

Approved 2-5-91
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Tom Sawyer at
Chairperson

9:00 a.m./p.m. on Thursday, January 31, 1991 in room 521-S of the Capitol.

All members were present except: Representative King, excused

Committee staff present:

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

Conferees appearing before the committee:

Carol Williams, Public Disclosure Commission
Michael Woolf, Common Cause
Ron Thornburgh, Office of the Secretary of State

The House Elections Committee was called to order by Chairman Tom Sawyer at 9:10 a.m. on Thursday, January 31st, 1991.

The minutes of the meeting on January 29th were presented for approval. Representative McKechnie made a motion to accept these minutes, seconded by Representative Stephens and the motion carried.

The Chair called on Carol Williams, Public Disclosure Commission, to present testimony on the bills the Commission wished the committee to introduce. The Commission was interested in two bills at this time.

1. Each political action committee shall adopt a name which reflects the full name of the organization with which the PAC is connected or affiliated.
2. Equal access to advertise in the print media.

Representative Parkinson moved the committee introduce this legislation, seconded by Representative Love and the motion carried. (Attachment 1)

Michael Woolf, Common Cause, next appeared before the committee with a request for introduction of legislation concerning campaign expenditure limitations and public funding. Representative Parkinson made a motion the committee introduce this legislation, seconded by Representative Praeger and the motion carried. (Attachment 2)

The Chair then opened hearings on three bills which were introduced by the committee at the request of the Office of the Secretary of State and called on Ron Thornburgh to present this testimony.

HB 2068 would change the number of votes required by a write-in candidate in the primary election to gain access to the general election. (Attachment 3) He also presented the committee with a chart reflecting the difference between figuring the percentage of votes required at 5% and 10%. (Attachment 4) Representative Love requested the Secretary of State's office make a sampling of each of the districts represented by the committee members at both 5% and 10% before final action is taken on this bill. Hearings were then closed on HB 2068.

Hearings were opened on HB 2069. This bill changes the way nomination petitions for the office of Governor and recall petitions may be circulated. (Attachment 5) Following discussion the hearings on HB 2069 were closed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 a.m./p.m. on Thursday, January 31, 1991.

The committee was next presented testimony on HB 2071. This bill changes the number of days prior to an election that voter registration and party affiliation books must close. (Attachment 6) The conferee answered questions from the committee regarding this legislation afterwhitch the hearings were closed on HB 2071.

Representative Baker made a motion that a bill similar to the one introduced last session by Representatives Cates, Sawyer and Baker, addressing filing fees being returned to the party rather than going into the general fund, be introduced. This motion was seconded by Representatives Cates and the motion carried.

Chairman Sawyer made the announcement that, at the next meeting, final action would be taken on the three bills that were heard today and also a hearing on HB 2079. He also stated the Senate would be working on their own Ethics bill and so he would appoint three sub-committees from the House Elections Committee to develop a House bill. These sub-committees will be:

- 1) Conflict of Interest
- 2) Campaign Finance
- 3) Lobbying and Administration

He asked the committee members to let him know which sub-committee they would like to serve on. These appointments will be announced on Tuesday at the committee meeting.

The meeting was adjourned at 9:35 a.m.

The next meeting of the House Elections Committee will be Tuesday, February 5, 1991 at 9:00 a.m. in Room 521-S.

STATE OF KANSAS



KANSAS PUBLIC DISCLOSURE COMMISSION

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

Request For Introduction of Bills

The Kansas Public Disclosure Commission requests that the House Committee on Elections to consider the introduction of two bills concerning campaign finance. The Commission is directed by statute to make recommendations to the Governor and Legislature.

Currently political action committees may adopt names which are meaningless to disclosure. The public has no idea of the vested interest of many of the PACs. Although the candidate is supposed to report the PACs' affiliation or association, this is seldom done properly. To assure disclosure, we suggest that PACs be required to use meaningful names. We would suggest the following language:

Each political action committee shall adopt a name which reflects the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is connected or affiliated with any one organization, the trade, profession, or primary interest of the contributors to the political committee.

