

Approved: 2.18.97  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on February 13, 1997, in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department  
Mike Heim, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Representative Lisa Benlon  
Mr. Brent Anderson, Counsel to the Governor  
Mr. Harold E. Riehm, Executive Director of the Kansas Association of Osteopathic Medicine  
Ms. Carol E. Williams, Executive Director of Kansas Commission on Governmental Standards and Conduct  
Mr. Frank Neff

Others attending: See attached list

Chairperson Glasscock opened the Public Hearing for HB 2152.

**HB 2152 - An act concerning campaign finance; prohibiting contributions and solicitations for contributions during certain time periods; amending K.S.A. 25-4153a and repealing the existing section.**

Representative Lisa Benlon testified as a proponent for HB 2152. She said that HB 2152 is the first of two bills that the Governor mentioned in his State of the State address in which he wanted to make some changes in the area of campaign finance. HB 2152 "will allow only individuals to make contributions during the time the Legislature is in session." Representative Benlon said that she feels there is a perception with the public that legislators might be soliciting, and that she feels very comfortable with this bill and that all members of the Subcommittee agreed with the bill. Current law already prohibits legislators from soliciting contributions during the time of the Legislature, and this bill would add statewide elected officials to the prohibition. (Attachment 1.)

Representative Benlon presented a balloon to amend the original HB 2152. (Attachment 2.)

After some discussion, the Chair called the Committee's attention to the written testimony of Mr. Brent Anderson, Counsel to the Governor. His testimony said that "this is the third year the Governor has sought the changes contained in this bill, which also closes the loophole that allows elected officials and candidates for state office to *solicit* contributions during the session from PACs and lobbyists, just not *receive* them." (Attachment 3.)

Chairperson Glasscock recognized Mr. Harold E. Riehm who spoke for the Kansas Society of Association Executives and said that he was a proponent of HB 2152 because he thinks the public's perception does make a big difference. He said that the Association executives receive a stack of invitations from candidates and party political action committees each year, and that this bill probably would not have any effect on their relations with legislators.

The Chair closed the Public Hearing on HB 2152.

Chairperson Glasscock opened the Public Hearing on HB 2171.

**HB 2171 - An act concerning elections; relating to campaign finance; requiring the filing and disclosure of certain information; amending K.S.A. 1996 Supp. 25-4152 and repealing the existing section.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 13, 1997.

The Chair again recognized Representative Lisa Benlon who presented testimony in favor of **HB 2171**. She said that this bill is the second one that the Governor has requested. It requires an individual or a group of individuals who organize for the purpose of influencing the outcome of an election with independent expenditures to report their intentions to the Governmental Standards and Conduct Commission. This bill will allow the commission to provide the information needed to comply with the laws and will also enable the Commission to locate them if they are not in compliance. (Attachment 4.)

The Chair recognized Mr. Brent Anderson, Counsel to the Governor, who testified in favor of **HB 2171**. He said **HB 2171** "is needed to maintain the sanctity and integrity of the election process in Kansas and to reinforce voter confidence through public disclosure of otherwise undisclosed contribution and expenditure information." (Also Attachment 3.)

Ms. Carol Williams was available to answer questions. She said that **HB 2171** doesn't affect legislative campaigns, but only addresses independent expenditures. This bill will allow legislators to know who is out there on their own doing mailings for or against them. She also pointed out that a lot of the balloon is already current law. However, not all the organizations know about the current laws, and this bill would require pre disclosure so information can be sent and they can be informed. She said that if an advertisement is published and they do not know about the law, then when the ad appears, they will be sent information about the law. She also said that there is a movement across the country to get laws on the books.

The Chair commented that he sees this as an extension of the public's right to know who is influencing an election, and it is necessary to catch up the campaign finance laws to keep the public informed.

Chairperson Glasscock recognized Mr. Frank Neff who spoke in favor of **HB 2171**. He said that if public confidence is to be restored, it will be necessary to free the electoral process from the influence of money. He suggested that a way for that to happen would be to provide the option of public financing. He said that this bill does not go far enough, but at least it provides a little progress in informing citizens of who is, in fact, paying for the campaigns of their candidates in Kansas. He also said that he would like to see a requirement for the sources of contributions to be listed in an ad in the newspaper. (Attachment 5.)

