

Approved: 2/5/97
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 1:40 p.m. on February 4, 1997 in Room 529-S of the Capitol.

All members were present.

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee: Senator Rich Becker
Carol Williams, Kansas Commission on Governmental Standards and Conduct

Others attending: See attached list

Chairperson Hardenburger asked for approval of the minutes of February 3, 1997.

Senator Steineger made a motion to approve the minutes. Senator Gooch seconded the motion. The motion carried.

Chairperson Hardenburger opened the hearing on **SB 76**.

SB 76 **Concerning members of the legislature; enacting the Kansas legislator's code of ethics**

Senator Becker explained the bill. He testified that there can be many ethics bills, but they are of little value unless there are elected people who demonstrate accountability and responsibility. He proposed a voluntary legislators code of ethics that will be offered to any legislative candidate at the time they file for office. The candidate would have the option to sign or not to sign. The document would be on file with the Secretary of State and with the Election Commissioner in the candidate's home county. If a candidate signs a code of ethics and violates it or refuses to sign it, the media and the court of public opinion can use that information against that candidate. The fact that a candidate does not sign a code of ethics, does not prevent that candidate from filing, running, and being elected to office.

There was discussion on how to enforce such a law as there is no provision for penalties. There was also discussion on reintroducing the bill as a resolution.

Senator Steineger moved to convert the bill to a Senate Concurrent Resolution. Senator Praeger seconded the motion. The motion passed.

Chairperson Hardenburger closed the hearing on the bill, and opened the hearing on **SB 114**.

SB 114 **Concerning elections; relating to statements of fair campaign practices**

Carol Williams testified as a proponent of the bill. She submitted a copy of the "Statement of Fair Campaign Practices" (Attachment 1), and stated that under current law, the Commission mails a copy of this statement to all state and local candidates at the time the Commission receives notice of the candidate's appointment of a treasurer or candidate committee. There is no statutory requirement for any candidate to sign and file the statement, and if they do sign the statement, there is nothing in the statute that requires him or her to abide by the pledges in the statement. She testified that this statement is often misunderstood and misused as there is no provision for penalties. She recommended repealing that section or adding a penalty. There was discussion on what kind of penalty to add and how could that penalty be administered.

Chairperson Hardenburger closed the hearing on the bill.

The meeting was adjourned at 2:15 p.m.

The next meeting is scheduled for February 5, 1997.

SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: 2/4/97

NAME	REPRESENTING
Bruce Dimmitt	Independent
Frank Neff	Self
Francis Kelsey	Kansas Farm Bureau
PAUL HOPPE	" " "
Dan Manners	K F B
Wayne Falls	" " "
John Holliday	" " "
DARRELL DONAHUE	IFARP
Charlie Smithson	KLGS
Bill Kauer	K.F.B.
Carol Cowen	KFB
Virgil Cowen	KFB
Roy Taylor	KFB
ROB ROTH	KFB
Donald Fenzler	KFB
Auth Ryan	KFB



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before Senate Elections and Local Government on Senate Bill 114 by Carol Williams

Senate Bill 114 repeals K.S.A. 25-4129g, the provision in the Campaign Finance Act which requires the Commission to prepare a Statement of Fair Campaign Practices to assist candidates in the proper conduct of election campaigns. K.S.A. 25-4129g was enacted in 1991.

Under current law, the Commission mails a copy of this statement to all state and local candidates at the time the Commission receives notice of the candidate's appointment of a treasurer or candidate committee. There is no statutory requirement for any candidate to sign and file the statement. In addition, even if the candidate does sign the statement, nothing in the statute requires him or her to abide by the pledges in the statement.

During the 1994 and especially the 1996 elections, the Commission received numerous calls from candidates and citizens complaining that candidates who had signed a Fair Campaign Practices Statement, were violating one or more of the pledges in the statement. These people believed that by signing the statement, the candidate was legally required to abide by each pledge in the statement. Once these individuals were informed that there is no enforcement provision for this statute, many became angry and disillusioned.

This Fair Campaign Practices Statement is frequently misunderstood and misused. Due to this confusion, the Commission has asked the legislature to either provide a penalty provision for this section of law or, in the alternative, repeal the statute. The Senate Elections and Local Government Committee has chosen to draft a bill to repeal this section.

The Commission urges your to pass this bill favorably out of committee.

SENATE ELECTIONS + LOCAL GOVERNMENT
2-4-97
ATTACHMENT 1



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF FAIR CAMPAIGN PRACTICES

I shall conduct my campaign in the best tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his or her party which merit such criticism.

I shall conduct my campaign without the use of vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

I shall conduct my campaign forswearing any dishonest or unethical practice which tends to discredit the legislative process or the Legislature as an institution.

I shall conduct my campaign without the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate, as well as the use of malicious or unfounded accusations against any candidate which aim at creating or exploiting doubts, without justification, as to his or her loyalty and patriotism.

I shall refrain from the unfair practice of publicizing campaign material detrimental to my opponent too near election day to permit my opponent's rebuttal.

I shall conduct my campaign without any appeals to prejudice based on race, sex, creed, or national origin.

I shall immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn.

I, the undersigned, candidate for election to a state or local office in Kansas, hereby endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Office Sought

Name (Please Print)

Date

Signature