

Approved: 2-15-95
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT & GOVERNMENTAL STANDARDS .

The meeting was called to order by Vice-Chairperson Sen. Stan Clark at 1:30 p.m. on February 13, 1995 in Room 529-S of the Capitol.

All members were present except: Senator Hardenburger, Excused
Senator Parkinson, Excused
Senator Brady, Excused

Others attending: See attached list

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

Conferees appearing before the committee:

Senator Clark, Vice- Chairperson, requested approval of the minutes from February 7, 1995.

Senator Bond made the motion and was seconded by Senator Wisdom. The Motion carried.

Senator Clark requested introduction of new bills. Senator Tillotson passed out a bill brief allowing campaign contributions from individuals only, except for national political party committees (attachment 1). Discussion followed.

Senator Bond made the motion and it was seconded by Senator Ranson to introduce the bill. The motion carried.

Senator Clark requested a bill on behalf of Senator Hardenburger prohibiting campaign contributions to state officers during the legislative session.

Senator Bond made the motion and was seconded by Senator Ranson to introduce this bill. The motion carried.

The meeting adjourned at 1:44.

The next meeting is scheduled for February 14, 1995.

SENATE ELECTIONS, CONGRESSIONAL &
LEGISLATIVE APPORTIONMENT AND
GOVERNMENTAL STANDARDS COMMITTEE GUEST
LIST

DATE: February 13, 1995

NAME	REPRESENTING
Brad Bryant	Sec. of state
Caitlin Kruger	Sen Kerus office

February 13, 1995

Bill Draft for Senate Elections Committee

To amend KSA 25-4153

To allow campaign contributions from individuals only, except for national political party committees.

And to extend maximum contributions from \$25,000 to \$50,000 from national to state political parties committee.

Thanks, Janice

JT

Senator Johnson

Senate Elections
Attachment 1
2-13-95

SENATE ELECTIONS, CONGRESSIONAL &
 LEGISLATIVE APPORTIONMENT AND
 GOVERNMENTAL STANDARDS COMMITTEE GUEST
 LIST

DATE: February 14, 1995

NAME	REPRESENTING
Shannon Peterson	KBA
Libby Easley	K Co Clerks
Brad Bryant	Sec. of state
Carl E. Wilcox	KCGSC
Charlie Smithson	KCGSC
Darrel King	UWSA of KS.
Jim Sheehan	UWSA of KS
Colleen Hager	J. Kerr
Mott T. Swell	AP
DEBRA LEIB	COMMON CAUSE

UNITED WE STAND OF AMERICA OF KANSAS
POSITION STATEMENT ON SB 121 AND SB 154

I appreciate the opportunity to speak to you concerning SB 121 and SB 154.

UWSA is concerned and supports positive legislation as far as Fair Campaign Practices. We are very pleased the Kansas Senators agree and are taking up these legislative bills. There has been great concern to the public and UWSA members concerning truth, correctness and accountability in political advertising.

UWSA supports legislation that promotes political advertising that discusses issues and we abhor negative political advertising. UWSA supports the concept of politicians being accountable for what they say in their political advertisements and additionally that someone is accountable as far as who is preparing and distributing the advertising. UWSA is in support of strong penalties if violations are made against those basic principals.

Thank you.

James R. Shetlar
Legislative Committee

Senate Elections
Attachment 1
2-14-95



Kansas Association of Broadcasters

800 SW Jackson #818, Topeka, Kansas 66612-1216

PHONE (913) 235-1307

FAX (913) 233-3052

Testimony before Senate Committee on Elections, Congressional & Legislative
Apportionment and Governmental Standards

RE: SB 121

By Harriet Lange, President
Kansas Association of Broadcasters
February 14, 1995

Thank you Madam Chair and Members of the Committee. I am Harriet Lange with the Kansas Association of Broadcasters. We serve a membership of radio and television stations in Kansas. We appreciate the opportunity to express our concerns with SB 121.

SB 121 is an unnecessary, and probably unconstitutional, intrusion into political free speech. State and federal law already requires political ads to carry a sponsor ID, identifying the person or committee responsible for the ad. So it is apparent to voters who is making the assertions in political ads.

Our primary concern with SB 121 is that if a broadcaster feels there is a "personal attack" or "allegation" about a candidate in a political ad, subjecting it to this law, he/she cannot change it due to Federal Communications Commission (FCC) rules (and the First Amendment) which prohibit censorship of political ads. Yet the law would hold the broadcaster liable if the ad is determined to be a "personal attack" and the candidate did not personally read it. This raises a

(Over)

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question of federal pre-emption in that the bill would place a greater burden on broadcasters and political speech than FCC rules.

Other questions or concerns are:

What is the definition of a "personal attack" or "allegation" and who defines it?