Chairperson Glasscock closed the Public Hearing on **HB 2171**.

The Chair asked for the Committee's pleasure on **HB 2171**.

Representative Jonathan Wells made a motion to amend **HB 2171** by introduction of a substitute bill incorporating the amendment in **7 RS 0864**. Representative Gwen Welshimer seconded. Motion passed. (Attachment 6.)

Representative Lisa Benlon made a motion to add on page 2, subsection f, internet communication to the list. Representative Ray Cox seconded. Motion passed.

Representative Lisa Benlon moved to pass substitute **HB 2171** as amended marked favorable for passage. Representative Herman Dillon seconded. Motion passed.

The meeting adjourned at 9:50 a.m.

The next meeting is scheduled for February 14, 1997.





TOPEKA

HOUSE OF  
REPRESENTATIVES

**Testimony on  
House Bill 2152**

February 13, 1997

**LISA L. BENLON**  
REPRESENTATIVE, 17TH DISTRICT  
REPRESENTING PORTIONS OF  
SHAWNEE AND LENEXA  
7303 EARNSHAW  
SHAWNEE, KANSAS 66216  
TOPEKA: (913) 296-7652  
SHAWNEE: (913) 268-4326

COMMITTEE ASSIGNMENTS  
ECONOMIC DEVELOPMENT  
GOVERNMENTAL ORGANIZATION AND ELECTIONS  
TOURISM

The Governor mentioned his intent in his State of the State message to make some changes in the area of campaign finance. HB 2152 is the first of two bills that the Governor requested in this area.

The bill will prevent:

- . legislators
- . legislative candidates or his/her candidate committee
- . state political party
- . political committees for senate or house chambers
- . state officers
- . state officer candidates or his/her candidate committee

from soliciting or receiving contributions between January 1 and sine die (or any other time in which the legislature is in session) from any person, other than an individual.

Currently, we can solicit, just not receive contributions during this time frame. Also, currently we can't accept money from PACs or lobbyists but we could receive money from corporations or unions.

HB 2152 will allow only individuals to make contributions during the time the legislature is in session.

House GO and E  
Attachment 1  
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# HOUSE BILL No. 2152

By Committee on Governmental Organization and Elections

1-30

9 AN ACT concerning campaign finance; prohibiting contributions and so-  
10 licitations for contributions during certain time periods; amending  
11 K.S.A. 25-4153a and repealing the existing section.  
12

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

14 Section 1. K.S.A. 25-4153a is hereby amended to read as follows: 25-  
15 4153a. No registered lobbyist or ~~political committee person~~, other than  
16 an individual, shall make a contribution as defined by subsection (d) of  
17 K.S.A. 25-4143, and amendments thereto, to any legislator, candidate for  
18 membership in the senate or house of representatives or, candidate com-  
19 mittee for any such legislator or candidate, ~~the committee established by~~  
20 ~~a state committee of any political party and designated as a recognized~~  
21 ~~political committee for the senate or house of representatives~~ state officer  
22 elected on a statewide basis, candidate for state office elected on a state-  
23 wide basis or candidate committee for any such officer or candidate after  
24 January 1 and prior to May 15 of any year or at any other time in which  
25 the legislature is in session and No such legislator, officer, candidate or  
26 committee shall accept or solicit any contribution as defined by subsection  
27 (d) of K.S.A. 25-4143, and amendments thereto, from any registered lob-  
28 byist or ~~political committee person~~, other than an individual, during such  
29 period.

30 Sec. 2. K.S.A. 25-4153a is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its  
32 publication in the statute book.

a political committee established to support or oppose candidates of a single party in either the house of representatives or the senate,

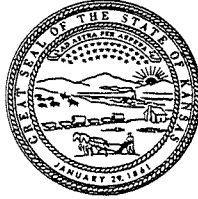
of each year and prior to adjournment sine die of the regular session of the legislature

New Sec. 2. Not more than one political committee shall be established by the members of either house of the legislature belonging to the same political party and designated as a political committee for the member of such party in such house. The political committee recognized and defined as a party committee by subsection (g) of K.S.A. 25-4143, and amendments thereto, for members of any political party in either house of the legislature shall not be considered a political committee for the purposes of the limitations imposed by this subsection.