The Commission believes that every candidate should have equal access to advertise in the print media. Currently, a newspaper may accept advertising from one candidate and not the opponent. We would suggest the following language:

Every newspaper which accepts advertising from a candidate for state or local office shall permit all such candidates to purchase advertising space. The newspaper shall have the right to determine whether the copy is responsible.

House Elections Committee
1-31-91
Attachment 1



COMMON CAUSE / KANSAS

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

REQUEST FOR BILL INTRODUCTION

by Michael Woolf, Executive Director

Campaign Expenditure Limitation and Funding Act

Thank you Mr. Chairman and Members of the Committee for allowing me the opportunity to request the introduction of our Campaign Expenditure Limitation and Funding Act.

Last week when you received a briefing on the Select Commission's recommendations, there were several questions and concerns expressed, especially with respect to the proposed ban on PACs, Corporations, Unions, and Organizations from contributing to candidates.

Won't the special interest money still get into campaigns?
Will it cause people to avoid disclosure?
Is it constitutional?
Will it really reduce the amount spent on campaigns?
Won't it give an advantage to a wealthy candidate who can put money into his or her own campaign?

The Kansas Legislature passed the current Campaign Finance Act 17 years ago. While it may have served its purpose then, the political environment has changed dramatically since 1974, and I believe that we have outgrown it. In recent years, the Legislature has amended and modified the Act, but I don't believe that it can, or ever will, correct current real and perceived problems.

Until we place a limit on the total amount that can be spent on an election and offer a substitute for these special interest group contributions, we will continue to see the costs increase. Current law has failed to stop the escalating cost of campaigns; it has not leveled the playing field between wealthy incumbents and their poorer challengers, and it has not reduced the dominance of special interest group contributions. And as the law operates today, many citizens are discouraged from running for public office because they can't raise the money needed to defeat an incumbent.

Our proposal seeks to address problems and inequities. The Campaign Expenditure Limitation and Funding Act sets up a system where candidates for statewide and legislative office, who volunteer to participate, would be bound by an overall cap on the amount of money that they can spend on their campaign.

Participants would also be banned from accepting contributions from special interest groups, and these candidates would be subject to limits on the amount of money that they can contribute to their own campaign.

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Attachment 2

In return for agreeing to these limits, a qualifying candidate, with a viable opponent, would receive a grant from the Election Campaign Fund created by the Act. The money in the fund would come from a check-off program on Kansas income tax forms, similar to that on federal forms for the presidential campaigns, and also from direct legislative appropriations if necessary.

Mr. Chairman, I would be more than happy to go into as much or as little detail as the Committee desires on this proposal. However, the point that I would like to get across at this time is that 20 states currently have some form of partial public funding for elections and to the best of my knowledge the Kansas Legislature has never given serious study to such a proposal.

Thank you again for your time, and I would be happy to answer any questions that you might have.



COMMON CAUSE / KANSAS

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

Campaign Expenditure Limitation and Funding Act

AN ACT concerning elections; creating the election campaign fund.

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

Section 1. Title of Act. Section 1 to 16, inclusive, may be cited as the "campaign expenditure limitation and funding act".

Section 2. Definitions. The definitions in K.S.A. 25-4143 and amendments thereto, shall apply to this act. In addition, as used in the campaign expenditure limitation and funding act, unless the context otherwise requires:

(a) "Fund" means the election campaign fund.

(b) "Grant" means a contribution from the fund.

(c) "Legislative office" means members of the state house of representatives and state senate.

(d)(1) "Qualifying contribution" means: (A) a contribution contributed to a candidate or such candidate's candidate committee for statewide office in the amount of \$500 or less; or

(B) a contribution contributed to a candidate or such candidate's candidate committee for legislative office in the amount of \$100 or less; and

(C) a contribution by and from a qualified voter residing or registered to vote in the state of Kansas; and

(D) a contribution received on or after January 1 of an election year in which the recipient is a candidate for office.

(2) A qualifying contribution does not mean: (A) a loan, pledge, or in-kind contribution; or

(B) any contribution or contributions in which the aggregate amount contributed to a candidate and such candidate's candidate committee that exceeds the limits of Section 2(d)(1), subsections (A) or (B).

