

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 20, 1998, in Room 521-S of the Capitol.

All members were present except: Representative Lisa Benlon, Excused

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: Ms. Willie Martin, Sedgwick County Board of Commissioners
Mr. Karl Peterjohn, Executive Director, Kansas Taxpayers Network
Ms. Mary Ann Bradford, The League of Women Voters of Kansas

Others attending: See attached list

Representative Wilk made a motion to approve the minutes for February 16, 1998 and February 17, 1998, and Representative Wells seconded. Motion passed.

Chairperson Glasscock opened the Public Hearing for **HB 2902**.

HB 2902 - Certain roads and highways; relating to the maintenance and supervision

The Chair welcomed Ms. Willie Martin, representing the Sedgwick County Board of Commissioners, who spoke as a proponent of **HB 2902**. Ms. Martin said that this legislation would allow dissolution of individual townships by allowing the proposal for dissolution of a township to be placed on the ballot for voter approval. She said that if it was approved by a majority of the township residents, dissolution of the township could proceed leaving in place township levies for road maintenance, construction, equipment, and for specific functions which must continue such as a cemetery. (Attachment 1.)

Representative Powers said that there are mill levies for things like this and asked what happens to the mill levy and the taxation. Ms. Martin replied that the township continues to exist. She said that the only levies that would continue would be for those functions that are absolutely necessary such as roads, and that all other levies would cease. Representative Powers also wanted to know what happens to the mill levy for roads if the road improvement went to the county. Ms. Martin said that road maintenance fund levy would continue.

Representative Powers had a question about the balloon in which it requires 20% of the qualified electors of the township to sign a petition. He wondered if it was normal for 20% petition to get back in. Ms. Kiernan, Revisor, responded that the percentages vary, but that the most common is probably 5%.

The Chair closed the Public Hearing on **HB 2902**.

The Chair summarized that **HB 2902** would authorize a township board to transfer all powers, duties, and functions of the township to the Board of County Commissioners upon approval by the township voters.

Representative Welshimer made a motion to amend **HB 2902** with the balloon, and Representative Dillon seconded. Motion passed.

Representative Ray moved to pass **HB 2902** out as amended marked favorable for passage. Representative Horst seconded, and motion passed.

Chairperson Glasscock re-opened the Public Hearing for the following bills: **SB 113, HB 2660, HB 2661, and HB 2664**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 20, 1998.

The Chair recognized Mr. Karl Peterjohn, Executive Director, Kansas Taxpayers Network, who testified as an opponent. Mr. Peterjohn said that **SB 113** puts individual citizens in a second class category which was comparable to the various classes established for Kansas cities, but without any home rule. He said that **HB 2660** places identification requirement in place for literature and that this is unconstitutional under the McIntyre decision. Mr. Peterjohn said that **HB 2661** attempts to restrict educational information on voting records and **HB 2664** establishes an unconstitutional prior restraint and establishes different classes of organizations in section 3H. (Attachment 2.)

Representative Haley commented that he normally and usually agrees with the Kansas Taxpayers Network, but that he did have some concerns about the anonymous influence on elections. For this reason, he said that he believed it was necessary to know what specific interest groups are behind large money campaigns. He said that he fully agreed that full disclosure is good, but that there is a gray area.

Representative Horst spoke to Mr. Peterjohn's reference about campaigns having to do with bond elections and his concern that taxpayers' money is being spent to provide information. She asked who then takes the responsibility in an issue such as a bond issue for a school district to counter information distributed from a group such as Taxpayers. Mr. Peterjohn said that it should be a group of individuals rather than from the school district itself. He said that a school district may put out inaccurate information such as not reporting the actual interest, and that if this was information involving the purchase of a car, it would be against Kansas law not to disclose the actual cost including the interest. Representative Horst asked him if she was serving as a member of a school board and wanted people to know how the board used its money, should she expect the citizens to get out the information. Mr. Peterjohn replied that the Taxpayers do not want a school board to send home material supporting their opinions.

