

Approved 4-3-92
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Sherman Jones at
Chairperson

9:10 a.m./p.m. on March 26, 1992 in room 521-S of the Capitol.

All members were present except:
Representative Bishop (excused)
Representative Cates (excused)

Committee staff present:
Pat Mah, Research
Arden Ensley, Revisor
Shirley Lee, Committee Secretary

Conferees appearing before the committee:

Joe de la Torre, Secretary of State
Carol Williams, Kansas Governmental Standards & Conduct
Representative Ed McKechnie
Arden Ensley, Revisor

Others attending: see attached list.

Chairman Jones opened the hearing for **SB 84** - Appointment of High School Students as Judges and Clerks of Election Boards. The purpose of the hearing was to make some changes to the bill.

Representative McKechnie appeared before the Committee. He stated last year the House passed the motor voter bill and sent it to the Senate, and the Senate is currently having some trouble with the bill. He provided a document (see attachment 1) to strike **SB 84** and replace it with the motor voter bill. Representative McKechnie made a motion to remove **SB 84** from the table. Representative Baker seconded the motion and the motion carried.

Representative made a motion to strike **SB 84** and replace it with the motor voter document. Representative Thompson seconded the motion and the motion carried. Representative McKechnie made a motion to pass the bill favorably as amended. Representative Baker seconded the motion and the motion carried.

Chairman Jones opened the hearing for **SB 569** - Authorizing One Candidate to Reimburse Another for Share of Campaign Cost.

Arden Ensley appeared before the Committee to explain the bill. He stated the bill would allow cooperative efforts between two candidates, which current law prohibits a candidate from contributing to another's campaign.

Carol Williams echoed Arden Ensley's statement.

Chairman Jones asked the position of Kansas Common Cause from Michael Woolf. He stated they were not at opposition.

Committee members addressed questions to Arden Ensley as it related to multiple candidates, and splitting campaign contributions.

There were no opponents and the hearing was closed.

Representative McKechnie made a motion to favorably pass the bill. Representative Cozine seconded the motion and the motion carried.

Chairman Jones informed the Committee that **HB 2867** had returned to the committee for an amendment.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections

room 521-S, Statehouse, at 9:10 a.m./p.m. on March 26, 1992

Arden Ensley appeared before the Committee to explain the bill. He stated the amended changes (see attachment 2).

~~Representative Macy made a motion to pass the bill favorably. Representative King seconded the motion. Representative McKechnie made a motion to adopt the balloon as amended. Representative Johnson seconded the motion. Representative Baker made a statement of opposition to the bill. A vote on the bill was made and the motion carried. Representatives Baker, Stephens and Love requested to be recorded as having voted "no."~~

Chairman Jones opened the floor for final action on **HB 3154** - Elections; Numbers of Signatures on Valid Petition.

~~Representative McKechnie made a motion to favorably pass the bill and put it on the consent calendar. Representative Thompson seconded the motion and the motion carried.~~

Chairman Jones opened the floor for further discussion on **HB 2325** - Blank Lines for Write-In Votes for Presidential Candidates.

Joe de la Torre appeared before the Committee. He stated it was necessary to include the Governor and Lieutenant Governor in Section 2.

~~Representative Macy made a motion to pass the bill favorably. Representative Shallenburger seconded the motion. Representative Shallenburger made a motion to amend the bill to include Governor and Lieutenant Governor in Section 2. Representative Thompson seconded the motion and the motion carried. A vote was made on the original bill as amended and the motion carried.~~

Chairman Jones brought to the attention of the Committee members **HR 5056** - Amendment of Article 2 of State Constitution Creating Unicameral Legislature. No action was taken.

Chairman Jones opened the floor for final action on **HB 2868** - Advertising Products as Gifts Under Governmental Ethics Law.

~~Representative McKechnie made a motion for favorable passage. Representative Macy seconded the motion. Representative McKechnie made a motion to conceptually amend the bill by reducing the gift amount to \$40. Representative Shallenburger seconded the motion and the motion carried. Representative King made a motion for amendment to put a limit on the cost for media usage. Representative Shallenburger seconded the motion. Through discussion, Representative King withdrew his motion and Representative Shallenburger followed. There were no objections.~~

~~Representative Love made a motion for amendment to reduce the gift amount to zero. Representative Stephens seconded the motion. Chairman Jones opposed and the motion failed. A vote was made on the original bill as amended for favorable passage and the motion carried. Representatives Stephens and Love requested to be recorded as having voted "no."~~

Chairman Jones opened the hearing for **SB 726**- Election Campaign Finance; Local Officers.

