

Approved RLH

Date 3-15-88

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 Wednesday, March 2, 1988 in room 521-S of the Capitol.

All members were present except: Representative Roy, excused.

Committee staff present: Myrta Anderson, Legislative Research Department
Ron Thornburg, Secretary of State's Office
Mary Torrence, Revisor of Statute's Office
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Chairperson Harper called the meeting to order, and asked the committee for their concern on HB 2982, which is An Act relating to printing of ballots, requested by the office of the Secretary of State.

Representative Sawyer made a motion to recommend HB 2982 favorably for passage, and that it be placed on the Consent Calendar. Seconded by Representative Littlejohn. Motion carried.

Attention was called to HB 2886, An Act concerning state governmental ethics; relating to the administrators and executive directors of certain interstate compacts filing statements of substantial interest.

Representative Blumenthal moved to amend HB 2886 by striking on Line 50 everything after the word lottery. Seconded by Representative Amos. Motion carried.

Representative Blumenthal made a motion to recommend that HB 2886, as amended, be passed favorably from committee. Seconded by Representative Kline. Motion carried.

Chairperson Harper told committee members that the presidential preference primary bill would possibly be recommended for interim study.

Representative Foster made a motion to accept the minutes of the March 1, 1988, meeting as written. Seconded by Representative Flottman. Motion carried.

At this time a proposed Substitute for House Bill No. 2353 was passed to members by Mary Torrence, Revisor. This substitute bill would combine HB 2353 (carry-over from 1987 session), and HB 2837. After discussion of the proposed substitute, Representative Flottman made a motion that the dollar amount of \$500 on page 7, be raised to \$1000 for the primary and general election. Seconded by Representative Jenkins. A show-of-hands vote proved the motion carried, 8 for, and 7 opposing. Attachment #1.

Representative Baker made a motion to recommend that the Substitute for HB 2353, as amended, be passed from committee. Seconded by Representative King. Motion carried.

Representative Littlejohn asked to be recorded as voting no on the above motion for HB 2353.

The Chair now asked Mary Torrence, Revisor, to explain the amendment to HB 2893. Amendment was passed to members. This amended bill would incorporate HB 2893, by Representative Rolfs, HB 2896, and HB 2897, by Representative Hensley. Attachment 2.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Wednesday, March 2, 1988

Following a discussion period, Representative Littlejohn made a motion that the words "or other" be stricken on the proposed amendment to HB 2893. Seconded by Representative Shallenburger. Motion carried.

Representative Baker made a motion to adopt the amendment to HB 2893. Seconded by Representative Blumenthal. Motion carried.

Representative Baker made a motion to favorably pass HB 2893, as amended, from committee. Seconded by Representative Blumenthal. Motion carried.

Representatives Flottman and Littlejohn asked to be recorded as voting no on the motion to favorably pass bill from committee.

Meeting adjourned.

PROPOSED SUBSTITUTE FOR HOUSE BILL NO. 2353

By Committee on Elections

AN ACT concerning elections; relating to reporting of certain contributions and expenditures; prescribing penalties for violations; amending K.S.A. 25-901, 25-904 and 25-905 and repealing the existing sections.

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

New Section 1. (a) The league of Kansas municipalities, the Kansas association of school boards and the Kansas association of counties, and every other person receiving or expending and supported in whole or in part by public funds, who makes any contribution or expenditure designed to aid, promote or prevent the nomination or election of any person to public office, or in order to aid, promote or antagonize the interests of any political party, shall comply with the provisions of the campaign finance act in the same manner as a political committee.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 2. As used in this act, unless the context otherwise requires:

(a) "Candidate" means an individual who:

(1) Makes a public announcement of intention to seek nomination or election to county office;

(2) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election to any county office; or

(3) files a declaration or petition to become a candidate for county office.

(b) "Commission" means the Kansas public disclosure commission created by K.S.A. 25-4119a and amendments thereto.

(c) (1) "Contribution" means:

*Attm # 1
House Elections
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(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to county office;

(B) the payment, by any person other than a candidate, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign; or

(C) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in section 5;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event.

(d) "County office" has the meaning provided by K.S.A. 25-2505 and amendments thereto.

(e) "Election" means a primary or general election for county office.

(f) (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to county office;

(B) any contract to make an expenditure; or

(C) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in section 5;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected county officer with one or more individuals unless the primary purpose thereof is to influence the nomination or election of a candidate.

(g) "Party committee" means the state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated or the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated.

(h) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(i) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to support or oppose any candidate for county office, but not including any candidate committee or party committee.

(j) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a candidate for a candidate's campaign.

(k) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise funds for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

New Sec. 3. (a) Every person who receives a contribution for a candidate more than five days prior to the ending date of any period for which a report is required by section 4 shall, on demand of the candidate, or in any event on or before the ending date of the reporting period, remit the same and render to the candidate an account thereof, including the amount, the name and address of the person, if known, making the contribution and the date received.

