

Approved February 18, 1987
Date

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 12, 1987 in room 522-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Myrta Anderson - Legislative Research Department
Theresa Kiernan - Revisor of Statutes Office
Phil Lowe - Committee Secretary

Conferees appearing before the committee:

Mr. Larry Scheller, Leavenworth County Clerk
Mr. Fred Allen, Kansas Association of Counties
Mr. Ron Thornburg, Secretary of State's Office
Donna Kaiser, Dickinson County Clerk
Norene Staab, Shawnee County Election Commissioner
Senator Wint Winter, State Senate
Earl Nehring, Common Cause of Kansas
Rev. Richard Taylor, Kansas for Life at its Best
Carol Williams, Kansas Public Disclosure Committee

On motion of Senator Strict and second by Senator Martin the minutes of February 11 were approved.

SB 108. The Chairman called on Myrta Anderson from the Legislative Research Department to brief the committee as to the background of this bill. The bill was requested by the Secretary of State's office and provides that precinct committeemen and precinct committeewomen shall be elected every four years instead of every two years.

Mr. Larry Scheller, Leavenworth County Clerk, said he would like for the committee to support the passage of SB 108 because they think the term for precinct committeemen and precinct committeewomen should be extended from two to four years. Mr. Scheller also stated that he has asked the Governor if he would sign such legislation should it be passed and the Governor assured him that he would.

Mr. Fred Allen representing the Kansas Association of Counties also spoke and urged support and passage of SB 108. His prepared testimony is herewith attached. (Attachment No. 1).

Mr. Ron Thornburg, Secretary of state's office, said there is a real need for this bill by the county clerks and that they had two county clerks present to discuss the bill further.

Donna Kaiser, Dickinson County Clerk/Election Officer supported the bill. Her testimony is attached. (Attachment No. 2).

Norene Staab, Shawnee County Election Commissioner, also spoke briefly and urged the committee to favorably recommend SB 108 for passage and thanked the committee for letting her appear to testify.

SB 124. Myrta Anderson explained the bill and said it was introduced by Senator Winter. The bill would clarify the procedure for filing by petition for district attorney.

Senator Winter appeared on behalf of his bill and stated that requiring a percentage of all electors places a considerable burden on anyone wishing to file for office by petition. Senator Winter said it was possible that a candidate could be legally precluded

because of only one of the individual remarks reported herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~xxx~~ p.m. on February 12, 1987

from filing by petition if the members of his party represented less than 5% of the total electors in the jurisdiction. Senator Winter passed out a letter from the office of District Attorney from Lawrence, Kansas. (Attachment No. 3).

SB 126. Myrta Anderson in explaining the bill said that the measure would clarify the role of political action committees in elections.

Senator Winter, sponsor of the bill, testified on behalf of his bill. Senator Winter passed out a copy of an Editorials Opinion on Pac Reform which appeared in the Wichita Eagle-Beacon. It was pointed out that this bill only sets a limitation on the total amount that a candidate can accept from PACS and the bill sets a limitation of not to exceed 50% of the aggregate of contributions accepted by a candidate from all sources. Senator Winter further pointed out that candidates should get support from individuals throughout the state. He did not want the public to feel powerless and thought it was necessary for the legislature to address these problems. In conclusion Senator Winter said he would not mind if the committee changed the figure from 100% to 150% but would like to have something passed out of committee that would improve the bill. (Attachment No. 4).

Earl Nehring representing Common Cause of Kansas spoke next in support of SB 126. (Attachment No. 5).

Rev. Richard Taylor representing the Kansas for Life at Its Best said he would like to see a campaign expenditure limit set - maybe at 10,000 or 5,000 - and then make it 25% for the political Action Committee's. He would prefer a maximum dollar and percentage point for the contributions.

Carol Williams, Kansas Public Disclosure Committee, said they had no position whatsoever on this issue, but said it is unconstitutional to place a limit on what a candidate can spend on a campaign.