(e) "Receipt and expenditure report" means reports of accounts of all contributions and other receipts received and all expenditures made by or on behalf of the treasurer's candidate or committee as required under the campaign finance act.

(f) "Statewide office" means the state officers elected on a statewide basis.

Comment: This section ties the definitions in the Campaign Finance Act to the CELF Act and includes additional definitions which are specifically for the CELF Act.

Section 3. Report required of treasurer; when filed. In addition to the reporting requirements under K.S.A. 25-4148 and amendments thereto, every treasurer for a candidate or candidate committee for statewide office or legislative office shall file a receipt and expenditure report in the offices required by K.S.A. 25-4148 and amendments thereto so that it is received by such office(s) no later than the deadline for filing nomination petitions. Such report shall be for the period beginning January 1 of an election year and ending eight days before the deadline for filing nomination petitions and shall contain the same information as required by K.S.A. 25-4148.

Comment: The additional campaign finance report required under this section is necessary to give the Public Disclosure Commission the information it needs to determine whether a candidate is eligible for a grant from the fund. The additional report could be required by the section above or by amending K.S.A. 25-4148 to include the provisions of this section.

Section 4. Election Campaign Fund.

(a) Each individual filing an income tax return for any taxable year who has a state income tax liability or is entitled to an income tax refund or other payment from the department of revenue may designate an amount of \$3 (\$6 for individuals filing a joint return) to be deposited into the election campaign fund which is hereby established in the state treasury.

(b) Such designation shall not increase a taxpayer's liability or decrease a refund or other payment to the taxpayer from the department of revenue.

(c) The department of revenue shall place on the top one-third of the first page of all tax returns to be filed the following language:

ELECTION CAMPAIGN FUND	Do you want \$3 to go to this fund?	Yes	No
	If joint return, does your spouse want \$3 to go to this fund?	Yes	No

Note: Checking "Yes" will not increase your tax or reduce your refund.

(d) The director of taxation of the department of revenue shall determine annually the total amount designated for use in the Kansas election campaign fund pursuant to section 4(a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the election campaign fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Chair of the Kansas public disclosure commission or the chair's designee.

(e)(1) For each fiscal year which contains an election, the legislature shall appropriate from the state general fund, an amount sufficient to fully fund all candidates eligible to receive grants pursuant to this act from the election campaign fund.

(2) The commission shall provide the director of taxation of the department of revenue with a written estimate of the amount necessary to fully fund all eligible candidates no later than January 1 of any election year.

(3) If insufficient funds are appropriated by the legislature to pay such sums, the finance council, upon the request of the commission, shall transfer sufficient monies from the [appropriation for contingencies] to make all payments authorized by the provisions of the act.

 Comment: Section 4 establishes the Election Campaign Fund. The fund obtains its revenue from a \$3.00 checkoff on all Kansas income tax forms, which will not increase the taxpayers tax liability or reduce the individual's refund. Since the checkoff may not provide enough revenue to fully finance the fund, direct appropriations to the fund from the legislature are also provided for. Expenditures from the fund can only be made with vouchers approved by the chair of the commission or the chair's designee.

Section 5. Application and Withdrawal Procedures.

(a) Each candidate for statewide or legislative office shall file a statement of intent to accept or reject a grant from the election campaign fund. The statement shall be filed no later than the deadline for filing nomination petitions.

(b) A candidate who intends to accept a grant shall swear or affirm that the candidate and the candidate's authorized agent(s) have complied with and will continue to comply with all applicable contribution and expenditure limits at all times to which the limits apply to the candidate's candidacy for the office sought.

(c) A candidate who intends to accept a grant shall designate in the statement of intent whether the candidate will accept or reject a grant in either the primary or the general election. A candidate may designate both.

(d) A candidate may rescind the acceptance in the statement of intent:

(1) for a primary election grant no later than 15 calendar days after the deadline for filing nomination petitions; or

(2) for a general election grant no later than 15 calendar days after the date of the primary election.

Comment: When an individual becomes a candidate, either by filing nomination petitions or paying a filing fee, that candidate shall also file a statement of intent to accept or reject a grant. If the candidate intends to accept a grant, he or she shall swear to abide by all contribution and expenditure limits included in this act. A candidate may rescind his or her acceptance of the grant.