Arden Ensley appeared before the Committee to explain the purpose of the bill. He stated the bill would not change the law. Chairman Jones closed the hearing for final action to be taken.

~~Representative McKechnie made a motion to place the bill on the consent calendar. Representative Macy seconded the motion and the motion carried.~~

Chairman Jones brought before the Committee the minutes of March 3 and March 5, 1992. ~~Representative Shallenburger made a motion to approve the minutes. Representative King seconded the motion and the motion carried.~~

With no further business, the meeting was adjourned at 10:00 a.m.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Elections

Recommends that Senate Bill No. 84

"AN ACT relating to elections; concerning the appointment of judges and clerks of election boards; amending K.S.A. 25-2803 and repealing the existing section."

Be amended:

On page 1, by striking all of lines 13 to 43, inclusive;

On page 2, by striking all of lines 1 to 16, inclusive, and inserting in lieu thereof the following:

"Section 1. (a) An application for voter registration for elections shall be included as part of the application for any motor vehicle driver's license and nondriver identification card issued by the division of vehicles. An individual who completes the application for voter registration and is otherwise eligible shall be registered to vote in accordance with the information supplied by the individual.

(b) The voter registration section of the application:

(1) May require a second signature or other information that duplicates, or is in addition to, information in the driver's license or nondriver's identification card section of the application only if the duplicate or additional information is necessary for prevention of multiple registration of the same individual, for determination of eligibility to vote, or for administration of voter registration or other aspects of the election process;

(2) shall include a statement that specifies each eligibility requirement for voting, contains an attestation that the applicant meets each such requirement, including citizenship, and requires the signature of the applicant, under penalty of perjury; and

(3) shall be made available by the division of vehicles (as submitted by the applicant, or in machine-readable or other format) to the secretary of state and county election officers, as provided by rules and regulations adopted by the secretary of state.

(c) The motor vehicle driver's license and nondriver identification card form used for change of residence address shall also serve as a notification of change of residence address for voter registration for elections.

(d) The motor vehicle driver's license and nondriver identification card applications and change of address forms used shall be subject to approval by the secretary of state for purposes of voter registration under this section.

(e) Following the line fixed for the signature of the applicant on the application for voter registration, a statement shall be printed stating that voting without being qualified is a class A misdemeanor carrying penalties of not to exceed one year in jail or a fine of not to exceed \$2,500 or both such imprisonment and fine.

(f) The secretary of state is hereby authorized to adopt such rules and regulations in the manner prescribed by law as may be necessary for the administration of the provisions of this act.

Sec. 2. This act shall take effect and be in force from and after January 1, 1993, and its publication in the statute book.";

In the title, in line 8, by striking all after "concerning"; by striking all of lines 9 and 10 and inserting in lieu thereof "voter registration; providing that an application for voter registration be included as a part of the application for motor vehicle drivers' licenses and nondriver identification cards.";

And the bill be passed as amended.

Chairperson

HOUSE BILL No. 2867

By Committee on Elections

2-5

8 AN ACT relating to elections; concerning campaign finance; amend-
9 ing K.S.A. 1991 Supp. 25-4143 and repealing the existing section.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 1991 Supp. 25-4143 is hereby amended to read
13 as follows: 25-4143. As used in the campaign finance act, unless the
14 context otherwise requires:

15 (a) "Candidate" means an individual who: (1) Appoints a treasurer
16 or a candidate committee,

17 (2) makes a public announcement of intention to seek nomination
18 or election to state or local office,

19 (3) makes any expenditure or accepts any contribution for the
20 purpose of influencing such person's nomination or election to any
21 state or local office, or

22 (4) files a declaration or petition to become a candidate for state
23 or local office.

24 (b) "Candidate committee" means a committee appointed by a
25 candidate to receive contributions and make expenditures for the
26 candidate.

