

Approved 4-6-88  
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by Senator Gordon at  
Chairperson

8:00 a.m./~~p.m.~~ on March 30, 19 88 in room 522-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Theresa Kiernan, Revisor of Statutes' office  
Myrta Anderson, Legislative Research Department

Conferees appearing before the committee:

Ron Thornburgh, Secretary of State's office  
Representative Joan Adam, House of Representatives  
John Reinhart, Secretary of wtate's office  
Richard Smith, Westmoreland, Kansas  
Debra Smith, Westmoreland, Kansas  
Earl Nehring, Common Cause/Kansas  
Richard Funk, Kansas Association of School Boards  
Jim Kaup, Kansas League of Municipalities

The minutes of March 23, 1988 were approved by motion of Senator Martin and second by Senator Reilly.

HB 2886 - concerning state governmental ethics. Representative Adam appeared before the committee to testify on HB 2886 on a previous meeting and appeared again today to distribute copies of a balloon to HB 2886 which would eliminate the amendment by Representative Kerry Patrick which was amended into the bill by the House Committee of the Whole. Representative Adam stated that Mr. Patrick agreed to taking the amendment off the bill and that the balloon copy of the bill was satisfactory with him. (Attachment 1)

Ron Thornburgh, Secretary of State's office, stated that the only problem they had with the bill was the amendment that the House Committee of the Whole placed on the original bill and they do not now have a problem and that the balloon copy of the bill is very acceptable with them.

Senator Johnston moved to adopt the amended copy of HB 2886.  
Senator Norvell seconded the motion and the motion carried.

Senator Strick moved to recommend HB 2886 favorably for passage.  
Senator Reilly seconded the motion and the motion carried.

SB 721 - relating to terms of precinct committee people. The bill was heard on March 16 and committee discussion related to whether the 2-year term for precinct committee people should remain at a 2-year term or be increased to a 4-year term.

Senator Norvell moved and Senator Reilly seconded the motion that SB 721 should be reported back to the Senate with a favorable recommendation. Motion carried.

HB 2739 - relating to precinct boundaries. The committee held hearings on the bill at the March 16 meeting.

Senator Bond made the motion and Senator Reilly seconded the motion that HB 2739 be recommended favorably for passage. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections  
room 522-S, Statehouse, at 8:00 a.m./~~p.m.~~ on March 30, 1988

Substitute HB 2755 - concerns certain political advertisements. The committee held hearings on the bill at the March 23 meeting. Senator Martin moved and Senator Strict seconded the motion that Sub. HB 2755 be reported favorably for passage. Motion carried.

HB 2831 - relating to methods of becoming a primary election candidate. Hearings on the bill were held March 23 and Representative Heinemann appeared before the committee to testify. During committee discussion there was concern as to whether or not to extend the deadline to seven days for the paying of the filing fee after it has been determined that the filing by petition was invalid.

Senator Strict moved to recommend the bill unfavorably for passage. There was no second to Senator Strict's motion. The bill remains in committee.

HB 2778 - relating to federal services absentee ballots. Hearings on the bill were held at the March 16 committee meeting. Senator Reilly moved and Senator Hoferer seconded the motion that the bill be reported favorably for passage. Motion carried.

SB 582 - concerning presidential preference primary elections. Senator Vidricksen, Chairman of the subcommittee appointed to study the bill, said the subcommittee met and sent letters to 240 cities for their comments and suggestions as to the presidential preference primary. The response to these letter was very disappointing. Committee discussion followed. Senator Johnston moved and Senator Martin seconded the motion to favorably recommend SB 582 for passage. Senator Bond made a substitute motion to hold the bill in committee and ask for an interim study. Senator Hoferer seconded the motion. Division was called for and by a show of hands the substitute motion lost by a vote of 5 to 3. The original motion by Senator Johnston was voted on and the motion carried.

HB 2982 - relating to printing of ballots. John Reinhart from the Secretary of State's office distributed copies of his testimony in support of this bill (Attachment 2). He said the clerks association requested this bill after some clerks encountered problems in past elections with poorly printed ballots, late ballots and inaccurate ballots. The clerks believe that many of these problems would be eliminated by lifting the restrictions on publication of ballots. He stated further that the bill eliminates restrictions on who may print ballots and where the ballots may be printed. It also does away with the requirement that the secretary of state's office establish ballot rates by rules and regulations.