House GO and E  
Attachment 2  
2.13.97

# STATE OF KANSAS

BILL GRAVES, *Governor*  
State Capitol, 2nd Floor  
Topeka, Kansas 66612-1590



(913) 296-3232  
1-800-432-2487

FAX: (913) 296-7973

## OFFICE OF THE GOVERNOR

TESTIMONY IN SUPPORT OF HB 2152 and HB 2171  
HOUSE GOVERNMENTAL ORGANIZATION and ELECTIONS COMMITTEE  
FRIDAY, FEBRUARY 13, 1997  
BRENT ANDERSON, COUNSEL TO THE GOVERNOR

### HB 2152 WOULD TIGHTEN LAW ON CONTRIBUTIONS DURING SESSION

Governor Graves urges your support for HB 2152, which would bring the governor and other statewide elected officials and candidates under the same restrictions that now apply to legislators and legislative candidates regarding contributions while the Legislature is in session.

As you know, this is the third year the Governor has sought the changes contained in this bill, which also closes the loophole that allows elected officials and candidates for state office to *solicit* contributions during the session from PACs and lobbyists, just not *receive* them.

This bill also would close the loophole in current law that allows corporate and union contributions during the session. However, nothing in the current statute nor in HB 2152 prevents contributions from individuals other than lobbyists during the session.

Your support of this bill underscores the commitment of elected officials to a policy that says campaign contributions from lobbyists, PACs, corporations and unions simply are not appropriate while the Kansas Legislature is in session. By closing these loopholes, you engender public trust and confidence in the legislative process.

### HB 2171 SEEKS ACCOUNTABILITY FOR NON-CANDIDATE SPENDING

During the 1996 federal elections in Kansas we saw millions of dollars spent on so-called "educational" advertising for which no one was accountable. Loopholes in federal election laws allowed groups from outside Kansas to attempt to influence the Kansas electorate without having to reveal who they were, how much they were spending or where the money came from to pay for the ads.

Governor Graves believes it is wrong for such groups to be able to engage in such activities unless they are subject to the same reporting requirements that apply to political candidates, PACs and others in Kansas who spend money on election advertising.

HB 2171 would require any group that intends to spend money in Kansas in an attempt to influence

Kansas voters in any state or local election to file a statement of intent to do so with the Commission on Governmental Standards and Conduct, just as any state or local candidate is required to do. The bill also requires the filing of contribution and expense reports by these groups following the same schedule as candidate reports. By so doing, these groups have every right to express their points of view and attempt to influence Kansas voters as any of us do.

The Governor has proposed this bill because he believes it is needed to maintain the sanctity and integrity of the election process in Kansas and to reinforce voter confidence through public disclosure of otherwise undisclosed contribution and expenditure information. He greatly appreciates your support of HB 2171.

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Attachment 3  
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STATE OF KANSAS



**LISA L. BENLON**  
REPRESENTATIVE, 17TH DISTRICT  
REPRESENTING PORTIONS OF  
SHAWNEE AND LENEXA  
7303 EARNSHAW  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
ECONOMIC DEVELOPMENT  
GOVERNMENTAL ORGANIZATION AND ELECTIONS  
TOURISM

## Testimony on House Bill 2171

February 13, 1997

HB 2171 is another bill that the Governor has requested.

It will require an individual or a group of individuals who organize for the purpose of influencing the outcome of an election with independent expenditures to report their intentions to the Governmental Standards and Conduct Commission.

This is similar to the requirements for candidates filing with their intent to organize for the purpose of running a campaign, or lobbyists filing with their intent to lobby and spend money in their efforts.

HB 2171 will allow the commission to provide individuals who wish to participate with independent expenditures the information needed to comply with our laws as well as being able to locate them if they are not complying.

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PRESENTATION REGARDING HB 2171  
BEFORE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS  
February 13, 1997

by  
Frank Neff

At the national level, aroused citizens and legislators have produced the Bipartisan Campaign Finance Reform Act of 1997 in both houses of Congress.