(b) No candidate shall receive any contribution or other receipt from a party committee or political committee unless accompanied by the full name of the organization with which the political committee is connected or affiliated, a name or description sufficiently describing the affiliation or, if the political committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

New Sec. 4. (a) Every candidate, party committee or political committee shall file a report prescribed by this section in the office of the county election officer so that it is received by that office on or before each of the following days:

(1) The sixth day preceding the primary election, which report shall be for the period beginning on December 1 of the preceding election year for the office the candidate is seeking and ending 11 days before the primary election, inclusive;

(2) the sixth day preceding a general election, which report shall be for the period beginning 10 days before the primary election and ending 11 days before the general election, inclusive; and

(3) December 10 of an election year, which report shall be for the period beginning 10 days before the general election and ending on November 30, inclusive.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or

more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date and purpose of each and the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate if the contribution is in excess of \$50 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) A candidate shall be required to itemize, as provided in subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or

admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount.

(d) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

(e) If a report is sent to the office of the county election officer by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

New Sec. 5. All contributions and other receipts received and expenditures made from and including the December 1 following one general election date until and including the next ensuing primary election date shall be allocated to the primary election on such date. All contributions and other receipts received and expenditures made from midnight on the date of a primary election through and including the November 30 following the date of the next ensuing general election shall be allocated to the general election on such date.

New Sec. 6. Each candidate, party committee or political committee shall file a termination report with the county election officer which shall include full information as to the disposition of residual funds. Any report required by section 4 may be a termination report.

New Sec. 7. (a) The county election officer shall:

- (1) Furnish forms prescribed and provided by the commission for making reports required to be filed under this act; and
- (2) make such reports and statements available for public

inspection and copying during regular office hours.

(b) The commission shall prescribe and provide to each county election officer forms for making reports required to be filed under this act.

New Sec. 8. (a) No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another.

(b) No person shall give or accept any contribution in excess of \$10 unless the name and address of the contributor is made known to the individual receiving the contribution.

(c) The aggregate of contributions for which the name and address of the contributor is not reported under section 3 shall not exceed \$375.

(d) No person shall copy any name of a contributor from any report or statement filed under this act and use such name for any commercial purpose, and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report or statement filed under this act.

New Sec. 9. (a) Every candidate who intends to expend or have expended on such candidate's behalf an aggregate amount or value of less than \$500, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than \$500 in each the primary and the general election shall file, prior to the date that the first report for such year is required to be filed, an affidavit of such intent with the county election officer. No report required by section 4 shall be required to be filed by or for such candidate.

(b) Any candidate who has signed an affidavit pursuant to subsection (a) and who incurs expenses in excess of or receives contributions in excess of \$500, exclusive of such candidate's filing fee, for either the primary or the general election shall, within three days of the date when expenditures or contributions exceed such amount, file all past due reports and shall be

required to file all future reports on the dates required by section 4.

New Sec. 10. It is a class A misdemeanor to:

(a) Intentionally fail to file a report in the manner and at the time provided by section 4;

(b) intentionally make any false material statement in a report filed under section 4 or 9; or

(c) violate the provisions of section 8.

New Sec. 11. The commission upon its own initiative may, and upon the request of any individual to which this act applies shall, render an opinion in writing on questions concerning the interpretation of this act. Any person who acts in accordance with the provisions of such an opinion, shall be presumed to have complied with the provisions of this act. A copy of every opinion rendered by the commission shall be filed with the secretary of state, and any opinion so filed shall be open to public inspection. The secretary of state shall publish all opinions rendered under this section monthly and each such publication shall be cumulative. The secretary of state shall cause adequate copies of all filings under this section to be supplied to the state library.

Sec. 12. K.S.A. 25-901 is hereby amended to read as follows: 25-901. Every committee, club, organization, municipality or association designed to promote or engaged in promoting the success or defeat of any party or the election or defeat of any candidate or candidates for any city, school district, community junior college, or township ~~or~~ county office, or the adoption or defeat of any question submitted at any city, school district, community junior college, township or county election, shall have a treasurer, and shall cause to be kept a detailed account of all moneys or property or other thing of value received by it, and of the manner in which ~~the--same--shall~~ be it is expended, and shall file annually with the county election officer of the county in which such committee, club, organization or association has its headquarters a statement of

all its receipts and expenditures, showing in detail from whom said such moneys or property or other thing of value were received, to whom said such moneys or property or other thing of value were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof.

The annual statement herein required shall be filed on or before December 31, and such statement shall cover the period ending on December 1 immediately preceding. The accounts of the state committee of each political party shall be audited annually by a certified public accountant and a copy of the audit filed with the secretary of state.

