

MINUTES OF THE SENATE ELECTIONS, APPORTIONMENT & GOVERNMENTAL STANDARDS COMMITTEE.

The meeting was called to order by Chairperson Sen. Janice Hardenburger at 1:30 p.m. on January 17, 1995 in Room 529-S of the Capitol.

All members were present except: Senator Wisdom, Excused

Committee staff present: Dennis Hodgins, Legislative Research Department  
Arden Ensley, Revisor of Statutes  
Stacey Soldan, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Deputy Ass't Secretary of State, Elections and Legislative Matters, Secretary of State's Office  
Carol Williams, Executive Director, Commission of Governmental Standards & Conduct  
Elizabeth Ensley, Shawnee County Election Commissioner

Others attending: See attached list

Senator Hardenburger introduced Senator Stan Clark as a new member and Vice-Chair of the committee and Stacey Soldan as new secretary.

**REQUESTS FOR BILL INTRODUCTIONS**

Brad Bryant, Deputy Ass't Secretary of State, Elections and Legislative Matters (attachment 1) appeared before the committee requesting two bills. The first bill addressed **Absentee voting.**

Senator Mark Parkinson made a motion to introduce this bill. The motion was seconded by Senator Dick Bond. The motion carried.

The second request was an **Election Administration bill.**

Senator Mark Parkinson made a motion to introduce this bill. The motion was seconded by Senator Dick Bond. The motion carried.

Senator Dick Bond requested that the Secretary of State's Office look into off-year municipal elections, their timing, fairness and voter participation.

Carol Williams, Executive Director, Commission of Governmental Standards & Conduct, (attachment 2) requested the introduction of three bills on **Campaign Finance, Conflict of Interest and Contracts**

Senator Mark Parkinson made a motion to introduce all three bills. Senator Dick Bond seconded the motion. The motion carried.

Elizabeth Ensley, Shawnee County Election Commissioner, (attachment 3) requested the introduction of two bills; **Elimination of Rotation on Ballots;**

Senator Parkinson made a motion to introduce the bill. Senator Bond seconded the motion. The motion carried.

**Write-in Candidacy Affidavits;**

Senator Mark Parkinson made a motion to introduce the bill. Senator Bond seconded the motion. The motion carried.

The meeting adjourned at 2:10 p.m.

The next meeting is scheduled for January 19, 1995.



Ron Thornburgh  
Secretary of State



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300 S.W. 10th Ave.  
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## STATE OF KANSAS

### Senate Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards

Testimony by  
Brad Bryant, Deputy Assistant Secretary of State  
Elections and Legislative Matters

January 17, 1995

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before the committee. The office of the Secretary of State requests that this committee introduce two bills. The first bill is an absentee voting bill, and the second is an election administration bill.

#### Absentee Voting Bill

This bill will provide for no-excuse absentee voting, which would allow any registered voter to request an absentee ballot without having to declare a specific reason of absence, sickness or disability, or religious objection. The bill will also allow absentee voters to request and receive replacement absentee ballots if their originals are spoiled or lost, and it will allow county election officers some flexibility in the administration of absentee voting procedures.

#### Election Administration Bill

This bill will accomplish a number of things having to do with campaigns, election deadlines and voter registration. It will reduce confusion and contradiction in several deadlines involving the canvassing and recount of votes at the county level, sending abstracts to the Secretary of State, and the state canvass of election results. Also, the bill will clarify statutory language dealing with third party nominations and write-in nominations, as well as party conventions to nominate persons to fill vacancies in offices and candidacies.

Our office requests introduction of these two bills. Thank you.

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FAX (913) 291-3051

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SENATE ELECTIONS  
1-17-95  
Attachment 1

## COMMISSION RECOMMENDATIONS

The Commission is directed by statute to make recommendations to the Governor and Legislature. It recognizes that any major piece of legislation periodically needs revision, modification, and in some cases, major changes. To that end, the Commission makes the following recommendations:

### CAMPAIGN FINANCE PROVISIONS

1. The Commission believes that political brochures that are mailed or distributed should disclose the name of the person paying to have the information printed and distributed. Currently, K.S.A. 25-4156 defines corrupt political advertising as the failure to include a "paid for by" disclaimer on newspaper, radio and TV advertising. There is no provision which requires this same disclaimer to appear on brochures, flyers or other political fact sheets. Staff encountered many instances during the 1992 election year where it was difficult to determine who had paid for a mailing which was intended to aid or defeat a candidate for state or local office. Several candidates called the Commission to inquire who had paid for mailings on their behalf or in opposition to their campaigns. When a mailing is not paid from the campaign funds of a candidate and the cost of the mailing is in excess of \$100, the person paying for the mailing has a responsibility to file a report under K.S.A. 25-4150. Amending K.S.A. 25-4156 to require the same "paid for by" disclaimer on brochures would dramatically cut down on the time staff has to spend determining who paid for these independent mailings. The added advantage would be that the public would know who is paying for political brochures and fact sheets they receive at home.

