

Approved 3-4-87
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 26, 1987 in room 522-S of the Capitol.

All members were present except: Senators Johnston and Vidricksen who were excused.

Committee staff present:

Myrta Anderson, Legislative Research Department
Theresa Kiernan, Revisor of Statute's Office
Phil Lowe, Committee Secretary

Conferees appearing before the committee:

Norene Staab, Assistant Election Commissioner, Shawnee County
Karen McClain, Kansas Association of Realtors

On motion of Senator Martin and second by Senator Reilly the minutes of February 25 were approved.

SB 160. Myrta Anderson in reviewing the bill said notwithstanding the fact that the provisions of the law may not have been fully complied with conducting a question submitted election and whenever the greater number of votes are in favor of a question submitted the question shall be deemed to have carried. Senator Hoferer said the bill was introduced at the request of the Shawnee County Election Commissioner's Office and that a representative from that office was here to testify in support of the bill and explain why the bill was requested.

Norene Staab the Assistant Election Commissioner testified in support of SB 160. The Commissioner said that K.S.A. 25-706 makes provisions for candidates and that they would like to see these provisions extended to cover question submitted elections. She further pointed out that some issues submitted to the voters are hotly contested and even a defeat at the polls by qualified electors is not enough to keep some individuals from trying to correct what they perceive as the erroneous judgment of the electorate by throwing out the results of an election on a technicality. It was further pointed out that their office would prefer to have a law as an assurance for that situation not to happen. (Attachment No. 1).

Committee discussion followed. It was the concensus of the committee that the word "informality" as it appears in line 23 of the bill should be further defined.

SB 126 - PAC contributions to candidates. The proponents to SB 126 appeared at the February 12 meeting but the committee did not have enough time at that meeting to hear the opponents.

Karen McClain on behalf of the Kansas Association of Realtors appeared to oppose SB 126. Her written testimony is attached. (Attachment 2).

Committee discussion followed as to whether to put a lid on PAC'S contributions, as to how to address the problem of campaign spending of candidates, and whether it would be in the interest of all to set a limit on campaign spending.

The meeting adjourned at 2:30 p.m.

Guest list appears as Attachment 3.



Shawnee County
Commissioner of Elections

JoAnna Mitchell
Election Commissioner
Norine Staab
Asst. Election Commissioner

Shawnee County Courthouse
Room B-12 • 200 E. 7th
Topeka, Kansas 66603-3972
(913) 295-4066

February 26, 1987

Senate Committee on Elections
State Capitol
Topeka, KS

RE: SB 160

Mr. Chairman and Members of the Committee:

K.S.A. 25-702 makes these provisions for candidates and we would like to see them extended to cover question submitted elections as well.

Some issues submitted to the voters are hotly contested and even a defeat at the polls by qualified electors is not enough to keep some individuals from trying to correct what they perceive as the erroneous judgement of the electorate by throwing out the results of an election on a technicality.

While we believe that the courts would be unlikely to throw out the results of an election on a minor technicality, we would prefer to have this assurance as a part of state law.

Sincerely,

A handwritten signature in cursive script that reads "JoAnna Mitchell".

Jo Anna Mitchell
Election Commissioner

Attachment No. 1
2-26-87
Senate Elections



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE SENATE ELECTIONS COMMITTEE
FROM: KAREN MCCLAIN, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: FEBRUARY 12, 1987
SUBJECT: SB 126, PAC CONTRIBUTIONS TO CANDIDATES

On behalf of the Kansas Association of REALTORS®, I appear today to oppose SB 126.

First, the Kansas Association of REALTORS® opposes any further limitation on amounts which political committees may contribute to a candidate. From the time the colonists put on warpaint and dumped the English tea into the Boston Harbor, they were affirming the natural inclination of Americans to band together to take political action. They organized a group of like-minded citizens to right what they felt was a political wrong.

Modern political action committees carry on the same concept. Political action committees are simply groups of citizens who organize to raise money to help elect or defeat candidates running for public office.

While the argument is presented that PACs reduce political participation, we see it from a different point of view. In our experience, PACs increase grassroots participation. More people in the real estate industry participate in the political process by participating in our political action committee. They participate because their political awareness about the impact of politics on their livelihood has been raised, and they want to have a say in that process.

We base our fundraising goals, not merely on raising money, but upon encouraging larger numbers of our members to participate. Our goal for this year, for

ample is to have 70% of our 10 members participate in RPAC. This means having people contribute who might not normally ever participate in the political process.

We also feel that political action committees help candidates get elected, who, without PAC contributions, would not have the financial capability to get elected. The cost and sophistication of campaigns is increasing, and the ability to run a campaign from only "grassroots" contributions is becoming more and more difficult, particularly in some of the depressed districts in the state. We feel that limitations such as those proposed here will prevent many citizens of the state of Kansas who are not independently wealthy from being able to run for elected office. The state of Kansas does not gain anything by narrowing the number of citizens who can run for public office.

We want to point out that, while a PAC may help a candidate to finance a campaign, a candidate must still meet their constituents and gain their respect and earn their vote. PACs do not cast the ballot on election day, individual voters do.

Finally, we still have a problem with how to carry out requirement of the bill. Those of us who must read the campaign finance laws and figure out how to abide by them will have a nightmare on their hands, as will, we are sure, the Public Disclosure Commission. On its face, it appears to say that, for example, in order for a candidate to accept a \$500 contribution from the REALTORS® Political Action Committee (RPAC), he or she will have to have collected \$1,000 from other, non-PAC contributions. (This is assuming that no other PAC contributions have been made, it becomes more complicated as more PACs contribute.) At what point will this "aggregate" be measured? At the time of our RPAC contribution, or at the end of the campaign? Campaign committees have ongoing expenditures that must be paid for. Will a candidate now have to wait until the end of the campaign, total all non-PAC contributions, divide that number by two, return any PAC contributions that exceed that 50% figure, and then pay the campaign bills?

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Though the intent of this bill may have been noble, its practical effects are devastating. Rather than increase "grassroots" political participation, we feel restrictions such as this will restrict and diminish political participation. Accordingly, we ask that you do not pass this bill.

*Att. 2
2/26/87
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