Due to the lack of time the Chairman announced that the opponents to SB 126 would be heard at a future meeting.

SB 46. The Chairman said there was some interest by the members of the committee to reconsider their action on SB 46.

Senator Vidricksen moved that the committee reconsider its action on SB 46 and refer the bill back to committee. Senator Martin seconded the motion and the motion carried.

Senator Vidricksen stated that he has introduced SB 157 pertaining to complaints of violations concerning campaign finance and would like to have permission to introduce a committee bill as a companion to SB 157.

Senator Hoferer moved that the committee introduce a companion bill to SB 157. Senator Martin seconded the motion and the motion carried.

Meeting was adjourned at 2:30 p.m.

Guest list appears as (Attachment 6).

GUEST LIST

COMMITTEE: Election Senate

DATE: 2-12-87

NAME	ADDRESS	ORGANIZATION
May-kate Sullivan	5 Pittsburg KS Thomas	League of Women Voters
Liz Gavin	Bittsburg Ks 1709 S. Walnut	" " "
Nancy Potts	1707 S Walnut	" " "
Fred Allen	Topeka	Ks Assoc of Counties
Connie Stewart	P.O. Box 1455 Topeka, KS	Ks AFL-CIO
Bernice S. Todd	715 Forest Lawrence	Dgco Republican Party
Jim Clark	Topeka	Ks & DA Assoc
DICK TAYLOR	TOPEKA	LIFE AT BEST
Earl Nehring	Lawrence	Common Sense / KS
DAVE TOPLIKAR	Lawrence Seaward	Lawrence
Larry E Scheller	Leavenworth	Clerks
Dorothy Mae Kasper	Dickinson co	clerk
Ron E. Mundy	2 nd Flr Capital	505
Janet Meyer	Lawrence	League of Women Voters
Sue Huns	"	"
Sharon Price	Lawrence	League of Women Voters
Beano Woodyard	Lawrence	" " "
Russell Marsh	Seaward	" " "
Jana Atchison	Topeka	Ks. Public Disc. Comm.
Paul Williams	Topeka	Public Disclosure
Richard M Fisher Jr.	Lawrence	Sen Phil Martin's Aide
Karen L. McClain	Topeka	Ks. Assoc of Realtors

Pres Allen
①

Kansas Association of Counties

Serving Kansas Counties

212 S.W. SEVENTH STREET, TOPEKA, KANSAS 66603 PHONE 913 233-2271

February 12, 1987

To: Senate Elections Committee
From: Kansas Association of Counties
Re: S.B. 108

We wish to call to your attention that the 1987 County Platform in priority item Number twelve reads as follows:

PRECINCT OFFICERS - To keep election costs at a realistic level we propose that the term of office for Precinct Committeemen and Precinct Committeewomen be extended to four years to coincide with most other elective office .

We urge your support and passage of Senate Bill 108.

Thank you

Attachment No. 1
Senate Elections Committee
2-12-87

February 12, 1987

Senator Gordon & Members of the Committee:

I, am Donna Kaiser, Dickinson County Clerk/Election Officer, I am here in support of Senate Bill 108. I am among the smaller counties with a population of about 22,000, between 8,000 and 9,000 registered voters with 32 precincts. Under the present law each party has 64 committeemen and women's positions to fill every two years.

At the August 1986 election on the Democratic Party Ticket I had 6 people file for the position of a precinct committeeperson. I had one man elected on a write in vote of 5 votes in an Abilene City precinct with a voter registration of 743 and a party affiliation of 85. In precincts not in the commissioners district I sent out 16 totally blank ballots, 1 with 2 names on it and 2 with 1 name. In the precincts with a commissioners position there were no candidates for precinct committeepersons and none were elected by a write in.