Section 6. Qualification Procedures.

(a) The commission shall approve the payment of a primary or a general election grant or both a primary election grant and a general election grant if an eligible candidate meets all of the following requirements:

(1) The candidate has filed a timely statement of intent to accept the grant.

(2) The candidate is certified to appear on the ballot for the election and office for which the grant is sought.

(3) The candidate is opposed by a candidate for the same office:

(A) who has qualified to receive a grant; or

(B) whose campaign finance reports or notification provided for in subsection (b) indicate that the opposing candidate has received, expended, or has cash on hand of at least 25% of the applicable expenditure limit.

(4) The financial reports filed by or on behalf of the candidate as of the date of qualification indicates that the candidate has received:

(A) in the case of candidates for statewide office, qualifying contributions equal to at least 5% of the expenditure limits; or

(B) in the case of candidates for legislative office, qualifying contributions equal to at least 10% of the expenditure limits and at least 80% of the aggregate qualifying contributions are from individuals whose residence, as defined in K.S.A. 25-407 and amendments thereto, is in the district the candidate seeks to represent.

(b) A candidate whose report indicates that the candidate has not received, expended, or has cash on hand of at least 25% of the applicable expenditure limit must notify the commission within 24 hours of the date in which the contribution(s) were received or expenditure(s) were made which caused the candidate to have received, expended, or have cash on hand of at least 25% of the applicable expenditure limit.

Comment: To qualify for a grant, an individual must be a viable candidate with a viable opponent. This is determined by how much money each has raised. A candidate for statewide office must raise 5% of the applicable expenditure limit in qualifying contributions. A legislative candidate must raise 10% of the applicable expenditure limit in qualifying contributions with 80% of those contributions coming from within the district. The candidate seeking a grant must also be opposed by a candidate who has qualified to receive a grant or has raised 25% of the applicable expenditure limit.

Section 7. Contribution Limits.

(a) A candidate filing a statement of intent to accept a grant shall not receive a contribution or contributions from the candidate's own funds that exceeds 200% of the amount an individual may contribute to a candidate for that office, or from those of the candidate's spouse that exceeds 200% of the amount an individual may contribute to a candidate for that office.

(b) A candidate filing a statement of intent to accept a grant

shall not receive a contribution or contributions from any committee, corporation, partnership, trust, organization, association, recognized political committee, or political committee other than a political party committee. If such contributions are received before the candidate files a statement of intent to accept a grant, the candidate must return such contributions to be eligible for a grant.

(c) A qualifying candidate filing a statement of intent to accept a grant may receive a primary election grant, a general election grant, or both a primary election grant and a general election grant equal to 65% of the applicable expenditure limit.

Comment: A candidate filing a statement of intent to accept a grant shall swear not to contribute more than 200% of the maximum amount an individual can contribute to his or her own campaign. This limit also applies to the candidate's spouse. Such candidate shall not accept contributions from any source other than the fund, individuals, a political party, or the candidate or the candidate's spouse. This section also sets the amount of the grant at 65% of the expenditure limit.

Section 8. Expenditure Limits.

(a) A candidate for office who files a statement of intent to accept a grant from the election campaign fund shall not make, nor shall a candidate's agent make, an expenditure or expenditures in excess of the following amounts:

(1) For the pair of candidates of governor and lieutenant governor, \$500,000 in the primary election and \$1,000,000 in the general election.

(2) For a candidate for attorney general, \$250,000 in the primary election and \$500,000 in the general election.

(3) For a candidate for other statewide offices, \$100,000 in the primary election and \$150,000 in the general election.

(4) For a candidate for state senator, \$25,000 in the primary election and \$25,000 in the general election.

(5) For a candidate for state representative, \$12,500 in the primary election and \$12,500 in the general election.

(b)(1) For purposes of the expenditure limits, an expenditure made before August 31 of the general election year shall be considered a primary election expenditure.

(2) An expenditure made from September 1 through December 31 of the general election year shall be considered a general election expenditure.