What about political ads sponsored by an organization other than the candidate's committee? If liberally interpreted the bill essentially could outlaw candidate ads placed by these independent organizations.

We believe the bill would have a difficult time meeting constitutional requirements and urge you not to pass it.

Thank you for your consideration.

DOUG WALKER
 SENATOR, 12TH DISTRICT
 ANDERSON, BOURBON, FRANKLIN,
 LINN, MIAMI COUNTIES



TOPEKA

SENATE CHAMBER

OFFICE OF DEMOCRATIC WHIP

COMMITTEE ASSIGNMENTS
 RANKING MINORITY MEMBER:
 EDUCATION
 PUBLIC HEALTH AND WELFARE
 MEMBER: ENERGY AND NATURAL RESOURCES
 FEDERAL AND STATE AFFAIRS
 HEALTH CARE DECISIONS FOR THE '90s

TESTIMONY IN FAVOR OF SB 154

Thank you, Madam Chairperson, for the opportunity to explain why I introduced this bill and what it is intended to do. Senate Bill 154 is designed to reduce unfair and dishonest campaign practices. The goal is to eliminate such practices -- but I will settle for just reducing them.

Section 1 contains a statement to be voluntarily signed by candidates stating that they will conduct honest, clean campaigns. In this statement the candidate repudiates all campaign practices and material which falsifies, misrepresents or distorts the facts, including malicious or unfounded accusations. The candidate also pledges to condemn any of these practices if done on his behalf by any of his supporters or organized support groups.

Section 2 spells out specifically what would be considered a violation of Section 1, i.e., such things as false claims about a persons' voting record or position on the issues, campaign material which distorts a persons' views or falsely reporting support or lack of support from different groups.

Complaints would be submitted to the Kansas Commission on Governmental Standards and Conduct for a determination .

Section 3 requires all candidates for the legislature and statewide office to submit all campaign materials to the commission, along with a \$25 review fee, to be graded. Lines 32 thru 39 explain the grades and what they mean. These grades would be clearly visible on all campaign material and would be used as a guide to voters as to the accuracy and honesty of the material. One of the problems expressed with this approach is the logistical nightmare of grading such large volumes of material and also questions of subjectivity. I might suggest changes to allow for a candidate to request the grading of an opponent's piece after the fact, or make it a requirement that only pieces which mention the opponent by name or reference are allowed to be submitted for grading.

Violators could be fined not less than \$1,000 nor more than \$2,000 with 1/2 the fine to be used to fund the Commission on Governmental Standards and Conduct and 1/2 the fine to be submitted to the opposing party's state committee. I now believe that all the fines in this bill are too low. In press reports on this bill's introduction, a campaign manager for a candidate in a 1994 statewide race stated that the fine would be no deterrent. He stated he would not hesitate to eat the \$2,000 fine and go ahead and use a negative piece if he thought it would help win the election. If that is the case, obviously the fines are not high enough and perhaps the committee should consider alternatives, for instance, if a candidate were found in violation of this act within the last week of the campaign he could a. not be sworn into office or b. be automatically subjected to recall proceedings immediately upon being sworn in. The concept behind the fines is to create a large enough deterrent to prevent anyone from violating the act.

Madam Chair, I would ask that the committee consider these provisions and act on them. Let us address the issue of truth in campaigning this year and go about the business of making whatever changes are necessary to get it done. Let us hold candidates accountable for campaign claims and promises. Let us clean up our act. Candidates who run honest, clean campaigns have nothing to fear from this type of legislation. It is my hope that eventually no political candidate will fear this type of legislation.



Kansas Association of Broadcasters

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Testimony before the Senate Committee on Elections, Congressional &
Legislative Apportionment and Governmental Standards

RE: SB 154

By Harriet Lange, President
Kansas Association of Broadcasters
February 14, 1995

Thank you Madam Chair and Members of the Committee. I am Harriet Lange with the Kansas Association of Broadcasters. We serve a membership of radio and television stations in Kansas. We appreciate the opportunity to appear before you on SB 154.

Although we support political candidates adhering to the Fair Campaign Practices statement in the bill, SB 154 would have a chilling effect on political speech.

Section Three of the bill would require all media material for use in a campaign be submitted to the governmental standards commission for review and a grade. We take that to mean all print ads, billboards, radio and television commercials, news releases, letters to the editor, and responses to media surveys, would be submitted to a government agency for a grade reflecting the agency's opinion on the accuracy of the assertions made in the material. That is a frightening prospect in a democracy.

(Over)

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The First Amendment to the U.S. Constitution states in part: "Congress shall make no law . . . abridging the freedom of speech, or of the press." Webster defines "abridge" to mean "to curtail" or "to reduce".

The requirement in Section Three would clearly "abridge" or "reduce" political speech. It would make it more difficult for you as a candidate to advertise. It would make it impossible for you to react in a timely fashion to events in the campaign, or assertions your opponent might make.