The Republican Party is more active in my County and we have a vice-chairman that works to get party members filed. There were 36 precinct committeepersons filed and elected, which is 4 more than half, and 2 more were elected on a write in vote with 6 votes each. Even with more filing than the Democrats I sent out 10 blank ballots.

The minimum number of ballots we can send out to a polling place is 25 and I have several township with declared party affiliation of less than 10 voters. It is expensive to print ballots and they are not used. In addition to the cost of printing ballots it takes ballot envelopes and additional supplies to process these ballots, and the election boards have to look thru all these ballots for write ins which is additional time and expense. If precinct committeepeople were put on 4 year terms that coincide with the election of county and township officers it would make no difference if the positions were blank on the ballots because there would be no additional time and expense involved.

I have visited with the party chairmen's and they support the idea of 4 year terms, because it would save them the trouble of finding people to run every two years and if nobody is elected they wouldn't have to find appointments.

Thank you for your time.

Donna Mae Kaiser

P.S. It cost Dickinson County between \$250 & \$300 for the blank ballots and I do not have any records to show the additional cost of supplies and board workers time.

Attachment No. 2
Senate Elections Committee
2-12-87

3

OF. OF DISTRICT ATTORNEY

JUDICIAL & LAW ENFORCEMENT CENTER

111 E. 11th STREET • LAWRENCE, KS 66044

TELEPHONE 913-841-0211

CHILD SUPPORT DIVISION 913-841-7700 EXT. 315

JAMES E. FLORY
DISTRICT ATTORNEY

SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY, KANSAS

February 9, 1987

The Honorable Wint Winter, Jr.
Senator, Second District
State Capitol
Topeka, Kansas 66612

Re: Senate Bill No. 124

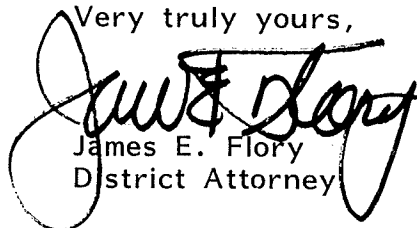
Dear Senator Wint:

Please accept this letter in support of Senate Bill No. 124 which amends the language of K.S.A. 22a-102 relating to petition requirements for District Attorney. As you are aware the existing statute requires a petition signed by 5% of all qualified electors, regardless of party affiliation or lack of party affiliation, who voted in the preceding general election.

Since the petition requires the person signing to acknowledge affiliation with a party and support for the particular candidate in the primary election, the clear intent of this procedure is to measure the party's support for a particular candidate. Requiring a percentage of all electors, while limiting to potential signators to a particular party, places a considerable burden on one attempting to file for office by petition. Additionally, as I indicated in our recent conversation, it is at least theoretically possible that a potential candidate could be legally precluded from filing by petition if the members of his or her party represented less than 5% of the total electors in the jurisdiction.

Thank you for proposing legislation to remedy this inequity and feel free to contact me if I can be of further assistance.

Very truly yours,



James E. Flory
District Attorney

JEF:ca

Attachment 3
Senate Elections Committee
2-12-87

Editorials/Opinion

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As We See It:

PAC Reform: Now More Than Ever

SEN. Lloyd Bentsen, D-Texas, was correct last week in saying he'd erred in agreeing to breakfast once a month with lobbyists willing to pony up \$10,000 apiece for the privilege. One only wishes Mr. Bentsen, chairman of the Senate Finance Committee, had had this epiphany before he agreed to this high-dollar breakfast club as a way to raise campaign funds.

Whoever chairs the Senate Finance Committee, after all, has considerable say in shaping tax and trade legislation, subjects of broad private-sector concern. It's a safe bet the 40 or so lobbyists' political action committees (PACs) that forked over the \$10,000 club dues — the maximum allowed under federal election law — weren't paying to bask in the light of Mr. Bentsen's personality. They were buying access to one of the Senate's most powerful members, in the hope of influencing him.

