

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Barbara Allen at 1:30 p.m. on February 17, 2004 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Legislative Research
Martha Dorsey, Legislative Research
Ken Wilke, Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Senator Emler
Ken North, Management Consultant, North and Associates
Brian Caskey, Administrative Assistant, Elections and Legislative Matters, Secretary of State
Senator O'Connor

Others attending:

See Attached List.

Action on:

SB 376 - campaign finance; use of unexpended campaign funds

Chairperson Allen asked Ken Wilke, Revisor of Statutes, to address the balloon to **SB 376** (Attachment 1). Senator Schmidt move to adopt the amendment, seconded by Senator Jackson. The motion carried.

Senator Betts, recognized by the Chair, had an amendment to **SB 376** (Attachment 2). His amendment had a new section #2. After December 1, 2004, there would be no transferring of campaign accounts, a person could not hold two accounts. Senator Betts ask to clarify that "section B only applies to transfers that were made only to 2003" moved to adopt the balloon and pass favorably. Senator Gilstrap second the motion. On SB 376 as amended Senator Clark move to pass out of committee favorably. seconded by Senator Betts. The motion carried with a five to four vote. NO votes recorded were: Senator Schmidt, Senator Jackson, Senator Buhler, Senator Allen.

Hearing on:

SB 387 - interlocal agreements, public security

Chairperson Allen opened the hearing on **SB 387** and recognized Senator Emler. Senator Emler stated **SB 387** came up out of a securities study done years ago. One change noted in "*line 20 emergency preparedness*" was left out and believes it should be in the bill. Senator Emler introduced Ken North, Management Consultant, North and Associates.

Ken North presented to the committee testimony in support of **SB 387**. He stated, 1)it creates new opportunities for antiterrorism programs and 2) communicates a coherent vision - and attendant expectations - for antiterrorism activities to local units of government. **SB 387** will clearly create new opportunities for creative and synergistic approaches to community public safety (Attachment 3).

There being no others to testify on **SB 387**, the Chair closed the hearing.

HB 2606 - elections; electronic filing of election abstracts

The hearing on **HB 2606** was opened by Chairperson Allen. The Chair recognized Brian Caskey, Administrative Assistant, Elections and Legislative Matters, Secretary of State, to the committee. Brian gave testimony in support. Brian stated **HB 2606** would allow county election officers to transmit official election results via a secure electronic transmission (Attachment 4).

CONTINUATION SHEET

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE at 1:30 p.m. on February 17, 2004 in Room 423-S of the Capitol.

There being no others to testify on **HB 2606**, the Chair closed the hearing.

The Chair asked the committee if there were any objections to taking action on **HB 2606** today. Seeing none Chairperson Allen asked for a motion. Senator Clark moved to pass **HB 2606** out favorably. Senator Jackson seconded the motion. The motion carried.

SB 502 - elections; district conventions; voting by proxy

Chairperson Allen opened the hearing on **SB 502**. Senator O'Connor, recognized by the Chair, testified in support (Attachment 5). Senator O'Connor stated **SB 502** corrects discrepancies in proxy voting.

There being no others to testify on **SB 502**, Chairperson Allen closed the hearing.

The meeting adjourned at 2:30 p.m.

Senate Elec + Loc Gov
02-17-04
Attachment 1

- 1 (B) Any advance, conveyance, deposit, distribution, gift, loan or pay-
- 2 ment of money or any other thing of value made to expressly advocate
- 3 the nomination, election or defeat of a clearly identified candidate for a
- 4 state or local office;
- 5 (C) a transfer of funds between any two or more candidate commit-
- 6 tees, party committees or political committees;
- 7 (D) the payment, by any person other than a candidate, candidate
- 8 committee, party committee or political committee, of compensation to
- 9 an individual for the personal services rendered without charge to or for
- 10 a candidate's campaign or to or for any such committee;
- 11 (E) the purchase of tickets or admissions to, or advertisements in
- 12 journals or programs for, testimonial events;
- 13 (F) a mailing of materials designed to expressly advocate the nomi-
- 14 nation, election or defeat of a clearly identified candidate, which is made
- 15 and paid for by a party committee with the consent of such candidate.
- 16 (2) "Contribution" does not include:
- 17 (A) The value of volunteer services provided without compensation;
- 18 (B) costs to a volunteer related to the rendering of volunteer services
- 19 not exceeding a fair market value of \$50 during an allocable election
- 20 period as provided in K.S.A. 25-4149, and amendments thereto;
- 21 (C) payment by a candidate or candidate's spouse for personal meals,
- 22 lodging and travel by personal automobile of the candidate or candidate's
- 23 spouse while campaigning;
- 24 (D) the value of goods donated to events such as testimonial events,
- 25 bake sales, garage sales and auctions by any person not exceeding a fair
- 26 market value of \$50 per event; or
- 27 (E) *[the transfer, in accordance with K.S.A. 25-4157a, and amend-*
- 28 *ments thereto, of residual funds not otherwise obligated for the payment*
- 29 *of expenses incurred in a campaign or the holding of office]*
- 30 (f) "Election" means:
- 31 (1) A primary or general election for state or local office; and
- 32 (2) a convention or caucus of a political party held to nominate a
- 33 candidate for state or local office.
- 34 (g) (1) "Expenditure" means:
- 35 (A) Any purchase, payment, distribution, loan, advance, deposit or
- 36 gift of money or any other thing of value made by a candidate, candidate
- 37 committee, party committee or political committee for the express pur-
- 38 pose of nominating, electing or defeating a clearly identified candidate
- 39 for a state or local office.
- 40 (B) Any purchase, payment, distribution, loan, advance, deposit or
- 41 gift of money or any other thing of value made to expressly advocate the
- 42 nomination, election or defeat of a clearly identified candidate for a state
- 43 or local office;