In Missouri, The Missouri Alliance for Campaign Reform is supporting a bill in the legislature of that state which proposes public financing of elections.

In Maine, the citizens have passed a bill into law which provides for public financing of elections.

In Kansas, there are a variety of citizen groups which advocate changing the way in which campaigns are financed. Among these are United We Stand America, the Kansas Chapter of the National Association of Social Workers, the American Association of Retired Persons, the Kansas League of Women Voters, Common Cause in Kansas, the Manhattan Alliance for Peace and Justice, the Sierra Club, the Mo-Kan Alliance (which is affiliated with the Alliance of Democracy), Concerned Citizens, the Independent Kansans, the Topeka Alliance for Peace and Justice, and other individuals and groups.

I have been in contact with all of those groups, but I speak only for myself. I do not presume to speak for them, but I can tell you they want change.

In my opinion, if we are to re-build confidence in our state legislatures, it will be necessary for the people working in them to free the electoral process from the influence of money, and to make them responsive to the typical man or woman on the street. The way for that to happen is to provide the option of public financing and to shame those who do not choose to use it.

Last year, when I proposed public financing, one of your colleagues asked me what I thought the response of the public would be to such a proposal. I said that most people would probably oppose it, and that her job and mine was to explain to them why it is so necessary. I was pleasantly surprised to learn that polls taken in Colorado, Massachusetts, Missouri, Montana, and Oregon in 1994 indicate that the majority of people do favor public financing of state elections. A copy of a chart of that information is attached.

I believe that public financing would reduce drastically the power of wealth on elections. It would reduce the over-all cost of elections. It would increase the confidence of citizens in their legislature. It would increase the time candidates spend with constituents during the campaign because they would not be spending so much of their time on the phone requesting money. And it would increase the belief that legislators represent the bulk of the citizens because that's who paid for their election.

I urge you to consider it. But this year's legislature may be too far gone to address that approach.

If that is the case, then I think that HB 2171 should be passed to make at least a little progress in informing citizens of who is, in fact, paying for the campaigns of their candidates in Kansas. At least one member of the Senate Committee on Elections and Local Government believes that false statements were made last fall in a campaign about which he had information. Constituents in that district should know who contributed to the dissemination of those statements.