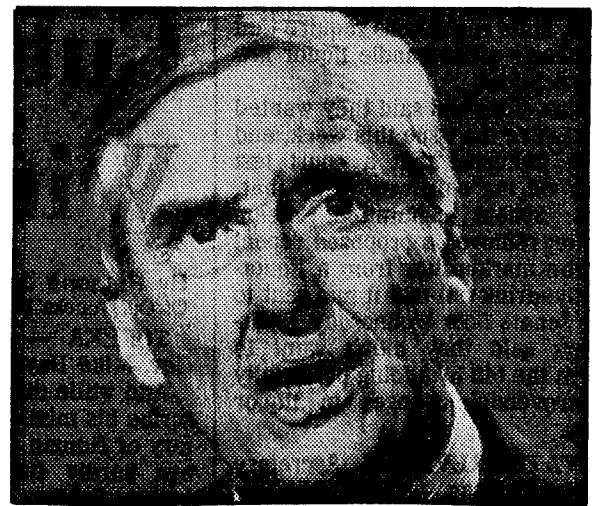
Making campaign contributions in return for a chance to shake a candidate's hand, or pass on a legislative wish list, isn't new. Every campaign season, the press and other political communication channels are filled with notices of so-much-a-plate dinners, and other kinds of fund-raisers. Regardless of contributors' motivations, though, all are constituents who want the candidate to get elected and are willing to contribute toward that goal.

The envisioned breakfast club strategy carries the logic of such gatherings to its cynical extreme. Those who would participate in such doings probably would be the first to insist they never would sell out the vast non-lobbyist majority of Americans to the few capable of enriching campaign war chests so handsomely. Most Americans, though, just don't believe that powerful members of Congress who solicit huge dona-

tions could come away from such meetings uninfluenced, and feeling unobligated.

The Bentsen incident has helped make Americans aware this type of access-peddling is common among senators — though none, apparently, has been as brazen as the Texas senator was about to be. That's why a bill to restrict PACs' campaign contributions severely, proposed last year by Sen. David Boren, D-Okla., deserves quick passage. It would be the best way to shore up Congress' credibility as a body responsible primarily to Americans whose "campaign" contributions are taxes. It would provide for some public financing of congressional campaigns. Most importantly, it would provide incentive for incumbents and their challengers to bring soaring campaign costs under control.

Some good yet could come of this outrageous affair, if it should prove to be the beginning of the end of the widespread belief that members of Congress are up for sale.



Associated Press

Sen. Bentsen: Cynical breakfast club funding



Statement in support of Senate Bill 126
presented to the Senate Committee on Elections
by Earl Nehring for Common Cause/Kansas

Rapid growth of the financial involvement of PACs in election campaigns has become a major political concern at both national and state levels of government. Congress currently is considering proposals to put dollar limits on total PAC contributions to individual campaigns. Many state legislatures are debating such legislation. Common Cause/Kansas shares this concern and supports efforts at all levels to achieve effective limits on political committee contributions.

In all cases a major concern is the power, real and potential, placed in the hands of PACs and the special interests they represent. Money can buy access and influence. Unfortunately PACs represent only segments of the many interests found in society. Thus PACs tend to distort the overall public interest and, as PAC money increases, public concern about the integrity of our political system grows.

It is quite true that PACs represent another way for individuals to contribute to political campaigns. But when individual giving is pooled into PAC funds something happens. The individual no longer decides who is to receive his or her contribution, judging the candidate's overall qualities for serving that contributor's varied interests. The decision instead is based on the PAC's narrow interest and is made by the PAC's leaders. That is a different ballgame.

To show that Kansas is not immune to these concerns, and why we believe action is needed, I would like to provide you some data drawn from the 1984 state legislative general election. (Tables on pages 3-4 contain the data.) A few comments are in order.

