

Approved: 3-21-97
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 March 19, 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: Senator Stan Clark
Senator Janice Hardenburger
Jan Kruh, Volunteer on State Legislative Committee of AARP
Chairlie Smithson, Legal Counsel, Commission on
Governmental Standards and Conduct

Others attending: See attached list

Chairperson Glasscock opened the Public Hearing on **SB 116**.

SB 116 - An act concerning records open to the public; relating to the access of certain material; amending K.S.A. [21-3914 and] 45-220 and repealing the existing sections.

Chairperson Glasscock welcomed Senator Stan Clark to the Committee. Senator Clark spoke as a proponent for **SB 116** and said that it prohibits the use of the public records' list for the purpose of solicitation of gifts or donations. He testified that the current Kansas Open Records statute prohibits: 1) the person that acquires a list of names and addresses under this statute from using this list for a commercial purpose to sell goods and services; 2) selling or giving a list of names and addresses to another person who would use the list to sell goods and services. Senator Clark said that **SB 116** would add the third prohibition to this list. (Attachment 1.)

Representative Gwen Welshimer wanted to know how this would affect the Kansas taxpayers who are trying to prove what the County reports on their evaluations. Senator Clark replied that it would not change the current law, and would only add a third provision to prohibit the use of public records for solicitation for charitable giving.

Representative Deena Horst asked if she had understood correctly that no one could sell or give a list if he or she was looking at the internet or could not make a list legally and use for solicitation. Senator Clark replied that she understood correctly. He said there would be a jail fine for any person who misuses the list, and it would be the same fine as is now in current law. The Revisor explained that a person who gives out information could be liable, but there is a "good faith defense."

There being no additional questions, the Chair closed the Public Hearing on **SB 116**.

Chairperson Glasscock opened the Public Hearing on **SB 112**.

SB 112 - An act concerning campaign finance; prohibiting certain contributions and solicitations therefor during certain time periods; amending K.S.A. 25-4153a and repealing the existing section.

Chairperson Glasscock welcomed Senator Janice Hardenburger who spoke as a proponent for **SB 112**. Senator Hardenburger said that **SB 112** would prohibit solicitation and acceptance of contributions from any person other than an individual. The prohibition applies to legislators, candidates for the Legislature, officers elected on a statewide basis, and candidates for such offices and candidate committees of all such officers. The prohibition also applies to PAC's and the designated party PAC's in each chamber.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 19, 1997.

Chairperson Glasscock welcomed Jan Kruh, volunteer member of the State Legislative Committee of the AARP, who spoke as a proponent for **SB 112**. Ms. Kruh also said that **SB 112** extends the list of those prohibited from making campaign contributions during the legislative sessions to registered lobbyists, political committees, corporations, partnerships, trusts and organizations. She said that the amended **SB 112** repeals K.S.A. 25-4153a and strengthens the current statute. (Attachment 2.)

Representative Jonathan Wells inquired about this possibly being a duplication of a former bill and the Chair reminded the Committee that the bill in question, **HB 2152**, was stricken from the House Calendar.

The Chair closed the Public Hearing on **SB 112**.

Chairperson Glasscock opened the Public Hearing on **SB 113**.

SB 113 - An act concerning [elections; relating to] campaign finance; ~~relating to political advertising;~~ amending K.S.A. [25-4150 and] 25-4156 and [K.S.A. 1996 Supp. 25-4152 and] repealing the existing ~~section~~ [sections].

The Chair recognized Charlie Smithson, Legal Counsel, Kansas Commission on Governmental Standards and Conduct, who spoke as a proponent for **SB 113**. Mr. Smithson testified that this bill would require the name of the chairperson or the treasurer as well as the name of the individual who is responsible for the ad. He said that this would help the Commission to know who to contact for the filing of reports. (Attachment 3.)

Chairperson Glasscock recognized Jan Kruh, AARP, who spoke in favor of **SB 113** which requires the identification of the name of the chairperson or treasurer. She said that she felt this was very important in maintaining fair and open elections of our state. (Attachment 4.)