Richard Smith from Westmoreland, Kansas, appeared before the committee in opposition to HB 2982. Mr. Smith said he would like to see lines 23 thru 27 stricken which would allow the county clerk to have the printing of ballots outside of the county. He stated further that if this bill passes in its present form the larger printing houses would overtake the smaller printers.

Debra Smith also from Westmoreland, Kansas, also testified in regard to HB 2982 and agreed that it would take business away from small printers and hoped the committee would vote to keep county business within the county.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,  
room 522-S, Statehouse, at 8:00 ~~a.m.~~ p.m. on March 30, 1988

Patty Jaimes, Douglas County Clerk, was unable to attend the meeting but left her testimony with the committee to be distributed (Attachment 3).

Sub. 2353 - relates to reporting of certain contributions, expenditures and substantial interests by certain persons. Myrta Anderson gave a brief explanation of the bill.

Earl Nehring, Common Cause/Kansas, supported Sub. HB 2353 and distributed copies of his testimony. He said their organization supported the bill's provisions extending reporting requirement to county officers and county candidates and require the League of Municipalities, the Association of School Boards and the Association of Counties to report campaign spending which seeks to influence candidate elections. (Attachment 4).

Richard Funk, Kansas Association of School Boards, briefly commented on the bill and said the KASB opposes the provisions found in Sub. HB 2353. He further stated while they do not oppose the entire bill they would definitely want Sec. 1 removed from the bill since the KASB does not engage in any of the actions addressed in Section 1. (Attachment 5).

Jim Kaup, Kansas League of Municipalities, said the position of their League was one of indifference to Section 1. Mr. Kaup stated that they are not in the business of electing individuals or endorsing candidates in any way. He further stated that their league saw problems with section 2 but that they do not have a definite position on section 2. However, they would ask the committee to delay action on the bill until next year when the bill can be studied more thoroughly.

No further action was taken on Substitute 2353.

HB 2893 - relating to solicitation of campaign contributions and distribution of campaign literature was introduced in the House Elections Committee at the request of Representative Rolfs. Due to the lack of time and since no one appeared to be heard on the bill the committee took no action.

The meeting was adjourned.



[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1988

## HOUSE BILL No. 2886

By Representatives Adam, Brady, K. Campbell, Charlton, Gjerstad, Gross, Grotewiel, Harder, Hensley, Kennard, Larkin and Sebelius

2-10

0023 AN ACT concerning state governmental ethics; relating to the  
0024 administrators and executive directors of certain interstate  
0025 compacts filing ~~[requiring certain persons to file]~~ statements  
0026 of substantial interest; amending K.S.A. 46-247 and 46-280  
0027 and repealing the existing sections.

0028 *Be it enacted by the Legislature of the State of Kansas:*

0029 Section 1. K.S.A. 46-247 is hereby amended to read as fol-  
0030 lows: 46-247. The following individuals shall file written state-  
0031 ments of substantial interests, as provided in K.S.A. 46-248 to  
0032 46-252, inclusive, and amendments thereto:

0033 (a) Legislators and candidates for nomination or election to  
0034 the legislature;

0035 (b) individuals holding an elected office in the executive  
0036 branch of this state, and candidates for nomination or election to  
0037 any such office;

0038 (c) state officers, employees and members of boards, councils  
0039 and commissions under the jurisdiction of the head of any state  
0040 agency who are listed as designees by the head of a state agency  
0041 pursuant to K.S.A. 46-285, and amendments thereto;

0042 (d) individuals whose appointment to office is subject to  
0043 confirmation by the senate whether or not such individual is a  
0044 state officer or employee;

0045 (e) general counsels for state agencies irrespective of how  
0046 compensated;

0047 (f) *the administrator or executive director of the education*  
0048 *commission of the states, the interstate compact on agricultural*

relating to the administrators and executive  
directors of certain interstate compacts filing

Senate Elections  
March 30, 1988  
Attachment 1

0049 grain marketing, the Mo-Kan metropolitan development district  
0050 and agency compact, the Kansas City area transportation dis-  
0051 trict and authority compact, the midwest nuclear compact, the  
0052 central interstate low-level radioactive waste compact, the  
0053 multistate tax compact, the Kansas-Oklahoma Arkansas river  
0054 basin compact, the Kansas-Nebraska Big Blue river compact,  
0055 and the multistate lottery board of directors ~~and~~  
0056 ~~(g) city officers and county officers, and candidates for city or~~  
0057 ~~county office, as defined by K.S.A. 25-2505 and amendments~~  
0058 ~~thereto.~~