Representative Wilk commented that he believed that in looking at **HB 2660** by itself that it is just simply stating that one has to put one's name on it. He asked about what the actual problem with that was. Mr. Peterjohn said that basically it pulls the individual citizen in under the regulatory umbrella even though he may not be involved directly.

Representative Huff inquired if **HB 2661** attempts to restrict educational information on voting records.

Representative Ray commented that **HB 2664** was not recommended by the Subcommittee.

The Chair welcomed Ms. Mary Ann Bradford, League of Women Voters of Kansas, who spoke as a proponent. Ms. Bradford specifically addressed two areas--disclosure and issue advocacy. She said the League of Women Voters of Kansas views the issue advocacy and disclosure bills as a step forward in campaign finance reform. (Attachment 3.)

The Chair thanked the three Subcommittees for their long hours of diligent work, and said that he hoped the Committee could send out clean and clear bills to the House. He asked for the Committee's indulgence in an effort to find the right package that can go to the Floor.

The meeting adjourned at 9:45 a.m.

The next meeting is scheduled for February 23, 1998.



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL RELATIONS

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

To: House Governmental Organization and Elections
From: Willie Martin
Date: February 20, 1998
Subj: House Bill 2902

Mr. Chairman and members of the Committee, I am Willie Martin representing the Sedgwick County Board of Commissioners. Thank you for the opportunity to address House Bill 2902.

Just as counties and cities have a wide diversity in population, needs and services, the same is true of individual townships within a given county.

The Sedgwick County Commission has been asked by trustees of several townships to assist with legislation which would allow dissolution of individual townships. This request was prompted by a number of circumstances. Several of the townships now have a significant portion of the township located within city limits; those areas located outside but adjacent to these cities have an increased demand for road construction and maintenance. The requirements for equipment, personnel, and finances to meet these new demands are, in some cases, difficult if not impossible for some townships to sustain.

The trustees have requested legislation which would allow the proposal for dissolution of a township to be placed on the ballot for voter approval. If approved by a majority of township residents, dissolution of the township would proceed leaving in place township levies for road maintenance, construction and equipment and for specific functions which must continue such as a cemetery. The county would assume responsibility for these functions and the revenue from applicable levies to support these functions.

I would like to stress that Sedgwick County is only trying to assist those township board members who requested help. House Bill 2902 would only give township boards the authority to place dissolution on the ballot, the only authority counties would have would be the responsibility for functions and levies after dissolution was approved by electors of the township.

House GO and E
2.20.98
Attachment 1

KANSAS TAXPAYERS NETWORK

P.O. Box 20050

Wichita, KS 67208

316-684-0082

20 Feb. 1998

www2.southwind.net/~ktn

Testimony to House Local Government & Elections Committee on
S.B. 113, H.B. 2660, H.B. 2661, and H.B. 2664

By Karl Peterjohn, Exec. Dir.

The Kansas Taxpayers Network (KTN) was sued in 1993 for circulating an illegal petition. In 1994 the Kansas Supreme Court ruled that KTN's petition was illegal. KTN learned that the First Amendment only applies in Kansas if it has not been superseded by municipal charter ordinance. Last year KTN tried without success to prevent public property from being used in a political campaign.

As a non partisan citizens organization KTN has been active in empowering voters by forcing tax referendum votes on tax hikes and assisting local taxpayer groups in these elections.

This committee is hearing legislation on a large number of bills which would impact Kansas elections. Here are KTN's concerns on this legislation:

S.B. 113 puts individual citizens in a second class category, comparable to the various classes established for Kansas cities, but without any home rule.

H.B. 2660 places identification requirements in place for literature. This is unconstitutional under the McIntyre decision.

H.B. 2661 attempts to restrict educational information on voting records.

H.B. 2664 establishes an unconstitutional prior restraint and establishes different classes of organizations in section 3H which would place a group like KTN in a second class category from other organizations.