the transfer of campaign funds to a bona fide successor committee or candidacy, in accordance with K.S.A. 25-4157a, and amendments thereto

1 (5) not more than one political committee established by the state
2 committee of any such political party and designated as a recognized
3 political committee for the house of representatives; or

4 (6) not more than one political committee per congressional district
5 established by the state committee of a political party regulated under
6 article 38 of chapter 25 of the Kansas Statutes Annotated, and amend-
7 ments thereto, and designated as a congressional district party committee.

8 (j) "Person" means any individual, committee, corporation, partner-
9 ship, trust, organization or association.

10 (k) (1) "Political committee" means any combination of two or more
11 individuals or any person other than an individual, a major purpose of
12 which is to expressly advocate the nomination, election or defeat of a
13 clearly identified candidate for state or local office or make contributions
14 to or expenditures for the nomination, election or defeat of a clearly
15 identified candidate for state or local office.

16 (2) "Political committee" shall not include a candidate committee or
17 a party committee.

18 (l) "Receipt" means a contribution or any other money or thing of
19 value, but not including volunteer services provided without compensa-
20 tion, received by a treasurer in the treasurer's official capacity.

21 (m) "Public office" means a state or local office.

22 (n) "Local office" means ~~a member of the governing body of a city of~~
23 ~~the first class, any elected office of a unified school district having 35,000~~
24 ~~or more pupils regularly enrolled in the preceding school year, a county~~
25 ~~or of the board of public utilities.~~

26 ~~(n)~~ (o) "State office" means any state office as defined in K.S.A. 25-
27 2505, and amendments thereto.

28 ~~(n)~~ (p) "Testimonial event" means an event held for the benefit of
29 an individual who is a candidate to raise contributions for such candidate's
30 campaign. Testimonial events include but are not limited to dinners,
31 luncheons, rallies, barbecues and picnics.

32 ~~(o)~~ (q) "Treasurer" means a treasurer of a candidate or of a candidate
33 committee, a party committee or a political committee appointed under
34 the campaign finance act or a treasurer of a combination of individuals
35 or a person other than an individual which is subject to paragraph (2) of
36 subsection (a) of K.S.A. 25-4172, and amendments thereto.

37 ~~(p)~~ "Local office" means ~~a member of the governing body of a city~~
38 ~~of the first class, any elected office of a unified school district having~~
39 ~~35,000 or more pupils regularly enrolled in the preceding school year, a~~
40 ~~county or of the board of public utilities.~~

41 Sec. 3. K.S.A. 25-4157a is hereby amended to read as follows: 25-
42 4157a. (a) No moneys received by any candidate or candidate commit-
43 tee of any candidate as a contribution under this act shall be used or be

- (1) A member of the governing body of a city of the first class;
- (2) an elected office of:
 - (A) A unified school district having 35,000 or more pupils regularly enrolled in the preceding school year;
 - (B) a county; or
 - (C) the board of public utilities.

1 made available for the personal use of the candidate and no such moneys
2 shall be used by such candidate or the candidate committee of such can-
3 didate except for:

- 4 (1) Legitimate campaign purposes;
- 5 (2) expenses of holding political office ;
- 6 (3) contributions to the party committees of the political party of
7 which such candidate is a member;
- 8 (4) any membership dues or donations paid to a community service
9 or civic organization in the name of the candidate or candidate committee
10 of any candidate;
- 11 (5) expenses incurred in the purchase of tickets to meals and special
12 events sponsored by any organization the major purpose of which is to
13 promote or facilitate the social, business, commercial or economic well
14 being of the local community; or
- 15 (6) expenses incurred in the purchase and mailing of greeting cards
16 to voters and constituents.

