mr. Nehring said the bill appears to seek two things: to put the Public Disclosure Commission under the thumb of the Secretary of State, and to make a mockery of the campaign finance reporting law. He also stated that no useful purpose would be served by having the Secretary of State provide the office space and staff required by the commission. Mr. Nehring urged the committee to kill the bill. (Attachment 3).

As there were no questions of Mr. Nehring, the hearing closed on HB 2261.

Representative Blumenthal moved to approve the minutes of the February 17, meeting. Seconded by Representative Foster. Motion carried.

Meeting adjourned at 9:45 a.m.

ELAINE L. WELLS
 REPRESENTATIVE, THIRTEENTH DISTRICT
 OSAGE AND NORTH LYON COUNTIES
 R.R. 1, BOX 166
 CARBONDALE, KANSAS 66414
 (913) 665-7740



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: AGRICULTURE AND SMALL BUSINESS
 INSURANCE
 PUBLIC HEALTH AND WELFARE

Bill Introduction Request

Elections Committee

Due to problems encountered in filling a vacancy on my Board of County Commissioners, I am requesting a bill for consideration. Representative Ott introduced H.B. 2790 in 1980 to address this valid concern. I have been told by several legislators that similar problems have existed in the filling of a vacancy in years past.

In order to prevent unfairness in an election to fill a vacancy, whether it be on the Board of Education, County Commissioner, State Representative, State Senator, or any applicable position, a meeting of the existing elected or appointed precinct committeemen and women shall be held immediately following the County Chairman's receipt of notification on the pending resignation or vacancy. The purpose of the meeting will be to determine the necessity of filling vacant precinct positions prior to the filling of the vacancy. If the county delegation (committee) determines it necessary to have the positions appointed, the County Chair will act accordingly or they may decide to hold the election without appointing new precinct committeemen and women.

The intent of this bill is to prevent "stacking" the vote for a single candidate. It will also encourage County Chairman to maintain a complete delegation (committee) so that all precincts are properly represented.

*attachment 1
 Home Elections*



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

Testimony of Deputy Attorney General
Julene L. Miller
to Committee on Elections
February 19, 1987

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to comment on 1987 House Bill No. 2201.

During the 1986 election year, the office of the Attorney General received numerous questions and complaints regarding the financial reports of constitutional campaigns required by K.S.A. 25-4201. Because of the confusion and near inability to comply with the current provisions of K.S.A. 25-4201, we urge you to revise the requirements of that statute, making it less cumbersome and more easily regulated.

Many of the problems faced in reporting constitutional campaign finances appear to be resolved by House Bill No. 2201. However, a few questions remain unanswered. For instance, when does one become "engaged" in an activity promoting or opposing the adoption or repeal of a constitutional provision? Will the provisions of the bill

*Attn #2-
House Elections*

kick in before a resolution is actually passed? Many organizations conduct ongoing operations in which money is received and expended continuously, even in non-election years. Will these organizations be required to report simply because there is a possibility they will be promoting or opposing adoption or repeal of a constitutional provision in the future? What about organizations lobbying for the status quo of a constitutional provision? Would this be considered "engaging" in an activity promoting or opposing the adoption or repeal of a constitutional amendment? The bill does not appear to address this situation.

K.S.A. 25-4148 of the Campaign Finance Act requires reporting of "the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50. . . ." It is unclear whether 1987 House Bill No. 2201 requires reporting of individual contributions in excess of \$50, or aggregate contributions in excess of \$50. It would not take many contributions to put an organization over the \$50 limit, when they would again be placed in a position of having to show the name and address of each and every one or two dollar contributor.

Finally, House Bill No. 2201, Section 1(c) provides that an intentional failure to report as required by Section 1(a) is a class A misdemeanor. Section 1(c) does not reference Section 1(b) notice provisions. It is not clear whether the penalty of Section 1(c) is coincident with the civil penalty

provided in Section 1(b), or would apply only after Section 1(b) notice and failure to comply. It is suggested that Section 1(c) be amended to clearly provide that only intentional violations will be classified as class A misdemeanors, and that mere failure to file will be treated under Section 1(b) of the act.

Thank you for your consideration of these matters.



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ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

The Honorable Richard Harper
Chairman, Elections Committee
Room 175-W, State Capitol
Topeka, Kansas 66612

Dear Chairman Harper:

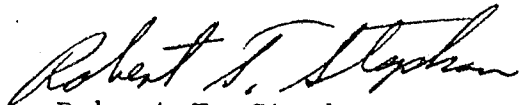
During the 1986 election year, this office received several questions and complaints regarding the financial reports of constitutional campaigns required by K.S.A. 25-4201. I ask that your committee consider revising K.S.A. 25-4201, making it less cumbersome and more easily regulated.

In comparing K.S.A. 25-4201 to the pertinent provisions of the campaign finance act, K.S.A. 25-4119a et seq., it becomes apparent that the reporting requirements of the former are much stricter than those of the latter. K.S.A. 25-4201 requires the name, address and occupation be reported on every contributor, whereas K.S.A. 25-4148 requires only the name and address and only for persons who contribute an aggregate amount in excess of fifty dollars during the election period. Additionally, K.S.A. 25-4201 provides that violation of its reporting requirements shall constitute a class C misdemeanor. K.S.A. 25-4152 provides for the payment of civil penalties for failure to file certain reports and K.S.A. 25-4167 makes it a class A misdemeanor for intentional failure to file a required report under the campaign finance act. Reports required under the campaign finance act are monitored by the public disclosure commission. Reports required pursuant to K.S.A. 25-4201 are to be filed with the Secretary of State, but there is no provision for monitoring those reports.

Bringing the provisions of K.S.A. 25-4201 in line with the provisions of the campaign finance act would appear to be appropriate and desirable. In considering introduction of such a bill, should you desire the appearance of a member of my staff before your committee, we will be happy to provide such assistance.

Thank you for your cooperation in this matter of mutual concern.

Very truly yours,



Robert T. Stephan
Attorney General of Kansas

RTS:JLM:jm

cc: Carol Williams, Public Disclosure Commission



February 19, 1987

Statement in opposition to House Bill 2261
presented to the House Committee on Elections
by Earl Nehring for Common Cause/Kansas

Our organization strongly opposes House Bill 2261. The bill appears to seek two things: to put the Public Disclosure Commission under the thumb of the Secretary of State and to make a mockery of the campaign finance reporting law.

No useful purpose would be served by having the Secretary of State provide the office space and staff required by the commission. No economies in operation would be achieved. The Secretary of State has inadequate staff and space for carrying out its present responsibilities, so no consolidation of staff or space could occur. The commission staff could not be reduced--it is already too small to do the things it should be doing. No finding has been made that the commission is spending too much money on office space.

Further, we believe the state's agency charged with monitoring the ethics of public officials should be as autonomous as possible. Most states have created separate commissions. This bill opens the potential for the commission's effectiveness to be influenced by the Secretary of State, by leaving space and staff decisions to the Secretary.

The change in reporting dates for campaign finance reports subverts the intent of the law. Having only two reports, each submitted after the pertinent election is over, would help assure that the public's awareness and opportunity to consider campaign financing in making voting decisions is kept at a minimum level. Going backward by weakening our existing reporting system will only increase public suspicion that there must be something to hide.

We can see absolutely nothing positive coming from this bill. We urge you to kill the proposal.

*Attachment 3
House Elections*