0059 Sec. 2. K.S.A. 46-280 is hereby amended to read as follows:  
0060 46-280. (a) The Kansas public disclosure commission shall send a  
0061 notice by registered or certified mail to any person failing to  
0062 register or to file any report or statement as required by K.S.A.  
0063 46-247, 46-265 or 46-268, and amendments thereto, within the  
0064 time period prescribed therefor. The notice shall state that the  
0065 required registration, report or statement had not been filed with  
0066 the office of secretary of state. The notice shall also state that  
0067 such person shall have five days from the date of receipt of such  
0068 notice to comply with the registration and reporting require-  
0069 ments before a civil penalty shall be imposed for each day that  
0070 the required documents remain unfiled. If such person fails to  
0071 comply within the five-day period, such person shall pay to the  
0072 state a civil penalty of \$10 per day for each day that such person  
0073 remains unregistered or that such report or statement remains  
0074 unfiled, except that no such civil penalty shall exceed \$300. The  
0075 Kansas public disclosure commission may waive, for good cause,  
0076 payment of any civil penalty imposed hereunder.

0077 (b) Civil penalties provided for by this section shall be paid  
0078 to the state treasurer, who shall deposit the same in the state  
0079 treasury to the credit of the state general fund.

0080 (c) (1) Except as provided in subsection (2), if a person fails  
0081 to pay a civil penalty provided for by this section, it shall be the  
0082 duty of the attorney general or county or district attorney to bring  
0083 an action to recover such civil penalty in the district court of the  
0084 county in which such person resides.

0085 (2) If a person required to file under subsection (f) of section

0086 *1 fails to pay a civil penalty provided for by this section, it shall*  
0087 *be the duty of the attorney general to bring an action to recover*  
0088 *such civil penalty in the district court of Shawnee County,*  
0089 *Kansas.*

0090 ~~[New Sec. 3. Persons holding a city office or county office, as~~  
0091 ~~defined by K.S.A. 25-2505 and amendments thereto, on the~~  
0092 ~~effective date of this act shall file, on or before January 1, 1989, a~~  
0093 ~~statement of substantial interest for each year that such person~~  
0094 ~~held such office before January 1, 1989.]~~

0095 Sec. 3 [4]. K.S.A. 46-247 and 46-280 are hereby repealed.

0096 Sec. 4 [5]. This act shall take effect and be in force from and  
0097 after its publication in the statute book.

Bill Graves  
Secretary of State



2nd Floor, State Capitol  
Topeka, KS 66612-1594  
(913) 296-2236

## STATE OF KANSAS

SENATE ELECTIONS COMMITTEE  
March 30, 1988

House Bill 2982

At the request of the Kansas County Clerks' Association, we are seeking to lift certain restrictions on ballot printing.

House Bill 2982 eliminates restrictions on who may print ballots and where the ballots may be printed. It also does away with the requirement that the secretary of state's office establish ballot rates by rules and regulations.

State law gives county clerks responsibility for the printing of ballots. This bill would give them that responsibility in fact as well as law, by allowing the clerk to arrange for the printing of ballots just as she would any other county purchase.

The clerks' association requested this bill after some clerks encountered problems in past elections with poorly printed ballots, late ballots and inaccurate ballots. The clerks believe that many of these problems would be eliminated by lifting the restrictions on publication of ballots.

*Senate Elections  
March 30, 1988  
Attachment 2*



I have submitted a letter from Morton County Clerk Ruby Bultman explaining difficulties that she has experienced with current law. I have also submitted a letter from the publisher of the Kinsley Mercury, indicating that he has no difficulties with the changes proposed in H.B. 2982.