17 For the purpose of this subsection, expenditures for "personal use"
18 shall include expenditures to defray normal living expenses for the candi-
19 didate or the candidate's family and expenditures for the personal benefit
20 of the candidate having no direct connection with or effect upon the
21 campaign of the candidate or the holding of public office.

22 (b) No moneys received by any candidate or candidate committee of
23 any candidate as a contribution shall be used to pay interest or any other
24 finance charges upon moneys loaned to the campaign by such candidate
25 or the spouse of such candidate.

26 (c) No candidate or candidate committee shall accept from any other
27 candidate or candidate committee for any candidate for local, state or
28 national office, any moneys received by such candidate or candidate com-
29 mittee as a campaign contribution. The provisions of this subsection shall
30 not be construed to prohibit:

31 (1) A candidate or candidate committee from accepting moneys from
32 another candidate or candidate committee if such moneys constitute a
33 reimbursement for one candidate's proportional share of the cost of any
34 campaign activity participated in by both candidates involved. Such re-
35 imbursement shall not exceed an amount equal to the proportional share
36 of the cost directly benefiting and attributable to the personal campaign
37 of the candidate making such reimbursement; or

38 (2) *[the transfer of campaign funds, pursuant to paragraph (1) of sub-*
39 *section (d), to a different campaign fund established by the same candidate*
40 *for the purpose of being elected to a different public office].*

41 (d) ~~At the time of the termination of any campaign and prior to the~~
42 ~~filing of a termination report in accordance with K.S.A. 25-4157, and~~
43 ~~amendments thereto, all residual funds otherwise not obligated for the~~

charitable.

a candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate

1 payment of expenses incurred in such campaign or the holding of office
 2 shall be contributed to a charitable organization, as defined by the laws
 3 of the state, contributed to a party committee or returned as a refund in
 4 whole or in part to any contributor or contributors from whom received (d)
 5 or paid into the general fund of the state. (1) At the time of the termi-
 6 nation of any campaign and prior to the filing of a termination report in
 7 accordance with K.S.A. 25-4157, and amendments thereto, all residual
 8 funds not otherwise obligated for the payment of expenses incurred in
 9 such campaign or the holding of office, or any portion of such funds, [may] shall
 10 be:

- (1) 11 [(A)], Contributed to a charitable organization, as defined by the laws
 12 of the state;
- (2) 13 [(B)], contributed to a party committee;
- (3) 14 [(C)], returned as a refund in whole or in part to any contributor or
 15 contributors from whom such funds were received; [or]
- (4) 16 [(D)], paid into the general fund of the state; [or
- 17 (E) transferred to a bona fide successor committee
 18 established by the candidate

19 Whenever campaign funds are transferred to a bona fide successor com-
 20 mittee or candidacy pursuant to this section, all monies must be trans-
 21 ferred from the original campaign fund within 10 days after the date such
 22 transfer is made.

23 (e) For the purposes of this section, "bona fide successor committee
 24 or candidacy" means the candidate's campaign committee or candidacy
 25 for an elected public office different from the elected public office held by
 26 the candidate at the time such transfer was made.

27 New Sec. 4. (a) For the period commencing on January 1, 1976, and
 28 ending on the day preceding the effective date of this act, any candidate
 29 who transferred campaign funds to a bona fide successor candidacy, as
 30 such term is defined in section 3, shall be deemed to have made such
 31 transfer in compliance with the provisions of the campaign finance act in
 32 existence at the time of such transfer regardless of when the original
 33 campaign fund is closed after the date such transfer is made and such
 34 transfer is hereby validated.

35 (b) This section shall be part of and supplemental to the campaign
 36 finance act.

37 Sec. 5. K.S.A. 25-4142 and 25-4157a and K.S.A. 2003 Supp. 25-4143
 38 are hereby repealed.

39 Sec. 6. This act shall take effect and be in force from and after its
 40 publication in the Kansas register.

- (5) transferred to a bona fide successor committee
 or candidacy established by the candidate; or
- (6) transferred to a bona fide successor committee
 or candidacy established by the candidate
 pursuant to paragraph (2) of subsection (f) for
 the purpose of retiring the remaining debt in the
 original candidacy

(e) Upon transferring money to a bona fide successor
 committee or candidacy as defined by paragraph (2) of
 subsection (f), the candidate may only accept contributions
 to the original candidacy sufficient to retire the debt. Such
 contributions shall be subject to the contribution limits for
 the original office sought as set forth in K.S.A. 25-4153
 and amendments thereto. Once the candidate has received
 sufficient contributions to retire the debt, the candidate
 must terminate the candidacy pursuant to the provisions set
 forth in subsection (d).