The Chair asked Mr. Smithson exactly which candidates this bill would affect? Mr. Smithson replied that it would affect statewide, cities of the first class, Wichita School Board, etc. He said that it would not apply to local.

Representative Kenny Wilk said that he understood that in regard to actual reporting, the state cannot get involved due to the FCC, and he wondered how other states handle this and if some have a universal policy. Representative Wilk asked Mr. Smithson to do some research and report back to the Committee.

The Chair closed the Public Hearing on **SB 113**.

Chairperson Glasscock asked Representative Lisa Benlon, Chairperson of Campaign/Finance Subcommittee, to give an overview of the Subcommittee's recommendation. She reported that **HB 2128** and **HB 2171** were both stricken from the House Calendar at turn-around and **SB 113** is the Senate version of those two House bills. (Attachment 5.)

Representative Herman Dillon made a motion to amend **SB 113** by taking the provisions of **HB 2171** and **HB 2128** and including them in **SB 113**. Representative David Huff seconded, and motion passed. The provisions of **HB 2128** included requiring the disclosure in a political advertisement of the city and state where an organization sponsoring the political advertisement is located. It also included the crime of unfair political advertising which concerns the use of a state officer's voting record on a legislative matter without specifying whether the legislative matter involved more than one issue. A defense to prosecution is provided if the defendant has secured written certification that the required information is included in the advertisement. It also amends the provision concerning costs associated with internal organizational communications to conform with Substitute for **HB 2171**.

Representative Benlon briefed the Committee on **SB 112**, the Senate version of **HB 2152** which was stricken from the House Calendar at turn around. She said **SB 112** will prevent legislators, legislative candidates or his/her candidate committee, political committees for senate or house chambers, state officers, and 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. She said that currently legislators can solicit, just not receive contributions, during this time frame. Also, currently legislators cannot accept money from PAC's or lobbyists, but could receive money from corporations or unions. **SB 112** will allow only individuals to make contributions during the time the legislature is in session, and it will prevent the above individuals from soliciting these entities for charitable contributions on their behalf. (Attachment 6.)

Representative Benlon presented the following campaign finance violations which are frequently made by

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 19, 1997.

candidates and occasionally made by party and political action committees: 1) Contributions which are accepted in excess of the legal contribution limitations set forth in K.S.A. 25-4153. Political action committees which made these illegal contributions should also be fined; 2) Contributions in the form of money or currency in excess of \$100 accepted by candidates; 3) Contributions accepted during session by candidates from political action committees and registered lobbyists; and 4) Party committees giving and candidates accepting contributions in excess of the legal contribution limitations during the primary election cycle as set forth in K.S.A. 25-4153. The amount of the penalty for violating these provisions would be a fine of 1/2 the value of the violation not to exceed \$100.

Representative Lisa Benlon made a motion to change the name from Kansas Commission on Governmental Standards & Conduct to Governmental Ethics Commission. Representative Jim Long seconded, and motion passed (Attachment 7.)

Representative Lisa Benlon made a motion to adopt the above-mentioned provisions, and Representative Bonnie Sharp seconded. Motion passed The Revisor summarized by saying this included the civil fines requested by the Commission, the name change, and the provision of **HB 2152** except the limitation on the number of legislative PAC's.

Representative Lisa Benlon made a motion to put the provision of **SB 113** as amended in the Subcommittee and amend it into **SB 112**. Representative Kenny Wilk seconded.

With Representative Kenny Wilk's permission, Representative Benlon withdrew her motion.

The Chair announced that the Committee should turn its attention to **SB 116** in its original form.

Representative Campbell expressed that perhaps **SB 116** was more valuable as a vehicle than the actual bill. Representative Gwen Welshimer expressed concern that **SB 116** will be used to cut off the public's access to public records, and basically doesn't think it is a good bill.

Representative Bob Tomlinson moved that **SB 116** be stripped and that **HB 2063** be put in its place. Representative Gwen Welshimer seconded.

Representative Kenny Wilk made a substitute motion to put the provision of **HB 2063** into **SB 116** and that **SB 116** not be stripped. Representative Bob Tomlinson seconded, and motion passed.

