

Approved 2-8-90
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Kenneth R. King at
Chairperson

9:00 a.m./p.m. on Tuesday, February 6, 19⁹⁰ in room 521-S of the Capitol.

All members were present except:

Committee staff present:

Pat Mah, Research
Arden Ensley, Revisor
Ellie Luthye, Secretary

Conferees appearing before the committee:

Carol William, Public Disclosure Commission
Michael Woolf, Common Cause

The House Election Committee was called to order by Chairman Kenneth King at 9:08 a.m. on Tuesday, February 6, 1990.

The minutes of the meeting on January 30th, 1990 were presented for approval. Representative Lucas made a motion the minutes be approved. Seconded by Representative Shallenburger. The motion carried.

The Chair then called on Arden Ensley, Revisor, who explained the changes that were recommended on HB 2725, an act amending the campaign finance act.

Carol William, Public Disclosure Commission, next appeared before the committee and gave testimony regarding the amendments and what each would do, stating many of the amendments were "clean up" measures due to the passage of Senate Substitute for House Bill 2359. (Attachment I)

She also asked for repeal of K.S.A. 25-904, which requires candidates in first class cities or a county, to file reports of their campaign expenditures 30 days after the primary and general election. Since this information would be included in reports filed in compliance with the Campaign Finance Act, this would be a duplication.

The committee next heard from Michael Woolf, Executive Director of Common Cause. He stated that HB 2725 proposed several changes which would make the reporting requirements for candidates running for local office much more clear, and that Common Cause supports this clarification. (Attachment II)

Written testimony was presented to the committee from James W. Parrish, Democratic State Chair indicating the restrictions imposed last year when the law was changed tended to weaken the political party system by imposing barriers to participation. He further stated the Kansas State Democratic Party fully supports the amendments contained in HB 2725. (Attachment III)

Rochelle Chronister, Republican State Chair, presented written testimony in support of HB 2725. She urged support in striking lines 28-41 in Sec. 8, (e) of HB 2725. (Attachment IV)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 a.m./p.m. on Tuesday, February 6, 1990

The Chair introduced HB 2904 for discussion and final action. Representative Shallenburger made a motion to pass HB 2704 favorably and place it on the Consent Calendar. This was seconded by Representative Wilbert. The motion carried.

HB 2706 was next presented for discussion and final action. Representative Shallenburger made a motion that HB 2706 be passed as amended. Representative Baker seconded and the motion passed unanimously.

There being no further business the Chair adjourned the meeting at 9:55 a.m.

The next meeting of the House Elections Committee will be Thursday, February 8th at 9:00 a.m.

STATE OF KANSAS



KANSAS PUBLIC DISCLOSURE COMMISSION

109 W. NINTH
TOPEKA, KANSAS 66612
PHONE: (913) 296-4219

Testimony Before House Elections Committee on House Bill 2725

By Carol Williams, Kansas Public Disclosure Commission

House Bill 2725 which is before you today would amend several sections of the Campaign Finance Act. Many of these amendments are "clean-up" measures due to the passage of Senate Substitute for House Bill 2359.

Senate Substitute for House Bill 2359, which became effective July 1, 1990 brought candidates for elective office in all counties and cities of the first class under the purvue of the Campaign Finance Act. In addition, the bill changed the due dates for the various receipts and expenditures reports and the time periods covered by these reports. Many other changes in the Act were also implemented with this bill.

The following explanations are offered for the sections of HB 2725:
Section 1 amends K.S.A. 25-4144. Under current law candidates for local office must file their Appointment of Treasurer or Candidate Committee forms with the Secretary of State. These forms are not filed locally. The new language in this section would require local candidates to file their Appointment of Treasurer forms with their county election officer instead of the Secretary of State's office.

Section 2 amends K.S.A. 25-4145. Under current law political action committees that support or oppose candidates for local office must file their Statements of Organization with the Secretary of State. The new

language would require local political committees to file their Statements of Organization with their county election officer rather than with the Secretary of State's office.

