

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on January 29, 2003 in Room 521-S of the Capitol.

All members were present except: Representative David Huff, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Kathie Sparks, Research
Shirley Weideman, Secretary

Conferees appearing before the committee: Representative R.J. Wilson
Brad Bryant, Deputy Assistant Secretary of State
Carol Williams, Governmental Ethics Commission Director

Others attending: See attached list.

Chairman Myers opened the meeting to bill introductions.

Representative Wilson would like to introduce a bill concerning elections that would change the law concerning what are allowable expenditures of campaign funds. He said it is a more broad definition. Representative Wilson moved and the motion was seconded by Representative Sawyer that this bill be introduced. The motion passed.

Deputy Assistant Secretary of State Brad Bryant appeared before the committee to request a bill to cover the new provisions of the national Help America Vote Act of 2002 (HAVA). The bill will: 1) require voters to provide identification when voting, 2) allow federal services voters to submit one ballot application for all elections in a two-year period, 3) add an affirmation to the poll book signed by the voter at the polling place verifying that the voter is qualified to vote, 4) require that a sample ballot, the date of the election and the hours the polls are open are posted at each polling place, 5) amend the requirements of the voter registration application form and 6) require that when polling hours are extended by court order, ballots cast after regular polling hours are provisional ballots and kept separate from other provisional ballots. (Attachment 1) Representative Yonally moved that it be introduced as a committee bill. Representative Toelkes seconded the motion. Motion passed.

Chairman Myers opened the hearing on **HB 2048 - Elections; changing date for receiving contributions for a primary election** and **HB 2094 - Elections; changing date for limitation on campaign contribution during legislative session.**

Carol Williams, Director of the Governmental Ethics Commission, appeared before the committee as neutral on **HB 2048**. She said that this bill changes the closing date for allocating general election contributions and expenditures from December 31 of an election year to midnight on the date of the general election. Ms. Williams suggested that two changes be made in the bill. First, the time period covered by the last report for the general election cycle should be changed in K.S.A. 25-4148. The report shall be for the period beginning 11 days before the general election and ending on the date of the general election. The second change would eliminate the language concerning expenditures from K.S.A. 25-4149 since it has been ruled unconstitutional to set limitations on a candidate's campaign spending. She said she also is neutral on **HB 2094**, which basically allows a few more days for contributions. (Attachment 2)

Representative R.J. Wilson appeared before the committee as a proponent for **HB 2048**. He said it would allow people with campaign debt a better avenue to pay off that debt following the general election. He said he is fine with **HB 2094** being attached to **HB 2048**. (Attachment 3)

The hearing was closed on **HB 2048** and **HB 2094**.

The committee took up **HB 2048**.

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on January 29, 2003 in Room 521-S of the Capitol.

Representative Sawyer moved that **HB 2094** be combined into **HB 2048**. Representative Gilbert seconded the motion. The motion passed.

Representative Wilson moved that **HB 2048 as combined with HB 2094 be amended** by removing all references to expenditures in K.S.A. 25-4149(a) & (B), deleting "January 1" and replacing with *first day* and deleting "the December 31 following" and replacing "one general election date" with *the date of the general election*, and also by deleting "December 31" in K.S.A. 25-4148(3) and replace with *the date of the general election* and deleting "the preceding calendar year" and adding *beginning the day after the preceding general election through the calendar year following such election* after "on the next January 10 for the period" in K.S.A. 25-4148(4). The motion was seconded by Representative Toelkes and the motion passed. (See Attachment 2)

Representative Powers moved and it was seconded by Representative Miller that **HB 2048 as combined with HB 2094 and amended** be passed favorably from committee. The motion passed.

Chairman Myers announced that the committee will hear **HB 2061** on Monday.

The meeting was adjourned at 4:35 p.m. The next scheduled meeting is February 3.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS

House Committee on Ethics and Elections

Request for Bill Introduction

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

January 29, 2003

Mr. Chairman and Members of the Committee:

The Help America Vote Act of 2002 enacted last year by Congress requires significant changes to election procedures and statutes in Kansas. The office of the Secretary of State requests introduction of a committee bill to implement those changes.

The bill will:

- require voters to provide identification when voting
- allow federal services voters to submit one ballot application for all elections in a two year period
- add an affirmation to the poll book signed by the voter at the polling place verifying that the voter is qualified to vote
- require the following to be posted at each polling place: a sample ballot, the date of the election, and the hours the polls are open
- amend the requirements of the voter registration application form
- require that when polling hours are extended by court order, ballots cast after regular polling hours are provisional ballots and kept separate from other ballots

Thank you for your consideration.