Representative Jonathan Wells made a motion to delete the new (d) from Attachment 6-3 which is anonymous contributions in excess of \$10 accepted by candidates. Representative Ted Powers seconded. Motion passed.

Representative Lisa Benlon moved to pass out **SB 112** as amended marked favorable for passage. Representative Herman Dillon seconded, and motion passed.

The Chair directed the Committee's attention back to **SB 113**.

Representative Kenny Wilk said that he would like to wait for Mr. Smithson's research concerning the possibility of applying K.S.A. 25-4156 to federal candidates.

Chairperson Glasscock asked the Revisor to review the contents of the bill. A discussion ensued concerning the possibility of having a meeting at the rail or even adding an amendment on the Floor if Mr. Smithson learns that K.S.A. 25-4156 can be applied to Kansas Federal candidates.

Representative Ted Powers moved to pass out **SB 113** as amended marked favorable for passage. Representative Gerry Ray seconded. Motion passed.

The meeting adjourned at 10:35 a.m.

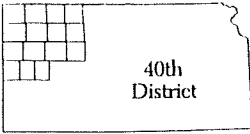
The next meeting is scheduled for March 21, 1997.

GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST

DATE: WEDNESDAY, MARCH 19, 1997

NAME	REPRESENTING
Jan Krub	AARP
Charlie Smithson	KCGSC
Brad Bryant	Sec. of state
Harriet Lang	Ks Assn B'casters
Jim Edwards	KCCI
John Relat	Ks Press Assn
Bruce Dimmitt	Independent
Stu Clark	Sent
Doug & Gayle Morphis	Guest - Gwen Welshman

STAN CLARK
STATE SENATOR



TOPEKA

COMMITTEE ASSIGNMENTS

VICE CHAIR: UTILITIES
MEMBER: AGRICULTURE
FINANCIAL INSTITUTIONS
AND INSURANCE
RULES AND REGULATIONS
ARTS AND CULTURAL RESOURCES

SENATE CHAMBER
**TESTIMONY BEFORE THE
HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS
COMMITTEE**

SENATE BILL NO. 116
March 19, 1997

Chairman Glasscock and members of the Committee:

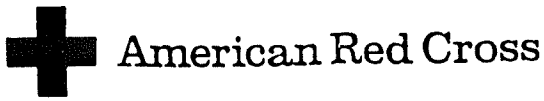
The current Kansas Open Records statute prohibits:

1. The person that acquires a list of names and addresses under this statute from using this list for a commercial purpose to sell goods and services.
2. Selling or giving a list of names and addresses to another person who would use the list to sell goods and services.

Senate Bill 116 adds a third prohibition to this list. This bill prohibits the use of this list for the purpose of solicitation of gifts or donations. Last year the Director of Property Valuation received a request from a charity for a list of the names and address of all property owners in 23 counties that owned property valued at \$50,000 or more for the purpose of a holiday direct mail campaign. The request asked that the information be provided on computer disk in ASCII format. PVD provided this information at a cost of \$34 total, not \$34 per county, but \$34 for all 23 counties. 12 of the counties happen to be in my legislative district and many of the county commissioners contacted me about changing the law because they and I feel this is an improper use of property valuation records and should not be used to create mailing lists for solicitation.

I have attached a copy of the letter of request from the nonprofit organization, several letters from county commissioners. I would ask that you move this bill out favorably and would be glad to answer any questions.

House GO and E
Attachment 1
3-19-97



2120 W 25th St. Ste. B
Lawrence, KS 66047
913/843-3550
913/843-0328 fax

COPY

August 5, 1996

Director of Property Evaluations
Kansas Department of Revenue
915 SW Harrison St.
Docking State Office 4th Floor
Topeka, KS 66612-1585

Dear Sirs:

I am making an open records request of individual property owners with property valued at \$50,000 and more in the following counties:

Chase, Cherokee, Cheyenne, Clark, Clay, Comanche, Decatur, Ellis, Ford, Gove, Graham, Gray, Hodgeman, Linn, Logan, Meade, Norton, Rawlins, Sheridan, Sherman, Thomas, Trego and Wallace.

I am requesting that the list be provided on computer disk in ASCII format.

