

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 10, 2005 in Room 423-S of the Capitol.

All members were present.

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, Kansas Ethics Commission
Shelby Smith, Ad Hoc Lobbyist Campaign Finance Committee
Brad Bryant, Secretary of State Office
Julia Gilmore Gaughn, Disability Rights Center of Kansas

Others attending: See attached list.

Hearing on SB 66 - campaign finance; reports by certain committees shall include names of candidates supported or opposed.

Meeting materials were distributed yesterday and are included as attachments with these minutes.

Ken Wilke, committee staff, described the bill and fielded questions. This is the first recommendation from the Ethics Commission.

The fiscal note was included in the meeting packets.

Proponents: Carol Williams provided testimony (Attachment 1) and answered questions.

Shelby Smith previously provided written testimony. A reprint is included as (Attachment 2).

There being no Opponents, Senator Huelskamp closed the hearing.

Hearing on SB 132 - Elections-optical scanning voting equipment.

Ken Wilke, committee staff described the bill and fielded questions. This was requested by the Secretary of State's Office as a requirement to implement HAVA.

The fiscal note was included in the meeting packets.

Proponents: Brad Bryant provided testimony (Attachment 3) and answered questions.

There being no Opponents, Senator Huelskamp closed the hearing.

Hearing on SB 141 - Elections; providing for an advance voters list and access thereto.

Ken Wilke, committee staff described the bill and fielded questions. The fiscal note was not yet available.

There were no proponents present.

Opponents: Brad Bryant provided testimony (Attachment 4) and answered questions.

Neutral: Julia Gilmore Gaughn asked that new legislation protect the disability status and type of those who have applied for permanent advance voting status. (Attachment 5)

Senator Huelskamp closed the hearing.

CONTINUATION SHEET

MINUTES OF THE Senate Elections and Local Government at 1:30 P.M. on February 10, 2005 in Room 423-S of the Capitol.

Hearing on SB 134 - Elections; party affiliation in primary elections.

Ken Wilke, committee staff, described the bill.

The fiscal note was included in the meeting packets.

Proponents: Brad Bryant provided testimony (Attachment 6) and answered questions.

There being no Opponents, Senator Huelskamp closed the hearing.

Subcommittee for SB 80: Senator O'Connor announced that the subcommittee for this bill will meet on Monday, February 14 at 1:30 p.m. in 423-S.

Discussion of SB 67 - Campaign finance; corrupt political advertising, inclusion of telephonic communications.

Mr. Wilke distributed a proposal (Attachment 7) marked to expand the definition of telephonic means. It was moved by Senator Donovan and seconded by Senator Pyle to amend as marked. Motion carried.

Mr. Wilke distributed (Attachment 8) with a proposed amendment to insert (d)(1) & (2) after line 17 on page 2 related to vendor records. It was moved by Senator Pyle and seconded by Senator Reitz to amend as marked. Motion carried.

It was moved by Senator Reitz and seconded by Senator Betts that the committee favorably pass this bill as amended. Motion carried.

Closing

There being no further business, the meeting was adjourned at 2:30 p.m.

Senate Elections & Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423-S

Sen Tim Huelskamp, Chair

Guest List for February 10, 2005

Please sign in

Name	Representing
Brad Bryant	Sec of State
Melissa Wangemann	Sec of State
Erik Santorpus	City of Overland Park
Mandy Milleo	Senator Schmidt
Lucas Bell	Kearney and Associates
Donna Williams	GEC
Carol Williams	GEC
Donna M. Fox	Ethics Commis
Judy Noler	KAC
Michael Donnelly	DRC
Juan Gilmore Jaugha	DRC
Chris Wilson	KBIA



GOVERNMENTAL ETHICS COMMISSION

www.accesskansas.org/ethics

Testimony before Senate Committee On Elections and Local Government in Support of Senate Bill 66

by Carol Williams, Executive Director

February 9, 2005

Senate Bill 66 amends K.S.A. 25-4148, which is a provision of the Campaign Finance Act. This bill is a recommendation made by the Governmental Ethics Commission in its 2005 Annual Report and Recommendations.

The new language amending K.S.A. 25-4148 is found on page 2 lines 28-43 and on page 3 lines 1-2. Political action committees and party committees would be required to report the name and address of each candidate for state or local office that either receives an in-kind contribution or is identified in an independent expenditure made by the committee which expressly advocates for or against the named candidate. The amount, date, and a detailed description of the service would also be required to be disclosed.

Under current law, political action committees and party committees do not have to report the name of any candidate they make expenditures on behalf of when filing a receipts and expenditures report. The Committee's current responsibility is to list the vendor to whom the expenditure is made, not the candidate on whose behalf the expenditure is made. For example, if political committee ABC pays the postmaster \$2,500 for stamps which are donated in-kind to a candidate, the stated purpose is stamps. If the XYZ Printers is paid \$1,600 for an independent mailing which benefits candidate A, the committee is only required to show the expenditure to the printer with the stated purpose of political flyers. The public has no idea after viewing ABC PAC's report that candidate A was the recipient of an in-kind contribution, or that the committee made independent expenditures that expressly advocated for the election of candidate A.