(3) Notwithstanding the provisions of subsections (1) and (2) above, in the event that payments are made, but the goods or services are not used during the period purchased, the payments shall be considered expenditures for the time period when they are used or during which benefit is derived from them. Payment for goods and services used in both time periods shall be prorated.

(c) A candidate filing a statement of intent to reject a grant from the election campaign fund may file an affidavit agreeing to voluntarily comply with the applicable contribution and expenditure limits no later than the deadline for filing nomination petitions. An affidavit filed under this section shall be binding unless rescinded:

(1) no later than 15 calendar days after the deadline for filing nomination petitions in the case of primary expenditure limits; or

(2) no later than 15 calendar days after the date of the primary election in the case of general election expenditure limits.

Comment: This section sets the expenditure limits for statewide and legislative candidates who accept a grant. It also allows a candidate who rejects a grant to voluntarily agree to abide by the contribution and expenditure limits.

Section 9. Supplemental Grants.

(a) If the commission determines that a candidate who is eligible to receive a grant is opposed by a candidate who has rejected a grant and has not voluntarily agreed to limit contributions and expenditures under section 8(c) above; then

(1) the candidate who is eligible to receive the grant is no longer bound by the applicable expenditure limit; and

(2)(A) in the case of a candidate for statewide office, the candidate who is eligible to receive the grant will also be eligible for an additional grant equal to 50% of the applicable grant amount; or

(B) in the case of a candidate for legislative office, the candidate who is eligible to receive the grant will also be eligible for an additional grant equal to 100% of the applicable grant amount.

(b) If aggregate independent expenditures are made in an amount

greater than 10% of the applicable expenditure limit in support of or in opposition to a candidate for that office, the candidate who is negatively affected by such expenditure and who is eligible to receive a grant, shall also be eligible for additional grant funds equal to the amount of such expenditure up to a maximum amount of 25% of the applicable expenditure limit for either the primary election or general election as appropriate. The expenditure limit for a candidate who receives this additional grant shall be raised in an amount equal to the amount of the additional grant.

Comment: Section 9(a) attempts to keep the playing field even between candidates who accept the grant and those who reject it. It also provides an incentive for candidates to participate in this voluntary system. It provides that if candidate "A" accepts a grant and is opposed by candidate "B" who rejects the grant and does not voluntarily agree to abide by the limits, then candidate "A" is eligible to receive an additional grant of 50% of the original grant for statewide office or 100% for legislative candidates.

Section 9(b) attempts to level the playing field when an outside group makes an independent expenditure in a campaign. This subsection provides that if aggregate independent expenditures are made which equal 10% of the expenditure limit, then the candidate who is negatively affected by such expenditure is eligible for an additional grant which matches the independent expenditure dollar for dollar up to a maximum of 25% of the expenditure limit.

Section 10. Determining Expenditure Limits. A candidate or campaign treasurer may exclude the following items when computing expenditure limits:

- (a) A contribution or contributions returned to the contributor.
- (b) Repayment of a loan to the campaign.
- (c) Expenses incurred as a direct result of an election recount.
- (d) A refund of a deposit paid.

Comment: Section 10 allows certain items to be excluded when computing expenditures.

Section 11. Disbursement of Funds.

- (a) The commission shall immediately review the:
 - (1) statements of intent;

(2) nomination petitions; and

(3) receipt and expenditure reports of candidates to determine the eligibility of candidates who have filed statements of intent to accept a grant.

(b) The commission shall certify whether a candidate is eligible to receive a primary election grant no later than 10 calendar days after the deadline for filing nomination petitions.

(c) The commission shall certify whether a candidate is eligible to receive a general election grant no later than 10 calendar days after the date of the primary election.

(d) A separate determination shall be made for a primary and a general election grant.

(e) The certification by the commission must indicate:

(1) whether a candidate is eligible to receive a grant; and

(2) the amount of the grant the candidate is eligible to receive.

(f) If a candidate who has filed a statement of intent to accept a grant is not eligible to receive a grant, the certification must:

(1) state the reasons why the candidate is not eligible to receive a grant; and

(2) what action, if any, the candidate may take to qualify for a grant.

(g) The commission shall immediately certify a candidate who becomes eligible after the dates in subsections (b) and (c) but before the date of the primary election or general election for which the funds are sought.