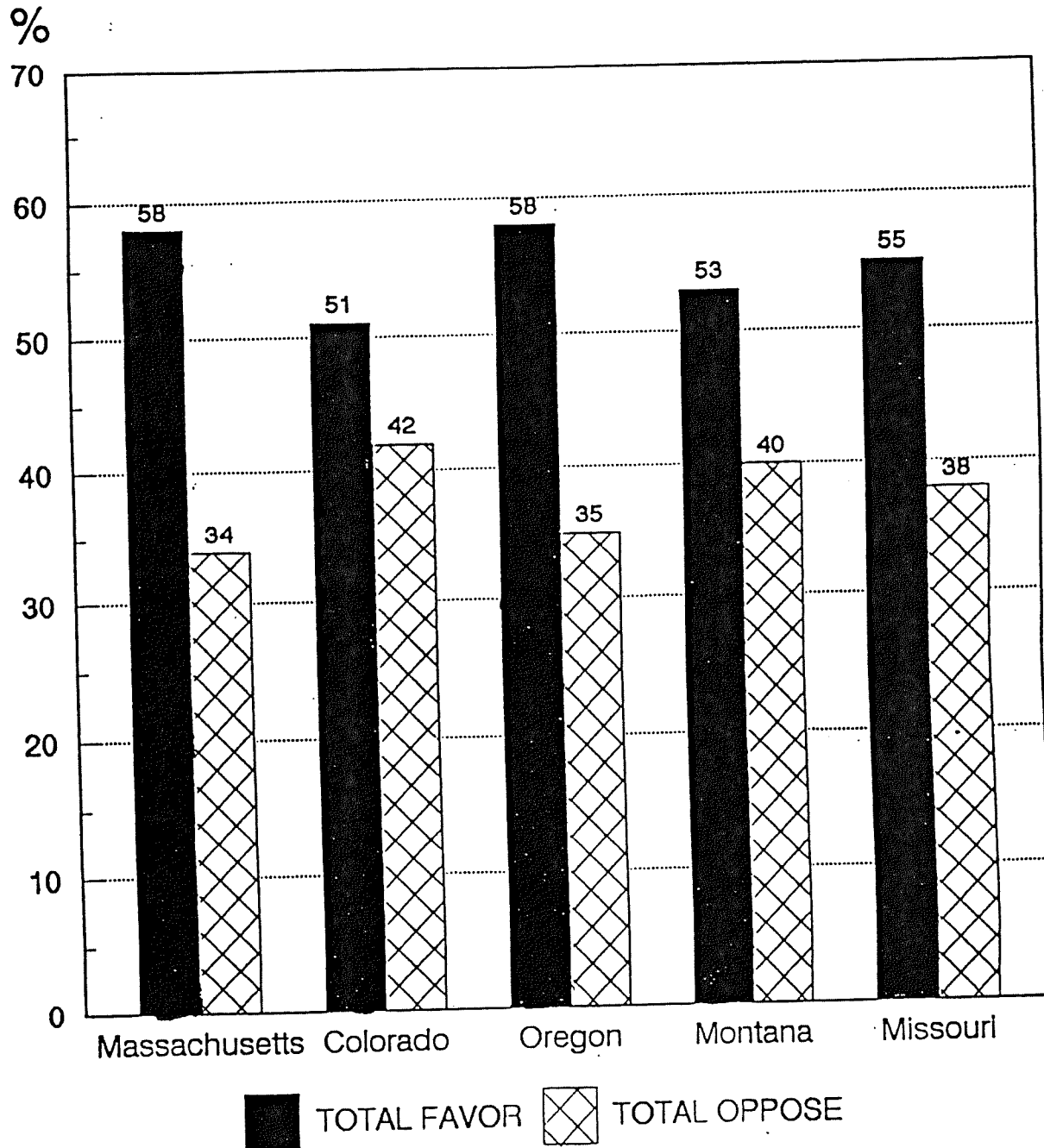
I urge you to consider adding a provision that requires that the sources of contributions to each candidate be listed in an ad in a local newspaper. That would make it more likely that the citizens of a community could know who is putting their representative or senator into office. It would give them the opportunity to use such information in their future voting decisions.

House GO and E  
Attachment 5  
2-13-97



# FAVORABILITY OF PUBLIC FINANCING OF STATE ELECTIONS

ALL REGISTERED VOTERS IN STATE



The Center for a New Democracy - 5 State Results  
 Conducted from July 18th to July 26th, 1994  
 By Bannon Research, Inc.

GRAPH 25

HOUSE BILL NO. \_\_\_\_\_

By Committee on Governmental Organization and Elections

AN ACT concerning campaign finance; requiring the reporting of certain information; amending K.S.A. 25-4150 and K.S.A. 1996 Supp. 25-4152 and repealing the existing sections.

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

Section 1. K.S.A. 25-4150 is hereby amended to read as follows: 25-4150. (a) The purpose of this section is to maintain the integrity of the election process, inform the electorate of sponsors of efforts to influence elections and foster a climate of honesty perceptible to the public by requiring persons who make independent expenditures in an attempt to influence the outcome of elections in this state to disclose publicly the name of the person making such expenditures, the source of such person's money and how such money is expended.

(b) Except as specifically provided by this section, the words and phrases used in this section shall have the same meaning ascribed thereto by K.S.A. 25-4143, and amendments thereto.

(c) When used in this section:

(1) "Person" means a person as defined by K.S.A. 25-4143, and amendments thereto, who makes expenditures in an aggregate amount of \$100 or more within a calendar year.

(2) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of:

(i) Directly or indirectly influencing the nomination or election of any candidate; (ii) providing information which has the effect of directly or indirectly influencing the nomination or election of any candidate; or (iii) influencing the outcome of any election;

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(B) any contract to make an expenditure;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees; and

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

(2) "Expenditure" does not include:

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

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

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

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

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to directly or indirectly influence the nomination or election of any candidate or providing information which has the effect of directly or indirectly influencing the nomination or election of any candidate;

(F) costs associated with any news story, commentary or editorial distributed in the ordinary course of business by a broadcasting station, newspaper or other periodical publication;

(G) costs associated with nonpartisan activities designed to encourage individuals to register to vote or to vote; or

(H) costs associated with internal organizational communications of business, labor, professional or other associations.