27 (c) "Commission" means the Kansas commission on governmental
28 standards and conduct created by K.S.A. 25-4119a and amendments
29 thereto.

30 (d) (1) "Contribution" means: (A) Any advance, conveyance, de-
31 posit, distribution, gift, loan or payment of money or any other thing
32 of value made for the purpose of influencing the nomination or
33 election of any individual to state or local office;

34 (B) a transfer of funds between any two or more candidate com-
35 mittees, party committees or political committees;

36 (C) the payment, by any person other than a candidate, candidate
37 committee, party committee or political committee, of compensation
38 to an individual for the personal services rendered without charge
39 to or for a candidate's campaign or to or for any such committee;

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

42 (2) "Contribution" does not include:

43 (A) The value of volunteer services provided without

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Attachment 2

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1 compensation;

2 (B) costs to a volunteer related to the rendering of volunteer
3 services not exceeding a fair market value of \$50 during an allocable
4 election period as provided in K.S.A. 25-4149 and amendments
5 thereto;

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

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

12 (3) *The amount or value of any "contribution" made at the time*
13 *of any testimonial event shall not include and shall be reduced by*
14 *the amount of any expenditures or expenditures made by the candidate*
15 *to any third party vendor for providing goods or services at such*
16 *testimonial event to the person making such contribution.*

a prorated share of

17 (e) "Election" means: (1) A primary or general election for state
18 or local office and (2) a convention or caucus of a political party held
19 to nominate a candidate for state or local office.

if such expenditures are made to the primary
third party vendor who provides all or the
greater portion of such goods and services

20 (f) (1) "Expenditure" means: (A) Any purchase, payment, distri-
21 bution, loan, advance, deposit or gift of money or any other thing
22 of value made for the purpose of influencing the nomination or
23 election of any individual to state or local office;

24 (B) any contract to make an expenditure;

25 (C) a transfer of funds between any two or more candidate com-
26 mittees, party committees or political committees;

27 (D) payment of a candidate's filing fees.

28 (2) "Expenditure" does not include:

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

31 (B) costs to a volunteer incidental to the rendering of volunteer
32 services not exceeding a fair market value of \$50 during an allocable
33 election period as provided in K.S.A. 25-4149 and amendments
34 thereto;

35 (C) payment by a candidate or candidate's spouse for personal
36 meals, lodging and travel by personal automobile of the candidate
37 or candidate's spouse while campaigning or payment of such costs
38 by the treasurer of a candidate or candidate committee;

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

42 (E) any communication by an incumbent elected state or local
43 officer with one or more individuals unless the primary purpose

1 thereof is to influence the nomination or election of a candidate.

2 (g) "Party committee" means the state committee of a political
3 party regulated by article 3 of chapter 25 of the Kansas Statutes
4 Annotated, or the county central committee or the state committee
5 of a political party regulated under article 38 of chapter 25 of the
6 Kansas Statutes Annotated or the bona fide national organization or
7 committee of those political parties regulated by the Kansas Statutes
8 Annotated, or not more than one political committee established by
9 the state committee of any such political party and designated as a
10 recognized political committee for the senate or not more than one
11 political committee established by the state committee of any such
12 political party and designated as a recognized political committee for
13 the house of representatives.

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

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

21 (j) "Receipt" means a contribution or any other money or thing
22 of value, but not including volunteer services provided without com-
23 pensation, received by a treasurer in the treasurer's official capacity.

24 (k) "State office" means any state office as defined in K.S.A. 25-
25 2505 and amendments thereto.

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

30 (m) "Treasurer" means a treasurer of a candidate or of a candidate
31 committee, a party committee or a political committee appointed
32 under the campaign finance act or a treasurer of a combination of
33 individuals or a person other than an individual which is subject to
34 paragraph (2) of subsection (a) of K.S.A. 25-4172 and amendments
35 thereto.

36 (n) "Local office" means an elective office of a city of the first
37 class, a unified school district having 35,000 or more pupils regularly
38 enrolled in the preceding school year, a county or of the board of
39 public utilities.

40 Sec. 2. K.S.A. 1991 Supp. 25-4143 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after
42 its publication in the Kansas register.