The names will be used for a holiday direct mail campaign to raise funds in the counties for American Red Cross services including Armed Forces Emergency Services, single-family fire and other disaster assistance. If you have any questions, please call me at 913/843-0550. Thank you for your assistance.

Sincerely,

Nancy K. Dettmer
Kansas Financial Development Specialist

*Need H to
Legislators -
Suggested language
for change*

cc: County Tax Assessment Office in Chase, Cherokee, Cheyenne, Clark, Clay, Comanche, Decatur, Ellis, Ford, Gove, Graham, Gray, Hodgeman, Linn, Logan, Meade, Norton, Rawlins, Sheridan, Sherman, Thomas, Trego and Wallace Counties.

45-220

F I B. Betts
L B. Brown
Ralph D. Unger
Commissioners
913-475-8101

Marilyn Horn
County Clerk
913-475-8102

Pat Fringer
County Treasurer
913-475-8103

Steven W. Hirsch
County Attorney
913-475-8104

Patricia M. Whetzel
Register Of Deeds
913-475-8105

Ken Badsy
County Sheriff
913-475-8100

Bert Cool
EPA Director
913-475-8100

John E. Bremer
Magistrate Judge
913-475-8108

Janet Meitl
Clerk Of The District Court
913-475-8107

Tim Stallman
Road Supervisor
913-475-8111

Gaylen Huntley
County Weed Director
913-475-8128

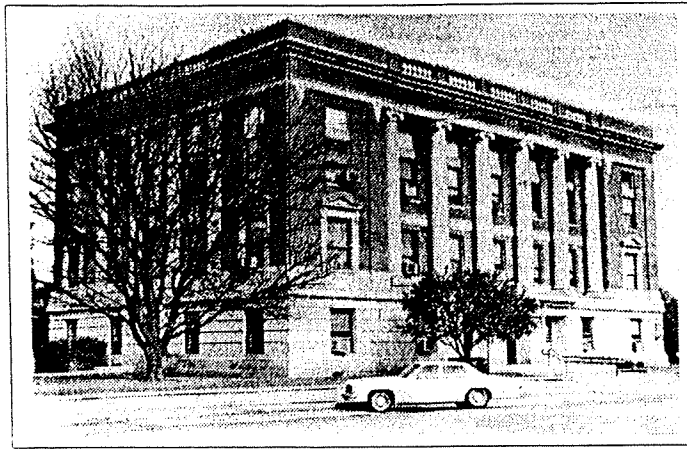
Eugene W. Wurm
County Appraiser
913-475-8109

Marilyn Gamblin
Health Administrator
913-475-8118

John Barrett
Ambulance Director
913-475-8126

Jeanne Pachner
Chief Dispatcher
913-475-8110

Bill Cathcart
Fire Chief
913-475-8100



County Of Decatur

P.O. Box 28,

Oberlin, Kansas 67749-0028

August 20, 1996

Senator Stan Clark
205 US #83
Oakley KS 67748

John Faber
RR
Brewster KS 67732

Gentlemen:

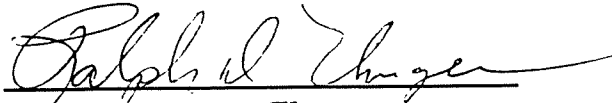
Enclosed is a copy of a letter our county received from the American Red Cross at Lawrence, indicating to us that the American Red Cross is going to be using property owner records in a number of counties in Kansas to develop a direct funds solicitation for their organization. It is our understanding that PVD has provided these records to the American Red Cross for all 23 counties at a cost of \$34 total; not \$34 per county but \$34 for all 23 counties.

We think that the use of these lists for funds solicitation is not what the Legislature intended public records to be used for. Currently the Open Records prohibition does not allow people to use public records for purposes of selling goods or services, or solicitation for sale of goods or services; but, there is nothing in the statute right now that prohibits, as near as we can tell, a solicitation for charitable giving.

While certainly the American Red Cross is a very worthwhile charity, we think it is objectionable to use public records for the purpose of solicitations and fund-raising. We would respectfully request that you review this letter and attempt to have legislation adopted in the next session of the Legislature which would close this loophole.