Senate members elected in 1984 received 39% of their total campaign contributions from in-state PACs. Nineteen of the 40 winners received 50% or more of their funds from these PACs. Note that the percentage dependence on PAC contributions varied little whether the winner was from a contested or an uncontested district. Rather more striking is the fact that incumbents running for reelection in 1984 got 49% of their funds from in-state PACs, while non-incumbents received just 24% of their funds from that source. Also--the 30 losing candidates received only 27% of their funds from in-state PACs.

In the House, members elected in 1984 received 56% of their total contributions from in-state PACs. Ninety-three of the 125 winners received 50% or more of their funds from in-state PACs. Uncontested House winners tend to get larger percentages of their funds from PACs than do those with contests on their hands. Incumbents in the House running for reelection averaged 60% of their money from in-state PACs, while non-incumbents received 37% from that source. Losing candidates in the House received 36% of their funds from in-state PACs.

It is quite clear that PAC money gravitates toward incumbents. That is not news. But the number of candidates depending on substantial PAC support certainly raises questions about the wisdom of allowing unchecked PAC contributions to continue.

There is a clear relationship between PAC contributions and contributions from individual citizens. (See table on page 5.) The more reliance on PAC contributions by candidates, the less likely they are to obtain individual contributions. Those Senators who received an average of 50% or more of their total contributions from in-state PACs received an average of only 17% of their contributions from individuals. In contrast, those Senators who received less than 50% of their 1984 contributions from in-state PACs received 42% of their funds from individuals. The difference is striking.

I would like to add one other thought. There is a surplus of PAC money at the national level. As the national government continues to shift responsibility for many policy programs to the states, there will be growing efforts by out-of-state organizations to influence state officials. Our development of parimutuel race betting and lotteries will undoubtedly attract even more out-of-state interests. Contributions from out-of-state organizations increased greatly from 1982 to 1984, and probably were even higher in 1986. The dollar totals of these contributions may not yet be significant, but they will be. We should be concerned now about limiting that development.

Common Cause/Kansas members realize it is much easier to get campaign funds from PACs than through asking for many small individual citizen contributions. And once PACs have provided enough funds for a campaign there is not much incentive to seek out individual contributions. If we want to maintain respect and support for our electoral and governmental system, however, it seems a wise move to take steps which can help citizens feel their participation carries some weight in the halls of government.

One step in the right direction would be to limit the amount of money PACs can give to individual candidates and encourage greater reliance on citizen and party financial support in elections.



In-state PAC Contributions
1984 General Election Candidates
Kansas Senate

	<u>Total amount</u>	<u>Percentage of candidates' total contributions</u>	<u>Average per candidate (rounded)</u>
<u>All winners (N=40)</u>	\$ 330,950	39.0 %	\$ 8,274.00
Rep. (N=24)	191,060	32.4	7961.00
Dem. (N=16)	139,890	54.4	8743.00
<u>Contested winners (N=30)</u>	294,390	39.5	9,813.00
Rep. (N=16)	161,150	32.2	10,072.00
Dem. (N=14)	133,240	54.5	9,517.00
<u>Uncontested winners (N= 10)</u>	36,560	35.5	3,656.00
Rep. (N=8)	29,910	33.3	3739.00
Dem. (N=2)	6,650	50.9	3325.00
<u>All losers (N= 30)</u>	94,243	27.0	3,141.00
Rep. (N=14)	22,538	16.7	1,734.00
Dem. (N=16)	71,705	33.7	4,482.00
<u>All incumbents (N=32)</u>	273,117	49.0	8,535.00
Rep. (N=18)	144,795	43.4	8,044.00
Dem. (N=14)	128,322	57.4	9,166.00
<u>All non-incumbents (N= 38)</u>	152,076	24.0	4,002.00
Rep. (N=20)	68,803	17.6	3,440.00
Dem. (N=18)	83,273	33.8	4,626.00
<u>Open seats (no incumbent)</u>			
All winners (N=8)	60,315	22.0	7,539.00
Rep. (N=5)	38,115	16.8	7,623.00
Dem. (N=3)	22,200	46.3	7,400.00
All losers (N=6)	15,748	27.8	2,625.00
Rep. (N=3)	6,278	27.1	2,093.00
Dem. (N=3)	9,470	28.2	3,157.00