The Commission believes that political action and party committees should be required to provide more detailed information concerning the in-kind contributions and independent

Senate Elections & Local Govt.

Date: 2 / 10 / 2005

Attachment 1

expenditures made on behalf of or in opposition to Kansas candidates. The Commission urges your support of Senate Bill 66.

TESTIMONY – CAMPAIGN FINANCE

Shelby Smith

SENATE ELECTIONS COMMITTEE

January 25, 2005

I'm testifying on behalf of an Ad Hoc Lobbyist Campaign Finance Committee (John Bottenberg, Dina Fisk, Jim Maag, John Pinegar) in support for the recommendations of the Governmental Ethics Commission (GEC). We're here as private citizens representing only our individual concerns and no one else.

Our singular interest is disclosure.

Kansans enjoys a clean and otherwise open culture of responsible and responsive government. A big window of opportunity is now open to protect that integrity and to correct a glaring failure in our campaign finance laws. We received a failing grade from the Center for Governmental Studies. The fact is, current Kansas law is a bit of a joke. We owe Kansas taxpayers timely and accurate information about the election process, the basic exercise of our democracy.

We're especially emphatic in our support of SB65 (Recommendation 2) and SB68 (Rec. 3) which will at last plug the black hole of non-disclosure in the eleven days before primary elections and the eleven days preceding the general election. Under current Kansas law, contributions and expenditure made during the critical all important campaign advertising days are not made public until 90 days after the primary or 75 days after the general election. Disclosure on this schedule is worthless.

We lobbyist are also strong in our support of SB64 (Rec. 5) which should remove the shadowy cash from Issue Ads which hide the identity of groups and individuals who seek to influence, anonymously, the election or defeat of a candidate. This reform requires the sponsors of Issue Ads which identifies a candidate by name, or picture or position to file a report as must all PACs. The intent here is not to restrict or eliminate 527s, but rather full disclosure of their politics and money.

Our support of the Commission's recommendations arises again and again from the fundamental need for disclosure, to wit: SB66 (Rec. 1) requires money spent on behalf of a candidate be identified in the Receipts and Expenditure Report. Then SB67 (Rec. 4) demands the disclosure of funding sources for recorded telephone bank messages in the same way that the sponsors for television, radio, and print messages must be identified.

Additionally, we recommend mandatory campaign electronic filing. The Secretary of State and the Governmental Ethics Commission are encouraged to come forward with a Joint Proposal to accept these filings and to make them accessible with posting on the Secretary of State's website.

Governor Sebelius' State of the State address, January 10, 2005, clearly shows her solid support for an overhaul of our campaign finance laws. We commend her leadership on this issue. We also recognize the fact the diverse nine member Commission brought forth all five recommendations on unanimous votes. The time is now.

Senate Elections & Local Govt.

Date: 2 / 10 / 2005

Attachment 2

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 132

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

February 10, 2005

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on behalf of the Secretary of State in support of Senate Bill 132. We urge the committee to pass this bill to bring the statutes governing the requirements and certification of optical scanning voting systems up to date and into compliance with the Help America Vote Act of 2002. We have also proposed a companion bill, Senate Bill 143, to update the laws governing electronic voting equipment.

Many of the laws cited in SB 132 have not been amended since 1982 and need to be revised to reflect the current state of technology and recognize the fact that the operating systems, firmware and software, as well as the hardware, must be considered when reviewing and certifying voting systems.

Section 1

This section revises definitions of terms related to optical scanning voting systems. It borrows standard definitional language from the Federal Election Commission's 2002 Voting Systems Performance and Test Standards.

One important change is the recognition of the two types of optical scanning systems—precinct count and central count—in Subsections (d) and (e).

Section 2

This section deletes language providing for the voters of a given county to petition and vote on whether to adopt a new voting system. This provision has not been used to our knowledge. The authority to make this decision should be left to the board of county commissioners and the county election officer, who are familiar with the needs of the county and the budget.

Section 3

This section amends the law to recognize the fact that voting systems include software and operating systems to tabulate votes. They are an integral part of any voting system.

Section 4

This section updates language governing the process for manufacturers to submit voting equipment to the Secretary of State for certification.

Section 5

This section removes an unnecessary ten-year limit on county contracts for the purchase, lease or rental of voting systems. Optical scanning systems often last longer than ten years.

Section 6

This section updates language in the optical scan ballot design statute to allow the use of ovals instead of squares for the voter to make his/her marks. Most optical scanning systems use ovals.

Section 7

This section clarifies the law prescribing the process for instructing voters on how to mark an optical scan ballot.

Section 8

This section deals with the public testing of voting equipment before and after each election.