Sincerely yours,

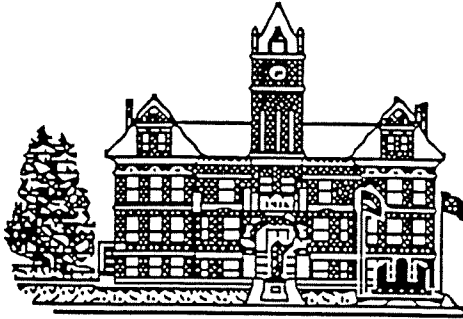
BOARD OF COMMISSIONERS



Ralph D. Unger, Chairman

RDU:ps

cc: County Commissioners in Chase, Cherokee, Cheyenne, Clark, Clay, Comanche, Ellis, Ford, Gove, Graham, Gray, Hodgeman, Linn, Logan, Meade, Norton, Rawlins, Sheridan, Sherman, Thomas, Trego and Wallace Counties



ROSALIE SEEMANN
THOMAS COUNTY CLERK
300 N. COURT
COLBY, KS. 67701

August 30, 1996

Senator Stan Clark
205 US#83
Oakley KS 67748


Senator Clark:

The Thomas County Commissioners wholeheartedly agree with the letter the Decatur County Commissioners sent concerning the American Red Cross asking for and getting a copy of chosen landowners of several counties.

We also agree the American Red Cross is a very worthwhile charity, records should not be used for this purpose.

If we can be of assistance in promoting legislation for this purpose we will be happy to do so.

Sincerely,

Thomas County Commissioners
Glen Kersenbrock
Duane Dawes
Ron Evans
By County Clerk 
Rosalie Seemann

CC: County Commissioners of Northwest Kansas
Southwest Kansas Commissioners
Representative Jim Morrison

Meets Every Monday.
Claims Paid Last Business Day
of Each Month

Board of
County Commissioners

Trego County
Telephone 913-743-5775 (meetings)
743-5773 (Clerk)
FAX 743-2461
216 Main Street
WaKeeney, Kansas 67672

Arlene E. Eveleigh, Ellis
Leary J. Johnson, WaKeeney
Gleyn A. Lowe, WaKeeney
Kathleen Conness, County Clerk

August 29, 1996

Senator Stan Clark
205 US Highway
Oakley, KS 67748

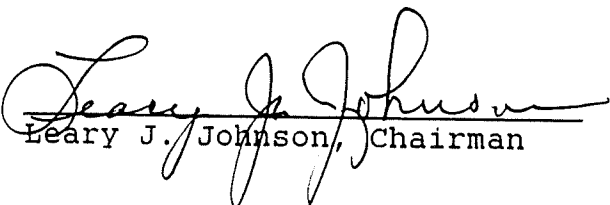
Dear Senator Clark:


The County Commissioners share the same concerns that are indicated
in this letter from Decatur County.

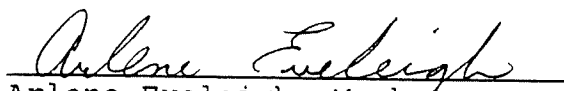
We respectfully request your action on this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS


Leary J. Johnson, Chairman


Gleyn A. Lowe, Member


Arlene Eveleigh, Member

rs
Enclosure

RAWLINS COUNTY

Atwood, Kansas 730

607 Main
FAX # 913-626-9019

MEREDITH HRNCHIR County Clerk
CHERYL WEDERSKI County Treasurer
CAROLYN MARSHALL Register of Deeds
H. SCOTT BEIMS County Attorney
JACK MARIS Sheriff
AUDREY DIXSON County Appraiser



CHARLES E. UNGER County Commissioner
WILLIAM H. LEWIS County Commissioner
GORDON R. HAWKINS County Commissioner

September 16, 1996

Senator Stan Clark
205 US #83
Oakley, Kansas 67748

Dear Senator Clark:

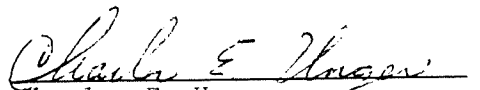
The Rawlins County Commissioners wholeheartedly agree with the letter sent by Decatur County Commissioners regarding the American Red Cross asking for and getting a copy of chosen landowners of several counties from Property Valuation Department.