(h) Immediately after the commission certifies a candidate for a grant, the commission shall deliver a copy of such certification along with a voucher approved by the chair of the commission or the chair's designee to the department of revenue. Upon receipt of the certification and voucher, the department of revenue shall issue a check to the certified candidate or candidate committee for the amount indicated on the voucher. The department of revenue shall then deliver such check and certification to the treasurer of the certified candidate or candidate committee.

(i) A candidate may file a written request to review the determination of the commission no later than 5 calendar days after

such determination.

Comment: Requires the Public Disclosure Commission to make an early determination as to whether a candidate is eligible to receive a grant. If a candidate is not eligible, the commission must explain why and what the candidate can do to become eligible. After the candidate is certified to receive a grant, the commission will send a copy of the certification and a voucher for the amount of the grant to the Department of Revenue which will issue the check and send it along with the certification to the candidate's treasurer.

Section 12. Use of Grant Funds.

(a) All grants must be deposited in a bank account designated as the candidate's campaign fund by the treasurer of the candidate or the candidate's candidate committee.

(b) Grant funds may be expended only for one or more of the following:

(1) Purchase of services from a communications medium, including production costs.

(2) Printing, photography, graphic arts, or advertising.

(3) Office supplies.

(4) Postage and other commercial delivery services.

(5) Repayment of loans secured by a statement of intent to accept a grant pursuant to Section 16(b).

(c) Grant funds may not be expended, directly or indirectly, for the following items or services:

(1) Purchase of capital equipment.

(2) Purchase of computer software.

(3) Payment of fees for placement of political advertisements.

(4) Items or services otherwise prohibited under this act or the laws of this state.

Comment: Since public funds are involved, grant money can only be used for the legitimate campaign purposes spelled out in this section. These expenditures are intended to benefit the candidate's candidacy

and not the candidate personally.

Section 13. Return of Grant Funds.

(a)(1) Grant funds disbursed under this act remain the property of the state until disbursed for lawful campaign purposes.

(2) Grant funds that are unspent by a candidate on the eighth day preceding the general election for a primary election grant or January 10 of the year after the election year for a general election grant must revert to the state. A deposit or refund derived from grant funds that are received by a candidate after the eighth day preceding the general election for a primary election grant or January 10 of the year after the election year for a general election grant shall revert to the state. All reversions shall be returned to the department of revenue which shall deposit the money in the fund.

(b) Return of grant funds after the withdrawal date set forth in Section 5(d) does not remove applicable contribution and expenditure limits.

Comment: This section gives the state a vested interest in grant funds until they are spent for legitimate campaign purposes. Any unspent grant funds will revert back to the fund by the filing deadline of the next campaign finance report. If a candidate returns the grant funds after the withdrawal deadlines, he or she is still bound by the contribution and expenditure limits.

Section 14. Lawful Use of Grant Funds.

(a) A person shall not:

- (1) expend;
- (2) authorize the expenditure of; or

(3) incur an obligation to expend a grant;
for a purpose other than to advance the candidacy by lawful means of the specific candidate or candidates who qualify for the grant.

(b) A person shall not:

- (1) expend;
- (2) authorize the expenditure of; or
- (3) incur an obligation to expend a grant;

after the date of an election where the grant is returnable to the state under Section 13(a).

(c) A candidate shall not:

(1) expend;

(2) authorize the expenditure of; or

(3) incur an obligation to expend a grant;

if the candidate violates the pledge required under Section 5(b).

(d) Every report or statement made under the campaign expenditure limitation and funding act shall be made on forms prescribed by the commission, and contain substantially the following:

"I declare that this (report)(statement) including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the failure to file this document or filing a false document is a class A misdemeanor."

(Date)

(Signature)

Every report or statement shall be dated and signed by the treasurer.

Comment: Section 12 prohibits any person from spending grant funds except to advance the qualifying candidate's candidacy or from using grant money that should be returned to the state. It also prohibits a candidate from spending grant money if he or she has violated the pledge required under Section 5(b).

Section 15. Proof of Payment.