(Source: Statistical Compilation of Campaign Finance Data from the 1984 Kansas Legislative Races, Kansas Public Disclosure Commission, December 18, 1985)



In-state PAC Contributions
1984 General Election Candidates
Kansas House of Representatives

	<u>Total amount</u>	<u>Percentage of candidates' total contributions</u>	<u>Average per candidate (rounded)</u>
<u>All winners (N=125)</u>	\$ 506,946	55.9 %	\$ 4056.00
Rep. (N=76)	300,594	50.8	3955.00
Dem. (N=49)	206,352	65.5	4211.00
<u>Contested winners:</u>			
(N= 78)	414,881	54.3	5319.00
Rep. (N=48)	246,524	48.4	5136.00
Dem. (N=30)	168,357	65.4	5612.00
<u>Uncontested winners</u>			
(N=47)	92,065	65.7	1959.00
Rep. (N=28)	54,070	65.3	1931.00
Dem. (N=19)	37,995	66.3	2000.00
<u>All losers (N=78) *</u>	139,123	35.7	1784.00
Rep. (N=29)	23,110	19.3	797.00
Dem. (N=46)	116,013	43.8	2522.00
<u>All incumbents (N=106)</u>	437,515	60.2	4128.00
Rep. (N=61)	246,779	55.9	4046.00
Dem. (N=45)	190,736	66.8	4239.00
<u>All non-incumbents *</u>			
(N=97)	208,554	36.6	2150.00
Rep. (N=44)	76,925	28.0	1748.00
Dem. (N=50)	131,629	44.7	2633.00
<u>Open seats (no incumbent)</u>			
<u>All winners(N=19)</u>	73,463	40.4	3866.00
Rep. winners(N=14)	50,460	34.6	3604.00
Dem. winners(N= 5)	23,003	64.2	4601.00
<u>All losers (N=19)</u>	45,520	38.4	2396.00
Rep. losers(N=5)	8,870	32.5	1774.00
Dem. losers(N=14)	36,650	40.1	2618.00

* In 3 districts, Libertarian candidates were the only opposition.

(Source: Statistical compilation of Campaign Finance Data from the 1984 Kansas Legislative Races, Kansas Public Disclosure Commission, December 18, 1985)

Contributions Data for Kansas Senators

(Compiled by Common Cause/Kansas from data
on 1984 legislative races reported by the
Kansas Public Disclosure Commission)*

	<u>Percentage of total contributions from source</u>	
	<u>Average</u>	<u>Range</u>
Senators receiving over 50% of total contributions from source indicated:		
In-state PACs (N=19)	65.7%	52.3 - 87.7%
In-state PACs and out-of-state organizations (N=24)	70.7	51.5 - 93.2
Senators receiving less than 50% of total contributions from source in- dicated:		
In-state PACs (N=21)	32.9	0 - 49.2
In-state PACs and out-of-state organizations (N=16)	34.6	0 - 49.0

Individual and unitemized contributions:		
For Senators receiving over 50% of total contributions from in- state PACs (N = 19)	17.4	4.1 - 35.3
For Senators receiving over 50% of total contributions from in- state PACs and out-of-state or- ganizations (N=24)	19.1	4.1 - 40.8
For Senators receiving less than 50% of total contributions from in-state PACs (N=21)	42.3	11.9 - 86.2
For Senators receiving less than 50% of total contributions from in-state PACs and out-of-state organizations (N=16)	47.6	24.6 - 86.2

* Source: Statistical Compilation of Campaign Finance Data from the 1984
Kansas Legislative Races, Kansas Public Disclosure Commission,
December 18, 1985.