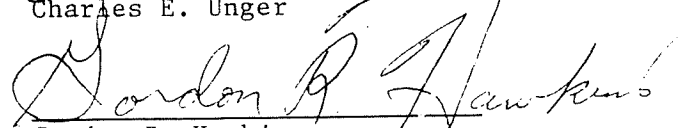
We also agree that although the American Red Cross is a very worthwhile charity, records should not be used for this purpose.


If we can be of assistance in promoting legislation for this purpose, we will be happy to do so.

Sincerely,

RAWLINS COUNTY COMMISSIONERS:


Charles E. Unger


Gordon R. Hawkins


William H. Lewis

COUNTY OF SHERIDAN
OFFICE OF THE COUNTY CLERK

PAULA BIELSER
COUNTY CLERK

SHIRLEY NIERMEIER
DEPUTY

LEA HEPL
DEPUTY

PO BOX 899
HOXIE, KANSAS 67740

PHONE 913-675-3361 FAX 913-675-3050

Senator Stan Clerk
205 US 83 Hwy
Oakley, Ks 67748

Senator Clerk:

The Sheridan County Commissioners would like to express their disapproval in allowing the property valuation department to comply with the request made by the American Red Cross to obtain names of property owners from their data files supplied to them by Kansas counties.

Although these records are considered to be "open records", we feel they should possess some degree of confidentiality.

We would be happy to assist with any legislative action to prevent these records from being used for anything other than governmental purposes.

Respectfully,

Sheridan County Commissioners
Norman Kliever
Dean Thomas
Stanley Rogers
By Paula Bielser
County Clerk

cc: Morrison Klotenkamp Gailin Graves



Bringing lifetimes of experience and leadership to serve all generations.

KANSAS STATE LEGISLATIVE COMMITTEE

CHAIR

Mrs. Bettie Sue Shumway
306 S Ash Street
Ottawa, KS 66067
(913) 242-3411

VICE CHAIR

Mr. James Haught
537 Saint Andrews Drive
Wichita, KS 67230
(316) 733-4652

SECRETARY

Mr. Charles H Freeman
RR 1 Box 23
Vassar, KS 66543
(913) 828-4875

CCTF COORDINATOR

Mr. Thomas Young
3348 SW McClure Court
Topeka, KS 66614
(913) 273-5737

Statement to the
House Governmental Organization & Elections
Senate Bill 112, as Amended
Jan Kruh
Kansas AARP State Legislative Committee
March 19, 1997

Members of the House Committee on Governmental Organization and Elections: I am a volunteer member of the Kansas AARP State Legislative Committee, whose purpose is to advocate legislation for the large Kansas AARP membership.

Campaign finance and lobby reform has been a high AARP priority for the last two legislative sessions. The State Legislative Committee and state membership worked diligently during the 1996 Session, only to be disappointed that no legislation was enacted.

AARP believes that stricter controls should be placed on the soliciting and receiving of campaign funds. SB 112 extends the list of those prohibited from making campaign contributions during legislative sessions to registered lobbyists, political committees, corporations, partnerships, trusts, and organizations. During this same time period, solicitation or receiving of contributions is also prohibited for a legislator, candidate, political committee for a representative or senator, state officer or candidate for a state office, or a candidate committee.

Amended Senate Bill 112 repeals K.S.A. 25-4153a and strengthens the current statute. Senate Bill 112 was passed on February 28 by the Senate. AARP asks that this committee endorse the bill and refer it to the House for passage.

Thank you for the opportunity to address this committee.

House GO and E
Attachment 2
3-18-97



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before House Elections Committee

SB 113

by Charlie Smithson, Legal Counsel

SB 113 repeals K.S.A. 25-4150, 25-4152 and 25-4156, all of which are provisions of the Kansas Campaign Finance Act. The changes to K.S.A. 25-4156 in Section 1 of the bill were recommended by the Commission. The other sections of the bill were amendments not made by the Commission, and we do not take an official position on them.