COUNTY COMMISSIONERS  
DALLAS BRESSLER, Rolla  
J.B. ALEXANDER, Elkhart  
BOB BOALDIN, Elkhart



BOX 1116 Phone 697-2157

ELKHART, KANSAS 67950

The Board of County  
Commissioners Meet The  
First and Third Monday  
of Each Month

February 19, 1988

Office of Secretary of State  
2nd Floor, State Capitol  
Topeka, KS 66612-1594

Attn: John Reinhardt

RE: Printing of Ballots

K.S.A. 25-604(a): The county election officers shall have charge of the printing of the ballots for all elections. The county election officer shall let the contract for the printing of any such ballots to some newspaper printed in Kansas and published with the original entry of such newspaper in the mail in the county or to any printer within the county. . .(b) Ballots shall be in the possession of the county election officer at least five days before the election . . .

Morton County has the service of one newspaper and one retail office supply store.

I have been a county election officer since December, 1981.

In 1986, I had difficulty getting ballots printed in compliance with "ballots shall be in the possession of the CEO at least five days before election".

I will attempt to share with you the dates in the sequence of events preparing for the primary election August 5, 1986.

On June 27, I took to the printer the county ballot layout and names of candidates. On July 2, I took in the national and state layout with name rotation. I said I would appreciate having the ballots as early as possible. I expected the rough draft to be set in a week to ten days. I received the rough draft on July 17 (Friday), proofed them over the weekend, and returned them to the printer Monday July 21, and stated to the printer I hoped to get the ballots that week. I checked on July 28 and found nothing had been done. On July 29, the editor of the newspaper said they were waiting for plates to arrive by UPS, and did not know when they would do them. On the evening of July 30, I called the owner (and printer) at home; he said he didn't know I wanted them, and he would start printing the next morning. The first ballots were delivered at 10:00 a.m. Thursday, and all ballots were received by 4 p.m. Thursday, July 31.

I have documented these details for only one reason. More time is needed. An error on a ballot (caused by either the election officer or printer) would mandate a reprint.

Office of Secretary of State  
page 2

If ballots are accurate, but are not received until late in the day on Thursday, that leaves only one business day (Friday) for ballots to be sorted, counted, packaged, receipted, and made ready to issue to the election board supervisors on Monday.

I had provided the printer with all the information one month in advance, asking to work with the person who would be setting the type on the ballots. I had received the ballots only one business day before they were to be distributed to the election boards.

I have always started working with my printer early, and at least 75 per cent of the times have been concerned if I would receive the ballots when needed.

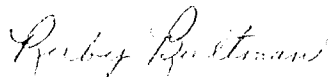
For the general election in November, 1986, I wanted to use a different printer. I checked with county clerks in adjoining counties for reference. I contacted a printer in Grant County and asked if he printed ballots. He said, "Yes, I like to do ballots, and we can make a profit on the state schedule. I would like to do your ballots."

I was advised I must print "in county". The retail office supply store in Elkhart takes orders for printing, so I asked them to provide me in writing a statement of what they do. Then, I asked the county attorney to define "printer" as per K.S.A. 25-604. By this method, I was able to contract for ballots with another printer and was billed through my office supply store.

Some firms like to be involved with and print ballots; some do not. Some counties have many sources of printing; others have only one. The responsibility of legitimate ballots falls on the county election officer. I feel that officer should use the county source of printing when the service and quality are acceptable, but should also have the authority to get ballots printed elsewhere, if necessary, for purposes of economy, accuracy, or time consideration. I feel ballots should be delivered to the election officer at least five business days before an election.

Thank you for your consideration.

Sincerely,



Ruby Bultman  
Morton County Clerk

rb

# The Kinsley Mercury

Box 39  
Kinsley, Ks. 67547  
(316) 659-2131

MIDWAY, U.S.A.

---

Bea Coats  
Edwards County Election Officer  
County Courthouse

Dear Bea,

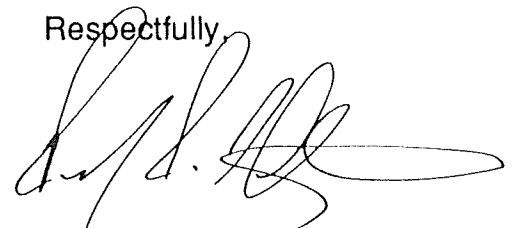
This letter is in reference to HB 2982, regarding the printing of election ballots in Kansas.

Speaking on behalf of myself, and not as a representative of the Kansas Press Assoc., I have no problem with passage of the bill with its proposed changes.

I feel it will correct the current ballot printing rate structure which is ridiculously low, but this will also mean a likely increase in the cost to county election officers. From a standpoint of rates, I think the bill will find support from most printers in Kansas.

