

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on February 20, 1995 in Room 521-S of the Capitol.

All members were present except: Rep. Herman Dillon, Excused

Committee staff present: Carolyn Rampey, Legislative Research Department  
Dennis Hodgins, legislative Research Department  
Arden Ensley, Revisor of Statutes  
Donna Lutjohann, Committee Secretary

Conferees appearing before the committee: Rep. Britt Nichols  
Mark Tallman, KS Assn of School Boards

Others attending: See attached list

Chairman Dawson opened the public hearing on HB 2011 concerning the enactment of the campaign finance act.

Rep. Britt Nichols was recognized by the Chairman as the author of the bill. Rep. Nichols presented an overview of the bill emphasizing the intent is to close loopholes in the current law. See Attachment 1.

The Chairman recognized Mark Tallman as an opponent of the bill. He testified that KASB's belief is that the laws already exist. See Attachment 2.

Chairman Dawson closed the public hearing on HB 2011.

The Committee's attention was brought to HB 2148 regarding the placing of campaign contributions in interest bearing accounts. A balloon was made available which would require a checking account and exempt all accounts under \$5,000 from interest. Rep. Chronister made a motion to accept the balloon and amend the bill. It was seconded by Rep. Benlon. The motion carried.

Rep. Tanner made a motion to recommend favorable passage of the bill as amended. Rep. Gilbert seconded the motion. The motion carried.

Chairman Dawson brought the Committee's attention to HCR 5010 regarding the limiting of terms of Kansas senators and representatives. Rep. Cox made a motion to adopt the resolution. It was seconded by Rep. Toplikar.

Rep. Chronister made a substitute motion adding that an incumbent may petition, after 12 years, to remain on the ballot by acquiring 20% of voters's that voted in the secretary of state's last election. It was seconded by Rep. Benlon. The motion carried.

Rep. Cox made the motion to adopt the resolution as amended. It was seconded by Rep. Toplikar. Rep. Long made a motion to table the bill. It was seconded by Rep. Benlon. The motion failed. The motion to adopt the resolution as amended passed.

The Chairman brought the Committee's attention to HB 2088 regarding classified employees being allowed to run for office without having to terminate their jobs. The Committee held a discussion.

Rep. Findley made a motion to favorably pass the bill out of committee. It was seconded by Rep. Gilbert. The motion carried. Rep. Toplikar and Rep. Haley requested their vote be recorded as "NO".

The Chairman adjourned the meeting at 10:45 a.m.

The next meeting is scheduled for Tuesday, February 21, 1995, at 9:00 a.m. in Room 521-S of the Capitol.



**ELECTION FINANCE ACT**  
Is Co-Sponsored By  
State Representatives:

DAVID ADKINS  
CLAY AURAND  
JOHN BALLOU  
CAROL BEGGS  
GARRY BOSTON  
TOM BRADLEY  
TIM CARMODY  
ROCHELLE CHRONISTER  
DARLENE CORNFIELD  
LES DONOVAN  
JOHN EDMONDS  
CINDY EMPSON  
MIKE FARMER  
JOANN FLOWER  
CLIFF FRANKLIN  
JOANN FREEBORN  
FRED GATLIN  
GERALD GERINGER  
PHYLLIS GILMORE  
KENT GLASSCOCK  
CLYDE GRAEBER  
JILL GRANT  
DEENA HORST  
ANDREW HOWELL  
BECKY HUTCHINS  
ROBIN JENNISON  
JOE KEJR  
KENNETH KING  
PHILL KLINE  
BRENDA LANDWEHR  
DOUG LAWRENCE  
STEVE LLOYD  
WILLIAM MASON  
CARLOS MAYANS  
DOUG MAYS  
GARY MERRITT  
JIM MORRISON  
DON MYERS  
BRITT NICHOLS  
KAY O'CONNOR  
MIKE O'NEAL  
GREG PACKER  
TONY POWELL  
TED POWERS

More On Page 2

# **ELECTION FINANCE ACT**

February 20, 1995

## TESTIMONY BEFORE THE HOUSE GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE

### State Representative Britt Nichols

*Thank you for the opportunity to present HB2011 to you for your consideration and, hopefully, for your favorable action. I appear before you as a proponent of this much needed legislation. The substantial number of co-sponsors of HB2011 from large and small communities all across Kansas indicates the wide-spread desire for legislation to address election finance reform in issue elections.*

*The ELECTION FINANCE ACT, HB2011, creates a locally administered and virtually self-enforcing, first amendment and free speech neutral, pre-election campaign contribution and expenditure reporting system for all participants in all issue elections (excluding state constitutional amendment elections) and closes potential loopholes that have either permitted or, at least, has not prohibited the expenditure of tax dollars or resources in some candidate elections.*