(f) For the purposes of this section, "bona fide successor
 committee or candidacy" means:

- (1) the candidate's campaign committee or
 candidacy for a public office initiated at the
 termination of the original candidacy; or
- (2) the candidate's campaign committee or
 candidacy initiated at the time of the transfer of
 all monies to a new campaign committee or
 candidacy for a public office when there is debt
 in the original campaign at the time of the
 transfer and the candidate does not terminate the
 original campaign committee or candidacy.

SENATE BILL No. 376

By Committee on Elections and Local Government

1-27

Senate Elec & Loc Gov
02-17-04
Attachment 2

9 AN ACT concerning campaign finance; relating to use of unexpended
10 campaign funds; amending K.S.A. 25-4142 [and 25-4157a and K.S.A.
11 2003 Supp. 25-4143 and repealing the existing] section;
12

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

14 Section 1. K.S.A. 25-4142 is hereby amended to read as follows: 25-
15 4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and
16 ~~K.S.A. 25-4153b section [4]~~ and amendments thereto, shall be known and
17 may be cited as the campaign finance act. 2

18 ~~[Sec. 2. K.S.A. 2003 Supp. 25-4143 is hereby amended to read as~~
19 follows: 25-4143. As used in the campaign finance act, unless the context
20 otherwise requires:

21 (a) "Candidate" means an individual who: (1) Appoints a treasurer or
22 a candidate committee;

23 (2) makes a public announcement of intention to seek nomination or
24 election to state or local office;

25 (3) makes any expenditure or accepts any contribution for such per-
26 son's nomination or election to any state or local office; or

27 (4) files a declaration or petition to become a candidate for state or
28 local office.

29 (b) "Candidate committee" means a committee appointed by a can-
30 didate to receive contributions and make expenditures for the candidate.

31 (c) "Clearly identified candidate" means a candidate who has been
32 identified by the:

33 (1) Use of the name of the candidate;

34 (2) use of a photograph or drawing of the candidate; or

35 (3) unambiguous reference to the candidate whether or not the
36 name, photograph or drawing of such candidate is used.

37 (d) "Commission" means the governmental ethics commission.

38 (e) (1) "Contribution" means:

39 (A) Any advance, conveyance, deposit, distribution, gift, loan or pay-
40 ment of money or any other thing of value given to a candidate, candidate
41 committee, party committee or political committee for the express pur-
42 ~~pose of nominating, electing or defeating a clearly identified candidate~~
43 ~~for a state or local office.]~~

1 ~~[(B) Any advance, conveyance, deposit, distribution, gift, loan or pay-~~
2 ~~ment of money or any other thing of value made to expressly advocate~~
3 ~~the nomination, election or defeat of a clearly identified candidate for a~~
4 ~~state or local office;~~

5 ~~(C) a transfer of funds between any two or more candidate commit-~~
6 ~~tees, party committees or political committees;~~

7 ~~(D) the payment, by any person other than a candidate, candidate~~
8 ~~committee, party committee or political committee, of compensation to~~
9 ~~an individual for the personal services rendered without charge to or for~~
10 ~~a candidate's campaign or to or for any such committee;~~

11 ~~(E) the purchase of tickets or admissions to, or advertisements in~~
12 ~~journals or programs for, testimonial events;~~

13 ~~(F) a mailing of materials designed to expressly advocate the nomi-~~
14 ~~nation, election or defeat of a clearly identified candidate, which is made~~
15 ~~and paid for by a party committee with the consent of such candidate.~~

16 ~~(2) "Contribution" does not include:~~

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

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

21 ~~(C) payment by a candidate or candidate's spouse for personal meals,~~
22 ~~lodging and travel by personal automobile of the candidate or candidate's~~
23 ~~spouse while campaigning;~~

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

27 ~~(E) the transfer, in accordance with K.S.A. 25-4157a, and amend-~~
28 ~~ments thereto, of residual funds not otherwise obligated for the payment~~
29 ~~of expenses incurred in a campaign or the holding of office.~~

30 ~~(f) "Election" means:~~

31 ~~(1) A primary or general election for state or local office; and~~

32 ~~(2) a convention or caucus of a political party held to nominate a~~
33 ~~candidate for state or local office.~~