Section 3 amends K.S.A. 25-4146. Currently, when a treasurer for any candidate, party or political committees is removed, resigns, or is replaced, notification of the removal, resignation or replacement is made to the Secretary of State. The new language would provide that this notification be made to the county election officer when it concerns the removal, resignation or replacement of a treasurer for a local candidate or political committee.

Section 4 amends K.S.A. 25-4148. Under current law, reports filed by treasurers for statewide candidates are filed with the Secretary of State and with the candidate's home county election officer. The new language would require the reports filed on behalf of statewide candidates to be filed only with the Secretary of State. Since these candidates are elected statewide, there seems to be no advantage to a statewide candidate's report being filed in but one of the one hundred and five counties.

Section 5 amends K.S.A. 25-4149. Current law allocates the contributions received from and including December 1 following a general election through the next primary election date to the primary election period. January 1 is the first day receipts are recorded for the primary reporting period. Therefore, a treasurer will have to review the last report filed for the prior general election period to ascertain the contributors and the dollar amount of their contributions to be applied toward the upcoming primary election period. Since the reporting date cut-off for general election transactions is December 31, it seems appropriate that this also be the cut-off date for contribution allocations for the general election period.

January 1 will then become not only the beginning date for reporting purposes for the primary , but also the date contributions will be allocated to the primary election.

Section 6 amends K.S.A. 25-4150. This section, if enacted, would require persons making independent expenditures for the purpose of supporting or opposing a candidate to file a report with either the Secretary of State or county election officer, whichever is appropriate. Under current law, an individual making independent expenditures for the purpose of supporting or opposing a candidate for local office would file a report of his activity with the Secretary of State rather than the county election officer.

Section 7 amends K.S.A. 25-4152. This section pertains to the failure to file notices which the Commission sends to treasurers. The notices would state that the required report or statement has not been filed with either the Secretary of State, county election officer, or both. Current law provides that the notice state that the report or statement has not been filed with the Secretary of State. No mention is made to the lack of filing on the local level.

Section 8 amends K.S.A. 25-4153. The change recommended in this section is a policy change. Contribution limitations were placed on party committees with the passage of Senate Substitute for HB 2359. This bill would remove contribution limitations to the party committees in Kansas. Since this is a policy change, the Commission takes no position on this issue.

Section 9 amends K.S.A. 25-4156. This section pertains to the "paid for by" disclaimer which must be included on any paid political matter published in a newspaper or periodical, or broadcast on radio or TV. Since by definition "candidate" now includes candidates for elective office in a city of a first class or county, the word "local" has been added to this

section to require the same type of disclaimer to be used by local candidates.

Section 10 amends K.S.A. 25-4157. Current law requires all candidates and committees to file a termination report with the Secretary of State. The new language would require local candidates and the committees that support or oppose these candidates to file a termination report with the county election officer rather than the Secretary of State.

Section 11 amends K.S.A. 25-4158. The new language in this section would permit the county election officers to furnish forms, prescribed and provided by the Commission, to local candidates for filing. This section would also require the county election officer to make all reports and statements available for public inspection.

Section 12. No statutory change.

Section 13 amends K.S.A. 25-4172. The language change in K.S.A. 25-4172 is a recommendation made by the Commission in its 1989 Annual Report and Recommendations. The Commission feels that if a political party having a national organization does not file reports under federal law, it should be required to submit verified statements with contributions made in Kansas or register as a PAC in Kansas as stipulated in K.S.A. 25-4172.

Section 14 amends K.S.A. 25-4173. Under current law the first report filed in an election year is now the January 10 report. Affidavits of Exemption must be filed prior to the due dates of the first report in an election year. It is virtually impossible for a candidate to know whether he/she will be able to file an affidavit until after the June 10 filing deadline when the candidate knows if he/she will have opposition. Therefore, the new language will extend the affidavit filing deadline to nine days before the primary election. This is basically the same date the affidavits have

been filed over the past fourteen years.

Section 15 amends K.S.A. 25-4175. As with the above section, this would move the filing deadline for Affidavits of Exemption for Party and Political Committees from January 9 of an election year to nine days before the primary. In addition, affidavits for local political committees will be filed with the county election officer rather than the Secretary of State.