(a) The candidate or the candidate's treasurer shall deliver or transmit to the commission sufficient proof of payment of all disbursements made from grant funds no later than the eighth day preceding the general election for a primary grant and no later than January 10 of the year after the election for a general election grant.

(b) The commission shall determine what constitutes sufficient proof of payment.

(c) The commission may conduct a random audit of the accounts and records of a candidate filing a statement of intent to accept a grant.

Comment: Requires a candidate to provide the commission with sufficient proof of payment of grant funds to ensure that this money was used for its intended purposes.

Section 16. Miscellaneous Provisions.

(a) The Kansas public disclosure commission shall adopt rules and regulations for the administration of the campaign expenditure limitation and funding act.

(b) A candidate or a candidate's treasurer may use the candidate's statement of intent to accept a grant as security for a loan made for campaign purposes from a financial institution that ordinarily makes loans in the course of its business.

(c) To the extent that proceeds of a loan obtained under the provisions of (b) above are used for a purpose set forth in Section 12(b), repayment of such a loan may be made from grant funds.

Comment: Requires the commission to adopt rules and regulations necessary to administer the act. It also allows a candidate to use the statement of intent to accept a grant as security for a loan for the campaign. If the loan is used for allowable expenditures, the candidate can repay the loan with grant funds.

Section 17. Violation of any provision of the campaign expenditure limitation and funding act is a class A misdemeanor.

Section 18. This act shall take effect and be in force from and 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

TESTIMONY OF RON THORNBURGH
HOUSE ELECTIONS COMMITTEE
JANUARY 31, 1991

House Bill 2068

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

House Bill 2068 changes the number of votes required by a write-in candidate in the primary election to gain access to the general election.

This change is required because we cannot calculate the number of votes needed in some districts because of the Federal Block Boundary project and because of legislative reapportionment. Similar legislation was enacted last year for petition signature requirements.

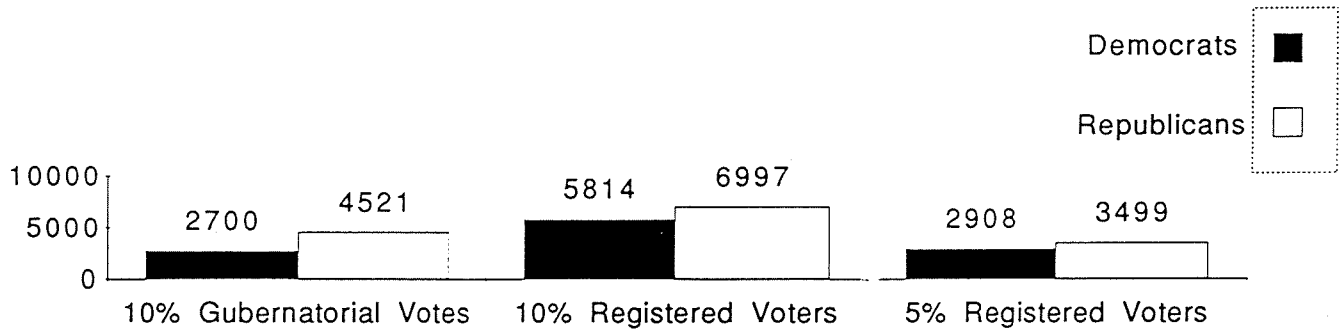
Under current law, a candidate must obtain votes equal in number to 10% of the votes cast for that party's candidates for the office of governor in the state, county or district in which the office is sought. This proposal would apply the percentage to reflect the number of registered voters rather than the number of votes cast for the office of Governor.

The attached sheet shows a sampling of how this change will affect the number required to obtain a write-in nomination.