34 ~~(g) (1) "Expenditure" means:~~

35 ~~(A) Any purchase, payment, distribution, loan, advance, deposit or~~
36 ~~gift of money or any other thing of value made by a candidate, candidate~~
37 ~~committee, party committee or political committee for the express pur-~~
38 ~~pose of nominating, electing or defeating a clearly identified candidate~~
39 ~~for a state or local office.~~

40 ~~(B) Any purchase, payment, distribution, loan, advance, deposit or~~
41 ~~gift of money or any other thing of value made to expressly advocate the~~
42 ~~nomination, election or defeat of a clearly identified candidate for a state~~
43 ~~or local office;]~~

- 1 ~~[(C) any contract to make an expenditure,~~
- 2 ~~(D) a transfer of funds between any two or more candidate commit-~~
- 3 ~~tees, party committees or political committees; or~~
- 4 ~~(E) payment of a candidate's filing fees.~~
- 5 ~~(2) "Expenditure" does not include:~~
- 6 ~~(A) The value of volunteer services provided without compensation;~~
- 7 ~~(B) costs to a volunteer incidental to the rendering of volunteer serv-~~
- 8 ~~ices not exceeding a fair market value of \$50 during an allocable election~~
- 9 ~~period as provided in K.S.A. 25-4149, and amendments thereto;~~
- 10 ~~(C) payment by a candidate or candidate's spouse for personal meals,~~
- 11 ~~lodging and travel by personal automobile of the candidate or candidate's~~
- 12 ~~spouse while campaigning or payment of such costs by the treasurer of a~~
- 13 ~~candidate or candidate committee;~~
- 14 ~~(D) the value of goods donated to events such as testimonial events,~~
- 15 ~~bake sales, garage sales and auctions by any person not exceeding fair~~
- 16 ~~market value of \$50 per event; or~~
- 17 ~~(E) any communication by an incumbent elected state or local officer~~
- 18 ~~with one or more individuals unless the primary purpose thereof is to~~
- 19 ~~expressly advocate the nomination, election or defeat of a clearly identi-~~
- 20 ~~fied candidate.~~
- 21 ~~(h) "Expressly advocate the nomination, election or defeat of a clearly~~
- 22 ~~identified candidate" means any communication which uses phrases in-~~
- 23 ~~cluding, but not limited to:~~
- 24 ~~(1) "Vote for the secretary of state";~~
- 25 ~~(2) "re-elect your senator";~~
- 26 ~~(3) "support the democratic nominee";~~
- 27 ~~(4) "cast your ballot for the republican challenger for governor";~~
- 28 ~~(5) "Smith for senate";~~
- 29 ~~(6) "Bob Jones in '98";~~
- 30 ~~(7) "vote against Old Hickory";~~
- 31 ~~(8) "defeat" accompanied by a picture of one or more candidates; or~~
- 32 ~~(9) "Smith's the one."~~
- 33 ~~(i) "Party committee" means:~~
- 34 ~~(1) The state committee of a political party regulated by article 3 of~~
- 35 ~~chapter 25 of the Kansas Statutes Annotated, and amendments thereto;~~
- 36 ~~(2) the county central committee or the state committee of a political~~
- 37 ~~party regulated under article 38 of chapter 25 of the Kansas Statutes~~
- 38 ~~Annotated, and amendments thereto;~~
- 39 ~~(3) the bona fide national organization or committee of those political~~
- 40 ~~parties regulated by the Kansas Statutes Annotated;~~
- 41 ~~(4) not more than one political committee established by the state~~
- 42 ~~committee of any such political party and designated as a recognized~~
- 43 ~~political committee for the senate;]~~

~~(5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or~~

~~(6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.~~

~~(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.~~

~~(k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.~~

~~(2) "Political committee" shall not include a candidate committee or a party committee.~~

~~(l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.~~

~~(m) "Public office" means a state or local office.~~

~~(n) "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.~~

~~(o) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.~~

~~(p) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.~~

~~(q) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.~~

~~(r) "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.~~

~~Sec. 3. K.S.A. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be~~

1 made available for the personal use of the candidate and no such moneys
2 shall be used by such candidate or the candidate committee of such candi-
3 date except for:

- 4 (1) Legitimate campaign purposes;
- 5 (2) expenses of holding political office ;
- 6 (3) contributions to the party committees of the political party of
7 which such candidate is a member;
- 8 (4) any membership dues or donations paid to a community service
9 or civic organization in the name of the candidate or candidate committee
10 of any candidate;
- 11 (5) expenses incurred in the purchase of tickets to meals and special
12 events sponsored by any organization the major purpose of which is to
13 promote or facilitate the social, business, commercial or economic well
14 being of the local community; or
- 15 (6) expenses incurred in the purchase and mailing of greeting cards
16 to voters and constituents.

charitable.