(d) Prior to making an expenditure, any person who is not subject to the provisions of K.S.A. 25-4144, 25-4145, or 25-4172,

and amendments thereto, shall make and file a statement of intent of expenditure. For the purposes of this subsection person shall not include persons who make contributions to a candidate or candidate committee. Such statement shall be filed in the office of the secretary of state. If the expenditure is to support or oppose any candidate for local office, such statement shall be filed in the office of the county clerk of the county in which such person is on the ballot. Every statement of intent shall include:

- (1) The name and address of the person;
- (2) the name and address of the chairperson of the organization, if the person is not an individual; and
- (3) the full name and address of any organization with which the person is connected or affiliated or, name or description sufficiently describing the affiliation or, if the person is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the person.

(e) Each person subject to this section shall maintain, in such person's own records, the name and address of any person, including an individual, who has made one or more contributions to such person, together with the amount and date of such contributions, regardless of whether such information is required to be reported.

(f) Any change in information previously reported in a statement of intent shall be reported on a supplemental statement of intent and filed not later than 10 days following the change.

(g) (1) Prior to making an expenditure any person required to file a statement of intent pursuant to this section shall register annually with the commission on or before July 1 of each year. Such registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a person anticipating the expenditure of \$2,501 or more in any calendar year shall be accompanied by an annual registration fee of \$200.

(3) Each registration by a person anticipating the

expenditure of more than \$500 but less than \$2,501 in any calendar year shall be accompanied by an annual registration fee of \$30.

(4) Each registration by a person anticipating the expenditure of \$500 or less in any calendar year shall be accompanied by an annual registration fee of \$15.

(5) Any person which is currently registered under subsection (g)(3) or (g)(4) and which expends in excess of \$2,500 for a calendar year, shall file, within three days of the date when expenditures exceed such amount, an amended registration form which shall be accompanied by an additional fee for such year equal to the difference between \$200 and the amount of the fee that accompanied the current registration.

(6) Any person which is currently registered under subsection (g)(4) and which expends in excess of \$500 but less than \$2,501, shall file, within three days of the date when expenditures exceed \$500, an amended registration form which shall be accompanied by an additional fee of \$15 for such year.

(h) All such fees received by or for the commission shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas commission on governmental standards and conduct fee fund.

(i) Every person, other than a candidate or a candidate committee, party committee or political committee, who makes contributions or expenditures, other than by contribution to a candidate or a candidate committee, party committee or political committee, in an aggregate amount of \$100 or more within a calendar year shall make statements containing the information required by K.S.A. 25-4148 and amendments thereto, and file them in the office or offices required so that each such statement is in such office or offices on the day specified in K.S.A. 25-4148 and amendments thereto. If such contributions or expenditures are made to support or oppose a candidate for state office, other than that of an officer elected on a state-wide basis such

statement shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. If such contributions or expenditures are made to support or oppose a candidate for statewide office such statement shall be filed only in the office of the secretary of state. If such contributions or expenditures are made to support or oppose a candidate for local office such statement shall be filed in the office of the county election officer of the county in which the candidate is a resident. Reports made under this section need not be cumulative.

Sec. 2. K.S.A. 1996 Supp. 25-4152 is hereby amended to read as follows: 25-4152. (a) The commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or ~~25-4148~~, 25-4148 or 25-4150, and amendments thereto, and to the candidate appointing any treasurer failing to file any such report, within the time period prescribed therefor. The notice shall state that the required report or statement has not been filed with either the office of secretary of state or county election officer or both. The person failing to file any report or statement, and the candidate appointing any such person, shall be responsible for the filing of such report or statement. The notice also shall ~~also~~ state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b) Civil penalties provided for by this section shall be paid to the state treasurer, who shall deposit the same in the state treasury to the credit of the Kansas commission on



governmental standards and conduct fee fund.

(c) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the attorney general or county or district attorney to bring an action to recover such civil penalty in the district court of the county in which such person resides.

Sec. 3. K.S.A. 25-4150 and K.S.A. 1996 Supp. 25-4152 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.