2. \* The Commission believes that any individual who has a civil penalty assessed against him or her who fails to pay such penalty should be precluded from filing for state or local office until such time as the civil penalty is paid in full. Current law prohibits an individual from filing for office if he or she has not paid a civil fine which has been assessed. The Commission rarely assesses civil fines but it routinely assesses civil penalties for the late filing of receipts and expenditures reports. Subsection (b) of K.S.A. 25-4181 should be amended to state "No individual who has failed to pay any civil penalty or civil fine assessed, or failed to file any report required to be filed, under the campaign finance act, unless such penalty or fine has been waived or is under appeal, shall be eligible to become a candidate for state office or local office under the laws of the state until such penalty or fine has been paid or such report has been filed or both such penalty or fine has been paid and such report filed.

### STATE CONFLICT OF INTERESTS PROVISIONS

1. In 1993, K.S.A. 46-241, which prohibits the disclosure of or use of confidential information by a state officer or employee, was included in the criminal penalty section. When this section was amended the word "to" was inadvertently deleted from "46-240 to 46-242", thereby deleting the criminal

penalty for 46-241 in K.S.A. 46-276. The Commission recommends that, once again, K.S.A. 46-241 be included in the criminal penalty provision.

2. Since the term candidate is used throughout the State Governmental Ethics Laws, the Commission believes the word candidate should be defined. The Commission recommends the term candidate, as defined in the Campaign Finance Act be added to the definition section of the State Governmental Ethics Laws. "Candidate" means an individual who (a) appoints a treasurer or a candidate committee, (b) makes a public announcement of intention to seek nomination or election to state office, (c) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election to any state office, or (d) files a declaration or petition to become a candidate for state office".

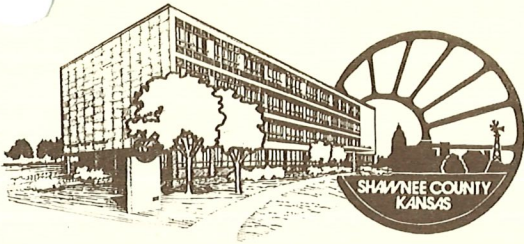
3. Under current law, a state employee may contract with a business in which he or she actually holds a substantial interest. Due to the current definition of substantial interest, an individual holds a substantial interest if he or she received compensation in the preceding calendar year. Therefore, if an individual did not receive compensation in a prior year, but is receiving compensation during the current year from a business he or she contracts with as a state employee, no substantial interest exists and the action would be permitted. A current Commission proceeding has brought this problem to light. To correct this situation, K.S.A. 46-233 should be amended as follows: "(a) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business. Substantial interest means 'substantial interest' as defined by K.S.A. 46-229, and any such interest held within the preceding twelve months of the act or event of participating in the preparation of making of a contract.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee..."

4. The Commission feels that any candidate who has been elected to state office but not yet been sworn in, should be included with other state officers, employees, and candidates for state office in two provisions of the State Governmental Ethics Laws, specifically K.S.A. 46-236 (solicitations which are prohibited), and K.S.A. 46-237 (limitations on gifts). K.S.A. 46-236 would be amended to state "No state officer or employee, candidate, for state office, or state officer elect shall solicit

any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate, or **state officer elect** knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate, or **state office elect...**" K.S.A. 46-237 would be amended to state "(a) No state officer or employee, candidate for state office, or **state officer elect** shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties..."





## Shawnee County Commissioner of Elections

Elizabeth Ensley  
Election Commissioner  
Norine Staab  
Asst. Election Commissioner

911 S.W. 37th, Suite A  
Topeka, Kansas 66611-2378  
(913) 266-0285

DATE: January 17, 1995

TO: Senator Janice Hardenburger, Chairman  
Senate Elections, Congressional and Legislative  
Apportionment and Governmental Standards Committee

FROM: Elizabeth Ensley, Elections Comm. Chairman  
County Clerks' Association *EE*

RE: 1995 Proposed Legislation

The Kansas County Clerks' Association is always interested in the fair and equitable administration of elections. Therefore, the Elections Committee voted to request the introduction of legislation in the following areas:

**ELIMINATION OF ROTATION** - Rotation is an unnecessary and expensive complication for any election. The elimination of rotation would reduce the chance of leaving a name off a ballot or even misspelling names. It would even help candidates in a long list to be able to tell voters where to find them on the ballot.

We suggest that the Secretary of State determine the order names are placed on the ballot once every two years by pulling letters from a container. This would also standardize the way each county handles candidates names.

**WRITE-IN CANDIDACY AFFIDAVITS** - Candidacy affidavits should be required for all write-in candidates for national, state, county offices and for candidates for cities of the first class.

This expands current law which is just for statewide offices. The purpose is to provide equal accountability on the part of all candidates for major offices to the public, the media and the Kansas Commission on Governmental Standards and Conduct.

Thank you for your time and consideration.

SENATE ELECTIONS  
1-17-95  
Attachment 3