Currently, K.S.A. 25-4156 requires any advertisement placed in/on television, radio, newspaper, magazines or other periodicals to have the word "advertisement" or "adv." along with the name of the chairperson of the organization who placed the ad, or the name of the **person** who was responsible for the ad.

"Person" is defined to include just about every entity in existence. Therefore, when the Commission attempted to get these groups to file either receipts and expenditures reports, or independent expenditure reports, letters had to be sent to groups, rather than individuals. A "(T)o Whom it May Concern" letter telling someone to file a report is less than effective.

This bill would now require the name of the chairperson or treasurer and the name of the **individual** who is responsible for the ad. This would give the Commission the name of an individual to contact as far as filing reports.

This disclaimer had been upheld as constitutional in the case of Kansas v. Davis in which the court stated that candidate-oriented speech, as opposed to issue-oriented speech, could be regulated in such a manner.

Section 1 of this bill would also require the same disclaimer to be placed on all political brochures, fliers and political fact sheets. There has been a question as to the constitutionality of this provision based on the McIntyre v. Ohio case. That case said that the government could not require disclaimers on brochures.

However, McIntyre applied to all brochures, not just candidate-oriented brochures. In addition, current law requires individuals and certain organizations who spend in excess of \$100 to support or oppose a candidate independently of the candidate's campaign, to file independent expenditure reports. McIntyre recognized that independent expenditure reports were constitutional as set out in

House GO and E
Attachment 3
3.19.97

the Buckley v. Valeo case. Thus, it is constitutional to require individuals to file reports with a state agency once the independent expenditure floor is reached.

If it is constitutional to have individuals file reports, then it should also be arguably constitutional to have these same individuals place an attribution disclaimer on political brochures. The McIntyre court also made several references to the fact that the defendant in the case did not spend much money and did so in her capacity as an individual rather than a group.

The other sections of SB 113 would require individuals and certain groups to file "statements of intent" when planning to do independent expenditures and would bring them into line with the requirements of candidates, political committees and party committees.

I urge you to move this bill out favorably for passage, and am willing to answer any questions you may have.



Bringing lifetimes of experience and leadership to serve all generations.

KANSAS STATE LEGISLATIVE COMMITTEE

CHAIR

Mrs. Bettie Sue Shumway
306 S Ash Street
Ottawa, KS 66067
(913) 242-3411

VICE CHAIR

Mr. James Haught
537 Saint Andrews Drive
Wichita, KS 67230
(316) 733-4652

SECRETARY

Mr. Charles H Freeman
RR 1 Box 23
Vassar, KS 66543
(913) 828-4875

CCTF COORDINATOR

Mr. Thomas Young
3348 SW McClure Court
Topeka, KS 66614
(913) 273-5737

Statement to the
House Governmental Organization & Elections
House Committee on Governmental Organization & Elections
Senate Bill 113, as Amended

Jan Kruh
Kansas AARP State Legislative Committee
March 19, 1997

Members of the House Committee on Governmental Organization and Elections: I am a volunteer member of the Kansas AARP State Legislative Committee, whose purpose is to advocate legislation for the large Kansas AARP membership. Campaign finance and lobby reform is an AARP priority for the 1997 Legislative Session.

Leading up to the 1996 elections, advertisements, brochures, flyers, and broadcasts designed to aid, injure or defeat a candidate for a state or local office were purchased and used without identification of the responsible person and without being labeled as an "advertisement." A large portion of such material was paid for by persons or groups outside the state of Kansas and were never identified. Amended Senate Bill 113 is the vehicle that can close this loophole in campaign expenditure.

This bill requires the identification of the name of the chairperson or treasurer of the political or other organization sponsoring the publication or broadcast. Any person expecting to make an expenditure of designated amounts to support a candidate must file a statement of intent and register annually with the Commission on Governmental Standards and Conduct. Annual registration fees are substantial and detailed in the Bill. Substantial penalties for not abiding by these rules are also contained in the legislation.

Senate Bill 113, as amended, was unanimously passed by the Senate on the 26th of February. AARP endorses this legislation and asks that this Committee recommends the passage of this bill to the House. It is essential for improvement toward fair and open elections in the future for of our state.

