

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:35 P.M. on January 18, 2005 in Room 423-S of the Capitol.

Committee members absent: None

Committee staff present: Martha Dorsey, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Janet Engel, Committee Secretary

Conferees appearing before the committee: Carol Williams, Ethics Commission

Others attending: See attached list.

Senator Dennis Wilson was introduced. He is replacing Senator Ralph Ostmeyer on the committee.

Bill introductions

It was moved by Senator Wilson and seconded by Senator O'Connor that the committee introduce the bill related to simplifying the annual application process for the Homestead Act. This is something Senator Wilson brings to the committee from a group of county clerks and county treasurers. Motion carried.

It was moved by Senator O'Connor and seconded by Senator Reitz that the committee introduce a bill related to safety issues about roofing shingles. This is a bill that Mr. Wilke has drafted and is ready to introduce. The motion carried

Carol Williams from the Government Ethics Commission reported on recommendations from the Ethics Commission. See Attachment 1 for the written report. She asked the committee to introduce the five bills as reported. It was moved by Senator Francisco and seconded by Senator Betts to introduce each of these bills separately. The motion carried.

Senator Huelskamp asked the committee and the audience for additional bill requests. There were none.

Closing

The next meeting is Thursday, January 20, 2005.

There being no further business, the committee adjourned at 2:07 p.m.

Commission Recommendations

The Commission is directed by statute to make recommendations to the Governor and Legislature. It recognizes that any major piece of legislation periodically needs revision, modification, and in some cases, major changes. To that end, the Commission makes the following recommendations in the area of campaign finance:

1) Under current law, political action committees and party committees do not have to report the names of any candidates they make expenditures on behalf of when filing a receipts and expenditures report. The committee's responsibility is to list the vendor to whom the expenditure is made, not the name of the candidate the committee is advocating the election or defeat of, or the amount expended to support or oppose a candidate. For example, if a political committee pays the postmaster \$2000 and the XYZ Printers \$4000 for a flyer that expressly advocates the election or defeat of Candidates Brown and Smith, the committee is only required to show that expenditures were made to the postmaster for stamps and the printer for campaign flyers. The public has no idea, in reviewing a political committee report, which candidates are the recipient of either in-kind contributions or independent expenditures made by the committee that advocated the election or defeat of state or local candidates. The Commission believes that full disclosure of the expenditures made by political committees should be made by detailing which candidates are supported or opposed and the amount of money spent on that effort.

2) All state and local candidates file receipts and expenditures reports eight days prior to both the primary and general elections. The cut-off for reporting purposes for each of these reports is eleven days prior to each election. The last minute contributions received after this reporting period deadline go unreported until three months after the primary election and two and one-half months after the general election. The Commission recommends that the law be changed to require any contribution in excess of \$50 that is that are received the last eleven days before an election be reported within 24 hours of receipt by either e-mail, facsimile transmission, telegram, or express delivery service. The reporting of these late contributions will provide the public with more complete and accurate information concerning the total contributions received by a campaign. The Commission recommends the recipient of the late contribution should report his or her name, address, and the date, amount of the late contribution, and the name and address of the contributor. This information would then be included on the next report filed by the candidate.

3) The Commission recommends that any political action committee or party committee that makes independent expenditures of more than \$50 during the last eleven days before the primary or general election be required to report the expenditure within twenty-four hours of making the expenditure. The reporting of the expenditure can be made by e-mail, facsimile transmission, telegram, or express delivery service. The expenditure should be itemized by name and address, the purpose, the name of the candidate supported or opposed, and the amount of the expenditure. This information would then be included on the next report filed by the political action or party committee.

4) The past several state elections have seen a dramatic increase in the use of recorded phone bank campaign messages that either support or oppose specific candidates. There is no requirement under

current law for these messages to include information as to who is sponsoring or paying for the message. The Commission recommends that recorded telephone campaign messages be required to identify who is paying for or sponsoring these mass communication messages at the end of the message.

5) Issue ads during elections are becoming more prevalent. The Commission believes if expenditures for issue ads are not disclosed, campaign disclosure could be undermined. The Commission recommends that any person who makes a payment of \$100 or more for a communication that clearly identifies a candidate, but does not expressly advocate the election or defeat of the candidate, be required to file a statement detailing such communication. This would include any communication that is disseminated, broadcast, or otherwise published within thirty days prior to an election. The statement should disclose the name and address of such person along with the recipient's name and address, description and amount of the payment, the name of the candidate mentioned, and how much was spent on each candidate mentioned. The report should be filed within twenty-four hours of making the payment or promise to make the payment.