Campaign finance reform is a popular concept in an election year. However, the most egregious misuses of money have not been addressed in any of these bills. The misuse of taxpayer funds for influencing the outcome of referendum election campaigns has not been addressed in any of these bills. Taxpayer funds should not be spent advocating political positions.

None of these bills addresses the unequal treatment contained in K.S.A. 25-901, which places cities and certain large school districts in the positions where they do not have to report election expenses. Citizens, campaign organizations, small school districts are required to report these expenditures. There should be equal treatment under the law for all campaign expenditures and this violation of both the U.S. (14th Amendment) and state constitutions should be corrected by this committee.

House GO and E
2.20.98
Attachment 2



**THE LEAGUE OF WOMEN
VOTERS OF KANSAS**

919 1/2 S. KANSAS AVENUE TOPEKA, KS 66612 PHONE & FAX: 785-234-5152

Testimony Before the House Committee on Governmental Organization
and Elections on Campaign Finance Reform on
February 20, 1998

Mr. Chairman and Members of the Committee:

I am Mary Ann Bradford representing the League of Women Voters of Kansas. The League is a nonpartisan political organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy.

The current campaign finance system gives special interest contributors undue influence over government policy, undermines fair electoral competition and pushes citizens out of their role in elections and governance. The campaign finance system also undermines citizen confidence in government. In our outreach programs to improve voter participation, the League has found that most Americans believe that government is run for the benefit of special interests rather than for ordinary citizens. This is not acceptable.

The League would like to address two areas of campaign finance reform proposed in the various bills before you today. One is disclosure; the second is issue advocacy

The Governor's weekly column of January 25, 1998 entitled "Open and Honest Government" stated: "1998 is an election year, and a pair of my proposals will shore up our state's campaign laws to allow voters more information about the groups of individuals who seek to influence our votes. One proposal would require those who spend money on campaigns to register with the state and report their contributions and expenditures, just like candidates and other political groups are required to do. This will allow public and news media scrutiny of those who rush in at the last minute before elections and seek to influence our decisions. Let's shine some light on this activity so those with hidden agendas can no longer hide. The League agrees that some light needs to shine.

Four bills address the identification of individuals, PACs, and party committees in their submission of con-

House GO and E
2.20.98
Attachment 3

tribution/expenditure reports:

HB 2664 requires persons who make independent expenditures to report the name of the person making the expenditure, the source of their money and the amount expended. Organizations must clearly identify themselves by affiliation, trade, profession or primary interest.

HB 2660 and HB 2666 require brochures, fliers, political fact sheets printed and distributed during an election to contain the name of an organization's chairperson or treasurer or of the individual who paid for the printing and distribution. HB 2660 also requires that radio and TV station advertising contain the name of the chairperson or treasurer of an organization or the individual responsible for the ad.

HB 2662 requires PACs and party committees to report candidate(s) that benefited from expenditures, not merely to report the vendor to whom payment was made.

These changes will enable the public, especially Internet users, to determine more easily the sources of contributions and areas of expenditures for all state candidates who file reports. Such openness could diminish the scepticism of doubting citizens.

Issue advocacy—campaigning to persuade the public to take a position on a specific issue—has become a surreptitious means through which large amounts of undisclosed and unregulated private money flows into blatant electioneering. The problem should not be corrected with a ban on issue advocacy that endangers the First Amendment free speech protections. Rather, it should be handled by distinguishing issue advocacy for education of voters from campaign messages to direct voters' thinking.

Lower courts have ruled that the handful of phrases such as "vote for", "vote against" (known as the "magic words") don't exhaust the capacity of the English language to advocate the elections of or defeat of a candidate. Nevertheless, HB 2661 attempts to bring distinction and clarification between issue advocacy and campaign messages to Kansas law.

The League of Women Voters of Kansas views passage of this bill and the disclosure bills as an essential step forward in campaign finance reform. This incremental approach promises reform that creates more open and accountable elections.

Thank you for your consideration of our views.