This bill is bad public policy and we urge you not to pass it.

Thank you for your consideration.

Senate Elections
Attachment 4-2
2-14-95

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

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

Testimony on Senate Bill 196

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

February 14, 1995

Madam Chair and Members of the Committee:

Thank you for the opportunity to comment on SB 196. This bill would move the primary election in even-numbered years from the first Tuesday to the last Tuesday in August. It would also move the candidate filing deadline, notice of primary election, new party recognition petition deadline, and meeting of the state board of canvassers.

The office of the Secretary of State does not oppose this legislation, nor do we actively support it at this time. The changes represented in SB 196 can be done--they are administratively possible, although there is no doubt the election calendar would be largely rewritten. These changes should, in our opinion, be seriously considered only for a good reason. If the intent is to increase turnout on election day, experience shows that the date of the election does not affect turnout greatly; more important are the issues and candidates involved in the election.

We believe a change of this magnitude should be thoroughly studied beforehand. We do not have enough information to adequately assess the implications of this legislation and to determine if it will improve the Kansas electoral process.

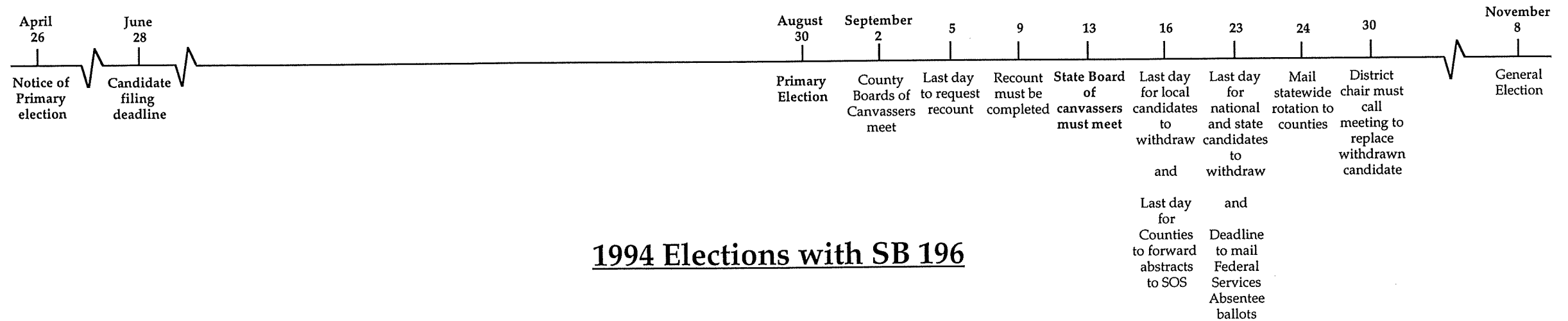
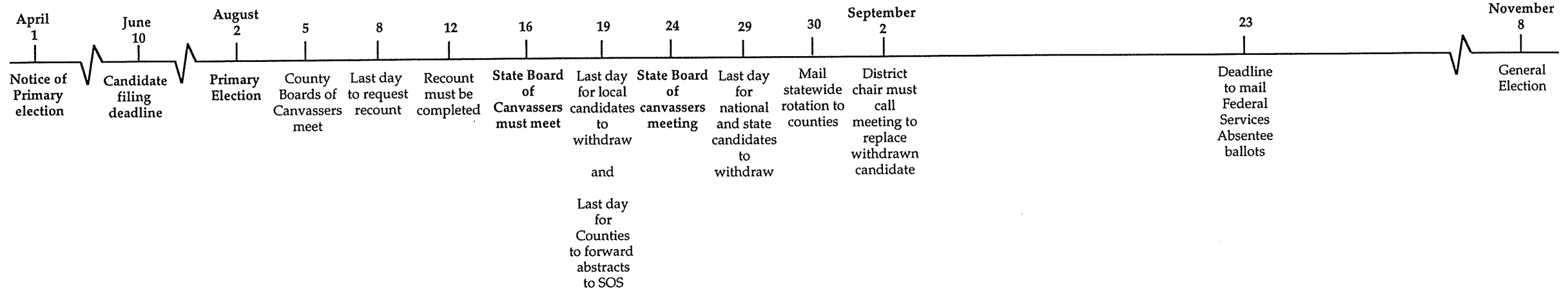
We respectfully suggest this issue be considered at a later date, possibly as part of an interim study.

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Elections (913) 296-4561
Administration (913) 296-2236
FAX (913) 291-3051

UCC (913) 296-3650
FAX (913) 296-3659
Senate Elections
Attachment 5
2-14-95

1994 Elections



1994 Elections with SB 196

Senate Elections Attachments 2-2 2-14-95