17 For the purpose of this subsection, expenditures for "personal use"
18 shall include expenditures to defray normal living expenses for the candi-
19 date or the candidate's family and expenditures for the personal benefit
20 of the candidate having no direct connection with or effect upon the
21 campaign of the candidate or the holding of public office.

22 (b) No moneys received by any candidate or candidate committee of
23 any candidate as a contribution shall be used to pay interest or any other
24 finance charges upon moneys loaned to the campaign by such candidate
25 or the spouse of such candidate.

26 (c) No candidate or candidate committee shall accept from any other
27 candidate or candidate committee for any candidate for local, state or
28 national office, any moneys received by such candidate or candidate com-
29 mittee as a campaign contribution. The provisions of this subsection shall
30 not be construed to prohibit:

31 (1) A candidate or candidate committee from accepting moneys from
32 another candidate or candidate committee if such moneys constitute a
33 reimbursement for one candidate's proportional share of the cost of any
34 campaign activity participated in by both candidates involved. Such re-
35 imbursement shall not exceed an amount equal to the proportional share
36 of the cost directly benefiting and attributable to the personal campaign
37 of the candidate making such reimbursement; or

38 (2) ~~the transfer of campaign funds, pursuant to paragraph (1) of sub-~~
39 ~~section (d), to a different campaign fund established by the same candidate~~
~~for the purpose of being elected to a different public office.~~

42 ~~At the time of the termination of any campaign and prior to the~~
~~filing of a termination report in accordance with K.S.A. 25-4157, and~~
43 ~~amendments thereto, all residual funds otherwise not obligated for the~~

a candidate or candidate committee from
transferring campaign funds to a bona fide
successor committee or candidacy established by
the candidate

1 payment of expenses incurred in such campaign or the holding of office
 2 shall be contributed to a charitable organization, as defined by the laws
 3 of the state, contributed to a party committee or returned as a refund in
 4 whole or in part to any contributor or contributors from whom received
 5 or paid into the general fund of the state. ~~(1) At the time of the termi-~~
 6 ~~nation of any campaign and prior to the filing of a termination report in~~
 7 ~~accordance with K.S.A. 25-4157, and amendments thereto, all residual~~
 8 ~~funds not otherwise obligated for the payment of expenses incurred in~~
 9 ~~such campaign or the holding of office, or any portion of such funds, may~~
 10 ~~be:~~

- 11 (A) Contributed to a charitable organization, as defined by the laws
- 12 of the state;
- 13 (B) contributed to a party committee;
- 14 (C) returned as a refund in whole or in part to any contributor or
- 15 contributors from whom such funds were received; or
- 16 (D) paid into the general fund of the state; or
- 17 (E) transferred to a bona fide successor committee or candidacy es-
- 18 tablished by the candidate.

19 Whenever campaign funds are transferred to a bona fide successor com-
 20 mittee or candidacy pursuant to this section, all monies must be trans-
 21 ferred from the original campaign fund within 10 days after the date such
 22 transfer is made.

23 (e) For the purposes of this section, "bona fide successor committee
 24 or candidacy" means the candidate's campaign committee or candidacy
 25 for an elected public office different from the elected public office held by
 26 the candidate at the time such transfer was made.

27 New Sec. 4. (a) For the period commencing on January 1, 1976, and
 28 ending on the day preceding the effective date of this act, any candidate
 29 who transferred campaign funds to a bona fide successor candidacy, as
 30 such term is defined in section 3, shall be deemed to have made such
 31 transfer in compliance with the provisions of the campaign finance act in
 32 existence at the time of such transfer regardless of when the original
 33 campaign fund is closed after the date such transfer is made and such
 34 transfer is hereby validated.

35 ~~(b) This section shall be part of and supplemental to the campaign~~
 36 ~~finance act.~~

37 Sec. 3. K.S.A. 25-4142 and 25-4157a and K.S.A. 2003 Supp. 25-4143
 38 are hereby repealed.

39 Sec. 6. This act shall take effect and be in force from and after its
 40 publication in the Kansas register.

New Sec.2. (a) Notwithstanding any other provision of the campaign finance act, any candidate who transfers or transferred campaign funds to a bona fide successor committee or candidacy during the period commencing on January 1, 2001 and ending on December 31, 2004, shall be deemed to have made such transfer in compliance with the provisions of the campaign finance act in existence at the time of such transfer regardless of when the original campaign fund is closed after the date such transfer is made and such transfer is hereby validated.