This section and K.S.A. 25-905 and amendments thereto shall not be construed to require any committee, club, organization, municipality or association which is subject to the campaign finance act (K.S.A. 25-4101 et seq.) and amendments thereto to file the report previously required to be filed on or before December 31, 1974, covering the period ending December 1, 1974.

Sec. 13. K.S.A. 25-904 is hereby amended to read as follows: 25-904. It shall be the duty of every candidate for nomination or for election to any city, school district, community ~~junior~~ college, or township ~~or--county~~ office, within ~~thirty--(30)~~ 30 days after each primary, general or special election, to file with the county election officer, under oath, an itemized statement ~~under-oath~~ of all expenditures made by such candidate or obligations contracted or incurred by ~~him-or-her~~ such candidate in connection with each primary, general or special election. If no expenditures are made and no obligations are contracted or incurred by a candidate, the candidate shall file with the county election officer a statement to that effect.

Sec. 14. K.S.A. 25-905 is hereby amended to read as follows: 25-905. Every person who ~~shall-violate~~ violates any of the provisions of K.S.A. 25-903 or 25-904, ~~as--amended and amendments thereto~~, or who ~~shall-fail,-neglect-or--refuse~~ fails, neglects or refuses to comply with any of the provisions thereof,

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one--thousand dollars--(~~\$1,000~~) \$1,000. The conviction of any person of a violation of any of the provisions of K.S.A. 25-903,--as--amended, and amendments thereto shall at once vacate any office held by him such person, and such person shall be disqualified from holding any public office for a period of two (2) years. Provided, except that the penalties and forfeitures herein imposed shall not apply to candidates for city of the third class or township offices.

Upon the failure of any candidate for nomination or election to any city of the first or second class, school district, or community ~~junior~~ college,--county-or-state office, to file his a statement of expenses as provided in K.S.A. 25-904,--as--amended and amendments thereto, it shall be the duty of the officer with whom such statement should be filed, within ~~ten-(10)~~ 10 days from the expiration of the time for filing such statement and before any action is brought to enforce the penalties above provided, to notify such candidate that he the candidate has failed to file such statement,--and--in--ease. If such candidate files such statement within ~~ten-(10)~~ 10 days from the time of receiving such notice, and ~~such statement shows that he has not expended--a--sum greater than permitted by law,--then~~ the penalties and forfeitures herein provided shall not be imposed upon such candidates candidate unless such statement is shown to be untrue.

Sec. 15. K.S.A. 25-901, 25-904 and 25-905 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the Kansas register.

HOUSE BILL No. 2893

By Representative Rolfs

2-10

3-2-88
C. L. Rolfs
2

0017 AN ACT relating to elections; concerning political contributions
0018 and solicitations; prohibiting certain acts and providing pen-
0019 alties for violations.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. (a) It shall be unlawful for ~~a state officer or can-~~
0022 ~~didate for state office, or any person on behalf of such officer or~~
0023 ~~candidate,~~ to knowingly solicit any contribution from any em-
0024 ployee in the classified service under the Kansas civil service
0025 act.

0026 (b) ~~It shall be unlawful for an employee in the classified~~
0027 ~~service under the Kansas civil service act to make any contribu-~~
0028 ~~tion to or for the behalf of a state officer or candidate for state~~
0029 ~~office, if the person receiving such contribution is the employer~~
0030 ~~or employing authority of the person making the contribution.~~

0031 (c) Violation of this section is a class A misdemeanor.

0032 ~~(d) As used in this section:~~ (c)

0033 (1) "Candidate for state office" means an individual who:

0034 (A) Makes a public announcement of intention to seek nomi-
0035 nation or election to state office;

0036 (B) makes any expenditure or accepts any contribution for
0037 the purpose of influencing such person's nomination or election
0038 to state office; or

0039 (C) files a declaration or petition to become a candidate for
0040 state office.

0041 (2) "Contribution" means any advance, conveyance, deposit,
0042 distribution, gift, loan or payment of money or any other thing of
0043 value made for the purpose of influencing the nomination or
0044 election of any individual to state office.

0045 (3) "State office" and "state officer" have the meanings pro-

: (1) The governor or lieutenant governor or any candidate
for the office of governor or lieutenant governor, or any
person on behalf thereof

; (2) any person, candidate committee or political
committee or party committee knowingly to solicit any
contribution from, or mail or distribute any campaign
literature or advertising to, any employee in the classi-
fied service under the Kansas civil service act, at such
employee's place of state employment; or (3) any person
knowingly to sell, give or receive any list of names and
addresses of state officers and employees contained in
or derived from personnel or other records of the state
for the purpose of soliciting contributions from, or
mailing or distributing campaign literature or advertising
to, such officers and employees

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004 ~~and by K.S.A. 25-2505 and amendments thereto.~~
0017 Sec. 27 This act shall take effect and be in force from and
0048 after its publication in the statute book. 3

terms have the meanings provided by the campaign
finance act