GOVERNMENTAL ETHICS COMMISSION

Testimony before House Ethics and Elections Committee
House Bill 2048
by Carol Williams, Executive Director
January 29, 2003

The Commission does not have a position on House Bill 2048. This testimony is being provided for background purposes. House Bill 2048 amends K.S.A. 25-4149, a provision in the Campaign Finance Act. This bill changes the closing date for allocating general election contributions and expenditures from December 31 of an election year to midnight on the date of the general election.

When the Campaign Finance Act was enacted in 1974, the cut-off date for allocating contributions and expenditures for the general election period was midnight on the date of the general election. House Bill 2048 would reinstate this original cut-off date.

In 1990, the Kansas Legislature passed House Bill 2725, which amended K.S.A. 25-4149 by extending the period for allocating general election contributions to December 31.

The Commission asks you to consider two issues when you deliberate this bill. First, K.S.A. 25-4148(a)(3) and (4) should be amended to change the time period covered by the last report for the general election cycle. Currently, the January 10 Receipts and Expenditure Report covers the time period from eleven days preceding the general election through December 31, the current cut-off date for general election contributions. If K.S.A. 25-4148(a)(3) is not amended, campaign contributions and expenditures for both the preceding general election period and the primary election period two years in the future, will be included on the same report. When enacted in 1974, this provision stated the cut-off date for reporting purposes was the date of the general election and the report disclosing this activity was due on December 3.

Second, K.S.A. 25-4149 refers to the allocation of both contributions and other receipts received and expenditures made. The need for addressing expenditure allocations for primary and general elections is no longer necessary. Initially, the Campaign Finance Act placed limitations on the amount of expenditures a candidate could make in his or her primary and general election. In 1976, the U.S. Supreme Court

Buckley v Valeo, that setting expenditure limitations on a candidate's campaign spending was unconstitutional. Unfortunately, as K.S.A. 25-4149 has been amended over the years, the language concerning expenditures has never been stricken. Since there are no expenditure limitations in the Campaign Finance Act, there is no need for the language concerning allocation of expenditures.

Commission staff recommends that if the Committee passes this bill out favorably, that the language in K.S.A. 25-4149 concerning expenditure allocations be deleted, and that K.S.A. 25-4148(a)(3) and (4) be amended to change not only the due date for the final report, but also the cut-off date for general election period activity.

SAMPLE LANGUAGE

*Rep. Wilson
change*
The date of the general election

K.S.A. 25-4149(a) All contributions and other receipts received ~~and expenditures made~~ from and including the ~~January 1~~ *first day* following ~~(one general election date)~~ until and including the next ensuing primary election date shall be allocated to the primary election on such date. All contributions and other receipts received ~~and expenditures made~~ from midnight on the date of a primary election through and including ~~the December 31~~ following the date of the next ensuing general shall be allocated to the general election on such date.

(B) For the purposes of allocating, pursuant to subsection (a), contributions to ~~or expenditures~~ by a candidate seeking nomination by convention or caucus of such candidate's candidate committee, the date of such convention or caucus shall be considered the primary election date.

K.S.A. 25-4148(a) Every treasurer shall file a report prescribed by this section...on or before each of the following days:...(c)(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on ~~December 31, the date of the general election~~, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the *preceding calendar year period beginning the day after the preceding general election through the calendar year following such election.*

State of Kansas
House of Representatives

R.J. WILSON
Assistant House Democratic Leader



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Office of the Democratic Leader

Testimony on HB 2048, By the committee on Ethics and Elections

AN ACT concerning campaign finance; relating to expenditures for political campaigns; amending K.S.A. 25-4149 and repealing the existing section.

Thank you Mr. Chairman and members of the committee.

I am R.J. Wilson, Representative from Pittsburg and I sincerely appreciate the opportunity to appear before you today.

HB 2048 is the first of two changes that I will propose this year concerning campaign finance and the calendar that we all follow for receipts and expenditures.

HB 2048 specifically concerns reporting periods. Under current law, if an entity provides the maximum campaign contribution to you prior to the general election, they are prohibited from making an additional contribution to you until after December 31st of the same year.

Also under current law, if the entity which provided you the maximum contribution under law is a PAC or a business then they are further prohibited from making an additional contribution to you until Sine Die adjournment of the legislature.

HB 2048 will change the date that the general election cycle ends, and the date that the primary election cycle begins. That date would be set statutorily as midnight of the night of the general election. Such a change would reset all contribution limits at that time.

This is a simple change in the law that has no unseen motive or unforeseen consequences. This is simply a way to allow people with campaign debt a better avenue to pay that off following the general election.

Executive Director Carol Williams and I have talked and she has suggested to me that there is a need to make some other small clarifications in the law to make everything match up, and I will be more than willing to have this Bill amended to include those changes.

Thank you Mr. Chairman for the expedient hearing on this measure. I appreciate your time committed to this issue.

Respectfully Submitted:

Representative R.J. Wilson
3rd District

House Ethics and Elections
1-29-03
Attachment 3