*The ISSUE ELECTION campaign finance reform portion of the Election Finance Act is found in Sections 1 through 17 of HB2011. Those sections generally parallel the structure of the Campaign Finance Act that covers candidate elections such as state representative elections.*

- ◆ With the exception of individuals spending less than \$250 (who are exempt from all compliance and reporting requirements) and groups who file an affidavit that they intend to spend less than \$500 (similar to campaign finance spending reporting threshold), all persons, groups or entities who engage in election activity, are required to appoint a treasurer for keeping contribution and expenditure reporting records and for filing required reports.
- ◆ The reports required of the treasurer are to be filed 8 days prior to the election covered by the report for the period ending 10 days before the election together with a follow-up report which would be due on or before January 10 for the period from the preceding report to December 31.
- ◆ The reports are to be filed in the local election officer's office not in either the Secretary of State's office nor in the Commission on Government Standards and Conduct. There is no requirement placed on any agency to obtain or track the reports.

Continued:

ED PUGH  
TIM SHALLENBERGER  
TOM SLOAN  
VINCE SNOWBARGER  
DALE SWENSON  
RALPH TANNER  
BOB TOMLINSON  
JOHN TOPLIKAR  
JENE VICKERY  
SUSAN WAGLE  
SHERI WEBER  
KENNY WILK  
DENNIS WILSON  
DEE YOH

- ◆ If reports are not filed as required, any person, the county or district attorney or the attorney general may seek an order directing the report be filed. Failure to report is a misdemeanor and may subject the person failing to file to a civil penalty and to disqualification from seeking public office until the penalty is satisfied.
- ◆ The act expressly permits public agencies to permit use of public buildings and facilities on an equal basis as to time and cost to interested parties.

*To contrast the proposed Election Finance Act with current law, I would point out that under current election law, only some (but not all) of the participants in issue elections are required to report under any circumstance and those very few who actually bother to comply with current law are not required to file any informational report until December 31 following the election. From my research, most participants thumb their noses at current law by not reporting and none of those, as far as I have been able to determine, have been prosecuted for violating current reporting requirements. Additionally, by the simple expedient of claiming to run an "informational" campaign, without regard to whether the information is even true or accurate, anyone can avoid any reporting requirement under current law. As a result, issue elections are run against a murky backdrop where the sources, amounts and implied motives of the many people and entities that spend hundreds of thousand of dollars to influence local elections are rarely disclosed because those participants have no reporting obligation whatsoever (if they play by currently available rules) and have no campaign contribution or expenditure limitations of any kind - not even the court of public opinion.*

*The CANDIDATE ELECTION reforms in HB2011 are found in Sections 18, 19 and 20. Defining public agency to include any entity that uses public moneys and resources as a part of its budget, these sections ban the use of public funds, vehicles, machinery, inventory, equipment, resources, information, supplies or public records for the purpose of influencing the nomination or election of any candidate to state or local office. The loophole in current law that needs to be closed is that for many public agencies, the only limitation placed upon their participation in candidate elections is via spending authority limitations that are easily ignored.*

*In CONCLUSION, the Election Finance Act would bring issue election reporting requirements in line with what Kansas now requires for candidate elections without increasing administrative costs or burdens and would also close loopholes that permit public moneys and resources to be used in candidate elections. I hope that you can support adoption of HB2011.*

THANK YOU FOR YOUR TIME AND ATTENTION.

**Britt Nichols**





TO House Committee on Governmental Organizations and Elections  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: February 20, 1995

RE: Testimony on H.B. 2011

Madam Chair, Members of the Committee:

The Kansas Association of School Boards appears in opposition to H.B. 2011 for the following reasons:

1. Kansas law already prohibits school boards and their employees from using public resources to attempt to influence issue or candidate elections. We do not believe that further statutory language is necessary.
2. We believe that school boards have a positive duty to inform patrons about issue elections such as local option budgets and bond issues. Patrons already have access to information about public expenditures in this regard through the Kansas Open Records Act. Additional reporting requirements would simply add paperwork and red tape at a time when most people seem frustrated about the amount of paperwork that confronts educators.
3. Beyond these laws already imposed by the state, we believe that the democratic process at the local level is the best mechanism to address concerns about school district activities. The voters in every school district in Kansas have the opportunity to place a new majority on the board on April 4. Just as the state legislature has sought to reduce the scope of federal entanglement in state affairs, we believe the legislature should resist the temptation to expand its control over local decisions.

KASB would note that our Delegate Assembly has adopted a position in favor of bringing all school boards under the state campaign finance act. Currently, only candidates in U.S.D. 259 (Wichita) are subject to that act. Our only condition for supporting this change is that candidates who spend under a certain threshold can continue to file an affidavit and avoid the more extensive reporting requirements for candidates who spend above that amount.

Thank you for your consideration.