(b) Notwithstanding any other provision of the campaign finance act, a candidate's transfer of campaign funds to a bonafide successor committee or candidacy in accordance with this section shall be construed to be:

(1) Not a contribution within the meaning of K.S.A. 25-4143 and amendments thereto.

(2) A permissible use of all residual funds otherwise not obligated for the payment of expenses incurred in a candidate's campaign in addition to the uses specified in subsection (d) of K.S.A. 25-4157a and amendments thereto.

(c) For the purposes of this section:

(1) "Bona fide successor committee or candidacy" means the candidate's campaign committee or candidacy for an elected public office different from the elected public office held by the candidate at the time such transfer was made.

(2) "Local office" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(3) "Public office" means a state or local office.

(4) "State office" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(d) This section shall be part of and supplemental to the campaign finance act.



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SB 387

By Senator Jay Emler

Testimony before the Elections & Local Government Committee Of the Kansas Senate

- Ken North

Overview

There is a pervasive if unarticulated assumption that the “war on terror” will ultimately be won by Federal leadership, strategy, and resources. The Federal Government itself is clearly shackled to the belief that it alone has the methods and means to effectively embrace the terrorist threat.

Nothing could be further from the truth.

The prospect of a distant victory rides on the collective outcome of innumerable engagements won or lost at the local level. The identity of the Oklahoma City bomber was not established through “echelon” surveillance software. Eric Rudolph was not located through advanced Key Hole satellite reconnaissance. Their respective apprehensions were instead secured by uniform patrol officers working their districts as they always work them – continuously alert to the subtle indicators of suspicious activity.

Providing enlightened support to local law enforcement constitutes the abiding prerequisite for public safety in the twenty-first century.

Two years after the events of September 11th, however, Police Chiefs and Sheriffs in Kansas have not received relevant “action plans” from the State or Federal Government.

With specific reference to local needs, the Federal Department of Homeland Security can only be characterized as “intellectually bankrupt”.

No design, no template, no conceptual framework for local law enforcement has been forthcoming from that Department or any other federal agency. The vast percentage of local police departments have, at best, limited experience in implementation of practical “threat assessments” for critical community assets. That is simply not a traditional law enforcement skill-set taught at a police academy or learned at seminars.

In the long term, increasingly less should be expected in federal resources for State and local law enforcement units. Spiralling federal deficits will eventually generate shrinking Homeland Security Department funding. **The 2005 federal budget submission for Homeland Security contemplates a 32% reduction in funding for local law enforcement.** What funding does survive will be largely dominated by aerospace, software, and defense industry lobbyists with technology-intensive programs and products.

It is thus painfully evident that any community antiterrorism program must be built from the ground up – flowing *inductively* from State and local law enforcement initiatives.

The intrinsic ability to confront emerging security challenges pivots on essentially two organizational factors:

- ◆ The flexibility or “elasticity” of internal department resources; and
- ◆ The availability of external resources that can readily complement department needs, particularly in a crisis scenario.

Stated simply, law enforcement **training**, staff **reconfiguration**, and “**mutual aid**” agreements are the principal components of this solution.

For over sixty years, the Kansas Legislature has systematically expanded this range of options. This commitment represents a resilient foundation for cohesive and integrated antiterrorism programs. With the submission of Senate Bill 387 by Senator Jay Emler, the Kansas Legislature has an unprecedented opportunity to further focus and refine this endeavor.

SB 387 effects two timely revisions in Kansas Statutes:

1. creates new opportunities for antiterrorism programs;
2. communicates a coherent vision - and attendant expectations - for antiterrorism activities to local units of government.

A. Proposal Objective:

The Kansas "interlocal cooperation act" was an extraordinarily far-sighted initiative when it was passed by the 1957 Kansas Legislature. It is particularly noteworthy given the fact that this legislation was conceived during an era of both traditional and rigidly hierarchial organizational designs.

Although its potential benefits are largely underutilized by local units of government, the Act clearly places a premium upon creativity and innovation in the provision of public services.

This law, which incorporates "police protection" as a prospective use, was utilized in 1978 with the approval of the "Wyandotte-Johnson Police Mutual Aid Pact". That agreement formalized protocols for the exchange of law enforcement services between the Kansas City, Kansas Police Department and virtually all of the police agencies in Johnson County. There had been numerous prior instances when these agencies exchanged services on an ad hoc basis, including the tumultuous 1977 closing of the Kansas Savings and Loan Association in Roeland Park. Kansas City, Kansas Police units were on standby to assist Johnson County authorities with crowd management at that locale.