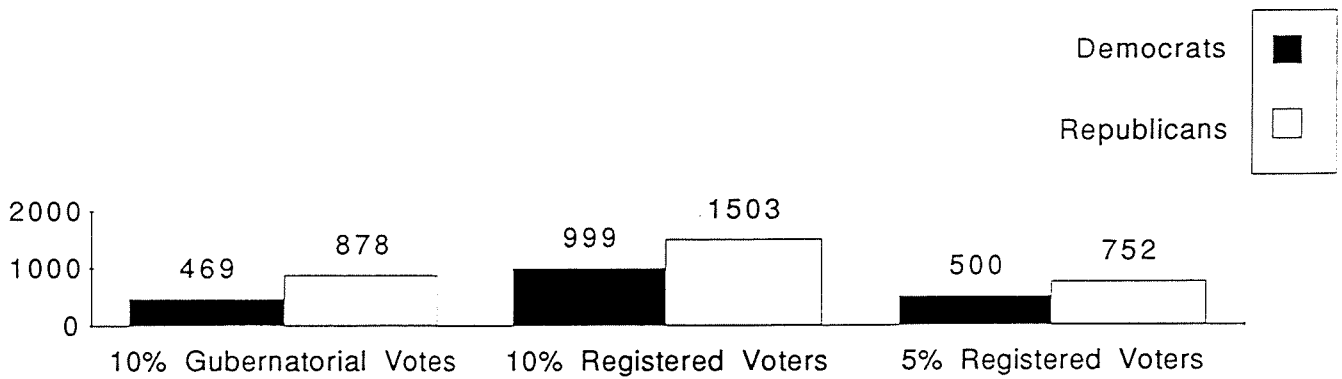
House Election Committee
1-31-91
Attachment 3

Primary Nomination by Write-in

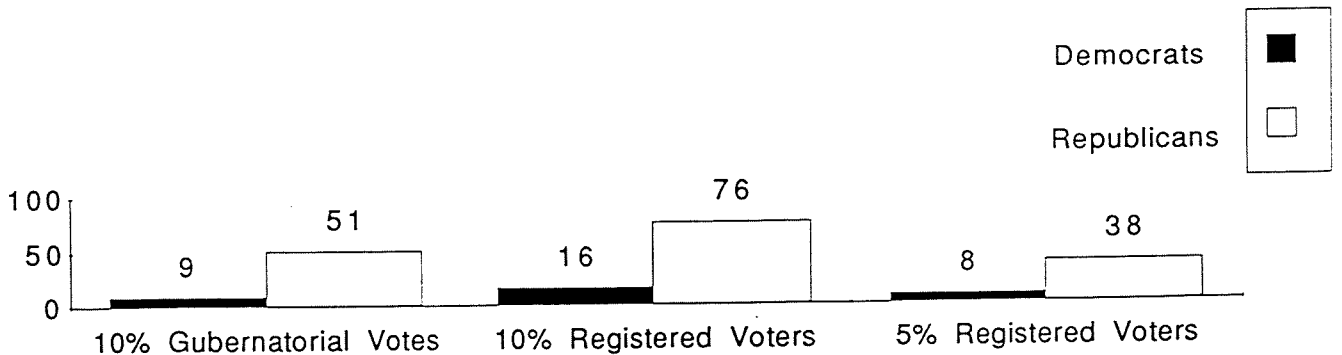
Sedgwick County



Douglas County



Wallace County



Bill Graves
Secretary of State



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Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

TESTIMONY OF RON THORNBURGH
HOUSE ELECTIONS COMMITTEE
JANUARY 31, 1991

House Bill 2069

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

House Bill 2069 changes the way nomination petitions for the office of Governor and recall petitions may be circulated.

Currently, petitions for Governor and recall are restricted to circulation by precinct. Legislation enacted in 1989 changed all other petition circulation requirements to allow them to be circulated throughout a county or election district. Petitions for Governor and recall were simply overlooked.

House Elections Committee
1-31-91
Attachment 5

Bill Graves
Secretary of State



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

STATE OF KANSAS

TESTIMONY OF RON THORNBURGH
HOUSE ELECTIONS COMMITTEE
JANUARY 31, 1991

House Bill 2071

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

House Bill 2071 changes the number of days prior to an election that voter registration and party affiliation books must close. Current law, prescribed last session, requires voter registration and party affiliation books to close 15 days prior to an election.

We are asking for to change the deadline to 14 days simply to avoid confusion among the voters as to the final day to register to vote. Because the 15th day prior to an election is a Sunday, many voter registration outposts were not available to register voters. By moving the deadline to the 14th day prior to an election, the last day to register will always be the second Monday prior to the election and most voter registration outposts will be open.