House GO and E
Attachment A
3.18.97
2021 434-2277

American Association of Retired Persons 601 E Street, NW Washington, DC 20049

Margaret A. Dixon, Ed.D. *President*

Horace B. Deets *Executive Director*



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
ECONOMIC DEVELOPMENT
GOVERNMENTAL ORGANIZATION AND ELECTIONS
TOURISM

LISA L. BENLON
REPRESENTATIVE, 17TH DISTRICT
REPRESENTING PORTIONS OF
SHAWNEE AND LENEXA
7303 EARNSHAW
SHAWNEE, KANSAS 66216
TOPEKA: (913) 298-7652
SHAWNEE: (913) 268-4326

Testimony on
Senate Bill 113

March 19, 1997

House Bill 2128 and House Bill 2171 passed out of this committee earlier in the session. They were both stricken from the House calendar at turn-around. Senate Bill 113 is the senate version of our HB 2128 and 2171.

SB 113 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.

SB 113 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.

Also, it outlines requirements for written as well as TV and radio political advertisements which are placed by independent individuals or groups.

Written materials will require:

- . to identify the candidate the advertising is designed to assist
- . the word 'advertisement' or 'adv.'
- . the chairman or treasurer of the independent group
- . the city of residence or city of primary office of the group

Broadcast materials will require:

- . to identify the candidate the advertising is designed to assist
- . followed by a statement that the preceding was an ad
- . the chairman
- . city of residence or city of primary office of the group

When ads are used to report an incumbent's voting record and the

legislative measure involved more than one material issue, a statement that other issues were included in the measure not addressed in the ad is required.

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TOPEKA

HOUSE OF
REPRESENTATIVES

LISA L. BENLON
REPRESENTATIVE, 17TH DISTRICT
REPRESENTING PORTIONS OF
SHAWNEE AND LENEXA
7303 EARNSHAW
SHAWNEE, KANSAS 66216
TOPEKA: (913) 296-7652
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COMMITTEE ASSIGNMENTS
ECONOMIC DEVELOPMENT
GOVERNMENTAL ORGANIZATION AND ELECTIONS
TOURISM

Testimony on
Senate Bill 112

March 19, 1997

House Bill 2152 passed out of this committee earlier in the session. It was stricken from the House calendar at turn around. Senate Bill 112 is the Senate version of our House Bill 2152.

Senate Bill 112 will prevent:

- . legislators
- . legislative candidates or his/her candidate committee
- . 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

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lobbyists but we could receive money from corporations or unions.

Senate Bill 112 will allow only individuals to make contributions during the time the legislature is in session. Also, it will prevent the above individuals from soliciting these entities for charitable contributions on their behalf.

TO: House Committee on Governmental
Organization and Elections

FROM: Representative Lisa Benlon

DATE: March 19, 1997

RE: Listing of Campaign Finance Violations Which Could Incur an
Automatic Civil Fine

Listed below are six campaign finance violations which are
frequently made by candidates and occasionally made by party and
political action committees:

- a. Contributions which are accepted in excess of the legal
contribution limitations set forth in K.S.A. 25-4153.
Political action committees which make these illegal
- b. contributions should also be fined.
- c. ~~Cash~~ ^{Currency} contributions in excess of \$100 accepted by candidates.
- d. Contributions accepted during session by candidates from
political action committees and registered lobbyists.
- e. Anonymous contributions in excess of \$10 accepted by
candidates.
- f. Party committees giving and candidates accepting
contributions in excess of the legal contribution
limitations during the primary election cycle as set forth
in K.S.A. 25-4153.

Possible civil fines:

Either a flat \$100 fine per violation; or

A fine to equal one-half the dollar amount of the violation.
For example, if a candidate failed to disclose a \$300 PAC
contribution, the candidate would be subject to a \$150 fine.

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

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Testimony on
SB 116

March 19, 1997

SB 116, in its original form, deals with public records and their access for use in ways not intended.

The subcommittee stripped the bill and used it as a vehicle for changing the commission's name to the *Governmental Ethics Commission*.

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