It has come to the Commission's attention that candidates for elective office in a city of the first class or a county must still comply with K.S.A. 25-904 as well as the Campaign Finance Act. K.S.A. 25-904 requires these candidates to file reports of their campaign expenditures 30 days after the primary and general election. Since the information will be included in reports filed in compliance with the Campaign Finance Act, we feel that the reporting requirement of K.S.A. 25-904 should be repealed for these candidates.



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

February 6, 1990

Statement on House Bill 2725
Presented to the House Committee on Elections
by Michael Woolf, Executive Director

Mr. Chairman and Members of the Committee;

My name is Michael Woolf, I am the Executive Director of Common Cause of Kansas which works for the enactment of laws that will increase the governmental ethics standards in our state and nation. Specifically we work in the areas of campaign finance, conflict of interest, lobbying laws and adequate enforcement provisions.

Last year we supported many of the provisions of the Campaign Finance Act reform bill, and last month we released a package of proposals that would improve the Act further.

House Bill 2725 proposes several changes which will make the reporting requirements for candidates running for local office much more clear, and we support this clarification.

The bill also eliminates the caps on the amount of money that political parties can receive from individuals and groups. When this provision was added to last years bill, Common Cause did not support, nor did we oppose it.

We recognize the reason that it was placed in the bill, political parties can be used to funnel money to candidates to get around the contribution limits. But our State Issues Committee and myself, recognize the need to have strong political parties, and this provision would make them weaker.

Last year, Common Cause conducted a campaign finance study for the House and Senate, and in both cases political parties were the only major category where challengers received more money than incumbents. If political parties are limited too severely, the fundraising gap enjoyed by incumbents over challengers may grow even wider.

Attachment II

Elections 2-6-90



James W. Parrish
State Chair

February 5, 1990

The Honorable Kenneth King, Chair
House Election Committee
State Capitol Building
Topeka, KS 66612

Re: House Bill #2725

Chairman King and Members of the Committee:

The Kansas State Democratic Party fully supports the amendments contained in House Bill #2725.

The restrictions imposed last year when the law was changed tend to weaken our political party system by imposing barriers to participation.

The Democratic Party fully understands and appreciates the legislature's intention last year to ensure there is full disclosure and full reporting. However, the new law is so restrictive that the party finds itself creating numerous political action committees (PACs) and implementing a number of unnecessary accounting and record keeping procedures in order to raise enough money to keep the party headquarters operating.

The strength of our system of political parties in Kansas will diminish if barriers to participation created by last year's amendments are not changed. This applies equally to the Democratic as well as the Republican Party.

Thank you for inviting the party to comment on this proposal and for your positive consideration of the bill before you.

Most sincerely,

James W. Parrish
Democratic State Chair

JWP:rjs

Attachment III

Elections 2-6-90



**The
Kansas
Republican
Party**

(913) 234-3416
214 West Sixth Topeka KS 66603

Rochelle Chronister
State Chairman
Lyle D. Pishny
Vice Chairman
Duane Nightingale
Treasurer
Janet Boisseau
Secretary

M E M O R A N D U M

TO: Representative Ken King, Chairman
House Elections Committee

FROM: Rochelle Chronister, ^{Rochelle} Chairman
Kansas Republican Party

DATE: February 5, 1990

Catherine E. Whitaker
Executive Director

I am writing on behalf of the Kansas Republican Party in support of HB 2725 which would remove the caps on contributions to political parties in Kansas.

It appears to me that the bill which was passed by the 1989 session went in the opposite direction from good public policy when it placed a lid on contributions to political parties, but no lid on contributions to a political action committee.

Political parties in Kansas are broad based and have a wide variety of interests which can be rejected if the electorate votes against a party's candidates.

Political action committees are frequently narrow in scope and may not reflect an interest in the best public policy, but only in reflecting their special interest. They are not normally influenced by a public vote.

Placing a \$1500 limit/person on party contributions by an individual for the three months of a general election and the 21 months until the next primary election does not allow a political party to use its resources wisely. Long-term capital outlay, planning, and staff retention can easily become a problem.

I urge your support for striking lines 28-41 in Sec. 8(e) of HB 2725.

Attachment IV

Elections 2-6-90