The part of the bill likely to get the most negative reaction is the elimination of the requirement that clerks, or election officers, get their ballots printed within their county. While this requirement is no longer spelled out in the proposed bill, I would certainly hope that clerks continue to give their local printer (or newspaper) the option of printing ballots. In those instances where service has been unsatisfactory - and I feel those instances are rare - then the clerk should certainly have the option of looking outside their county for a printer which can provide ballot printing in a satisfactory manner.

Respectfully,



Rod Haxton  
Publisher,  
The Kinsley Mercury

COPY

March 30, 1988

TO: Senator Francis E. Gordon, Chairman, and members of  
Election Committee

FROM: Patty Jaimes, Douglas County Clerk-Election Official and  
Vice-Chairman of Kansas County Clerks' Election Committee

SUBJECT: H.B. 2982--Printing Ballots

The County Clerks' Association support H.B. 2982. We feel the elimination of the Secretary of State establishing rates will make the printing of ballots more efficient.

It would be very difficult for the Secretary of State to establish rates for the many counties throughout the state due to the many levels of economic conditions, also, there are different types of paper stock used to print ballots because of the several counties using optical scanner equipment.

It has been said that some printers do not put a high priority on ballot printing because of the lack of a reasonable margin of profit. Because of the low priority some Clerks do not receive their ballots in a timely manner.

*Attachment 3  
Senate Elections  
March 31, 1988*



COMMON CAUSE / KANSAS

701 Jackson, B-6  
Topeka, Kansas 66603  
(Phone: 913-235-3022)

March 30, 1988

Statement in support of Substitute House Bill 2353  
presented to the Senate Committee on Elections  
by Earl Nehring for Common Cause/Kansas

Common Cause/Kansas supported Substitute House Bill 2353 as it was reported out by the House Committee on Elections. At that time the bill contained the New Sections 1-11 and Sections 12-14. It did not contain Sections 15-18, which were added on the House floor.

We continue to support the bill provisions extending Campaign Finance Act reporting requirements to county officers and county candidates, and requiring the League of Municipalities, the Association of School Boards and the Association of Counties to report campaign spending which seeks to influence candidate elections. We are not sure that the latter provision accomplishes anything, since under present law such spending is to be reported if over \$100 in a year.

The important provision in the bill is the extension of the basic elements of the state campaign finance reporting statutes to elections for county offices in Kansas. We believe this is an important step toward achieving accountability at that level of government. Present statutes only require reporting election spending for local offices after the election is over. That serves little purpose. Voters want the information before an election when they are evaluating candidates. This bill would provide that essential element.

As the bill is written it is not clear who would be responsible for enforcing these new reporting requirements, how complaints and investigations would be handled, etc. This needs clarification if the bill is endorsed.

We support the principle of requiring statements of substantial interest from candidates for office and from officeholders and key employees. Since such statements already are legally required of local candidates and officeholders, but apparently without any

*Attachment 4  
Senate Elections  
March 30, 1988*

real enforcement of the law, we are not sure what Sections 15-18 will accomplish. Passage would result in two different sections of the statutes requiring essentially the same thing but with different administration and enforcement provisions. No one seems to know what enforcement workload would result.

Given the lateness in the session and the importance of the subject matter, we recommend that your committee consider requesting an interim study of the question of developing effective campaign finance reporting and conflict of interest laws for local government in Kansas.

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

TESTIMONY ON SUB. H.B. 2353

by

Richard S. Funk, Assistant Executive Director  
Kansas Association of School Boards

March 30, 1988

Mr. Chairman and members of the committee, we appreciate the opportunity to appear today on behalf of the 302 members of the Kansas Association of School Boards. KASB opposes the provisions found in Sub. H.B. 2353.

While we do not oppose the full bill we definitely want Section 1 removed from the bill. The Kansas Association of School Boards does not engage in any actions addressed in Section 1. We have established a legitimate political action committee, C.A.R.E., that complies fully with the Kansas Campaign Finance Act.

We would ask the committee to amend Sub. H.B. 2353. Specifically, we would ask to delete Section 1. If that is not possible, we would ask you to delay action on the bill until next year when its merits can be fully debated.

Thank you for your consideration.

*Attachment 5  
Senate Elections  
March 30, 1988*