The 1975 police strike in Kansas City, Kansas represents another compelling illustration of police mutual aid resolving a public safety crisis. During that labor dispute, Kansas City, Kansas was protected by less than forty officers from a three hundred strong department. A quiet contingent of K.B.I. agents, Kansas Highway Patrol troopers, and stationed Kansas National Guard units covered the community for a number of days.

Although legislative intent with reference to “police protection” is undoubtedly somewhat expansive, the evolving threat environment for State and local units of government clearly suggests that inclusion of more specific security applications would be beneficial.

B. Proposed Revisions:

K.S.A. 12-2904. Interlocal agreements by public agencies; specifications; approval of attorney general, exceptions.

(a) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state including but not limited to those functions relating to economic development, public improvements, public utilities, police protection, ***public security including but not limited to intelligence, antiterrorism, and disaster recovery***, libraries, data processing services . . . upon a public agency.

Summary

The Kansas interlocal cooperation agreement act is the baseline statute for mutual aid initiatives in Kansas. Senator Emler’s proposed changes in S. B. 387 will clearly create new opportunities for creative and synergistic approaches to community public safety.

Within the law enforcement arena, this proposal will enable both state and local agencies to forge more responsive programs to confront antiterrorism challenges throughout the state. Given the current and projected budget realities for law enforcement in Kansas, these tools are both timely and essential.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on HB 2606
Bryan A. Caskey, Administrative Assistant
Elections and Legislative Matters
Office of the Secretary of State

February 17, 2004

Madam Chairwoman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2606. This is a bill that would allow county election officers to transmit official election results via a secure electronic transmission. This bill is proposed by the Secretary of State to improve the efficiency in gathering official election results.

Currently, official election results (abstracts) are submitted by each county election officer following the meeting of the county board of canvassers. Our office currently prints, binds and distributes these abstracts to each county before each state primary and general election. After the county boards of canvassers certify each county's election results, the county election office completes each abstract by hand and signs, seals and sends it to us by registered mail. The Secretary of State's office then re-keys the election results into the state database to produce the official election results that are certified by the State Board of Canvassers. This process has been used by the Secretary of State's office for many years. It requires a hand entry by the county election office into the paper abstract and then another manual entry by the Secretary of State's office into our computer system. All of this takes place in a two to three week time frame and must be 100 percent accurate.

This bill would streamline this process using the state PKI (Public Key Infrastructure) program. The PKI was developed by the Secretary of State's office in collaboration with many other state agencies and VeriSign. The purpose of the PKI program is to produce the most secure electronic signature and authentication program possible. It is designed for the electronic transmission of our most important documents. Currently, the Kansas Department of Revenue uses PKI in its E-lien program for lenders' release of car titles. Also, the Kansas State Treasurer's office uses PKI to transfer millions of dollars among its customer banks.

By using PKI, each county election office would have the option of submitting their official election results electronically to the Secretary of State's office, who then would be able to assimilate the election results without re-keying information. This would save staff time both at the county level and state level, and avoid the possibility for errors in re-entering data.

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There is a slight fiscal cost for the PKI certificates. Each certificate costs \$40. The Secretary of State's office will purchase these certificates for each county. The state will also have some programming costs to our election database to receive the election results. However, there will be some savings both short and long term for the county and state. Staff time will be reduced at both levels, particularly at the state level. The state would save printing costs of a few hundred dollars every two years and the counties would save mailing costs as well. The counties have expressed a desire to participate in electronic filing of these abstracts.

Submitting the official election results electronically would be optional, but we feel it would help the state and counties become more efficient by allowing this option.

Thank you and I stand for questions.



TOPEKA

KAY O'CONNOR

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AND NORTHWESTERN OLATHE

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MADAM CHAIR AND COMMITTEE MEMBERS:

For the past twelve years, I have been a precinct committee woman. One of the duties of this position is to cast a vote in the regular elections for leadership in our Party. If for any reason I would not be able to attend, I could use a proxy to vote for me. This is as it should be.

However, last year there was a special election for a vacated seat for County Sheriff. I learned that, because we were in session at the time of this vote, I would not be allowed to carry out my precinct committee person duty of casting a vote in this special election unless I drove back to Johnson County thereby missing my duties here. Proxy voting is not allowed by statutory law in these cases.

SB 502 corrects this discrepancy. I believe this to be a non-controversial bill that rectifies another price we pay to be a legislator.

I hope you will be able to join me in supporting SB 502.

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Attachment 5