Section 9

This section requires the precinct election board to ensure that the number of ballots cast matches the number of voters who voted.

Section 10

This section updates the language defining the crime of fraud in optical scanning systems. Once again, the language of the law has been updated to reflect the fact that the systems incorporate operating systems, firmware and software, and unauthorized possession of or tampering with the system is a crime.

Section 11

This section deals with the general requirements of voting systems.

Subsection (c) has been revised to remove an unnecessary limit on the number of political parties which may appear on the ballot.

Subsection (g) has been revised in accordance with HAVA's so-called "second chance voting" requirement that a system must provide notification of overvotes and undervotes.

Subsection (h) has been added to provide a general provision in Kansas law that all voting systems must meet the requirements of HAVA.

New Section 12

This section authorizes the Secretary of State to adopt rules and regulations for optical scanning voting systems.

We urge the committee to recommend SB 132 favorably for passage. Thank you for your consideration.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 141

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

February 10, 2005

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on behalf of the Secretary of State. While we support the concept of maintaining advance voter lists for public inspection as required in Senate Bill 141, we do not support passage of this bill because it duplicates a provision in K.S.A. 25-1122(e). In our view, the existing law accomplishes the intent of Senate Bill 141.

Thank you.

The official general ballot for county and township offices may be separate from the official general ballot for national and state offices or may be combined with the official general ballot provided for in K.S.A. 25-601 and amendments thereto. The secretary of state shall prescribe the ballot format but the ballot shall be substantially in the form shown in this section and K.S.A. 25-611, and amendments thereto.

STATE OF KANSAS
OFFICIAL GENERAL BALLOT
County and Township Offices

County of _____, City (or Township) of _____
November _____, _____ year

To vote for a person, make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

FOR COUNTY COMMISSIONER
_____ DISTRICT

Vote for One

FOR COUNTY CLERK

Vote for One

FOR COUNTY TREASURER

Vote for One

And continuing in like manner for all county and township offices to be elected.

History: L. 1973, ch. 153, § 8; L. 1978, ch. 137, § 7; L. 1981, ch. 165, § 8; L. 1992, ch. 291, § 6; L. 2001, ch. 81, § 6; July 1.

Article 11.—ADVANCE VOTING

25-1119.

Attorney General's Opinions:

Advance voting ballot applications; 48 hour period. 2000-45.
Advance voting ballot, death of voter prior to canvassing of ballot. 2002-15.

25-1120.

Attorney General's Opinions:

Advance voting ballot, death of voter prior to canvassing of ballot. 2002-15.

25-1121.

Attorney General's Opinions:

Advance voting ballot applications; 48 hour period. 2000-45.

25-1122. Advance voting; application for ballots; time for filing application; voters needing assistance; permanent advance voting status; records maintained by county election officer.

(a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (b) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(c) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a sick, physically disabled or illiterate voter or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

In any county having a population exceeding 250,000, the county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(d) Any person having a permanent physical disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(e) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the identifying number on ballots and ballot envelopes and records of such number shall not be made public.

(f) If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

History: L. 1967, ch. 208, § 9; L. 1968, ch. 406, § 144; L. 1972, ch. 134, § 4; L. 1973, ch. 154, § 2; L. 1976, ch. 183, § 1; L. 1978, ch. 140, § 4;



EQUALITY ♦ LAW ♦ JUSTICE

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Testimony – SB 141

Julia Gilmore Gaughan, Disability Rights Advocate

Disability Rights Center of Kansas

10 February 2005

Good afternoon. My name is Julia Gilmore Gaughan and I am a disability rights advocate with the Disability Rights Center of Kansas (DRC), formerly known as Kansas Advocacy & Protective Services (KAPS). DRC is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, DRC is designated by the State of Kansas to be the agency that protects and advocates for Kansans with disabilities. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of both state government and disability services providers. We have authority and responsibility through the Help America Vote Act (HAVA) to ensure voting access and rights protection for people with disabilities in the state of Kansas via the Protection and Advocacy for Voting Access (PAVA) program.

Senate Bill 141, an act amending KSA 25-1126, 25-2320a, and KSA 2004 Supp. 25-2320 attempts to protect voter privacy by ensuring that lists of advance voters provided to the public do not bear advance voter social security numbers. There are two types of advance voters – permanent and temporary. Permanent advance voters do not have to reapply each election for an advance ballot. However, in order to qualify to be a permanent advance voter, applicants must disclose their continuing disability or illness

By removing advance voters' social security numbers from advance voting lists available to the public, SB 141 offers voters protection from exploitation. DRC asks that as a committee, you consider granting further privacy protections by statutorily providing restrictions that would prevent public access to the type of advance voter each individual is (advance vs. permanent advance) and the disability or illness that the permanent advance voters have disclosed. This would offer protection from exploitation for Kansas voters with disabilities and maintain the privacy offered those individuals in other public programs.

Thank you for your consideration.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 134

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

February 10, 2005

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on behalf of the Secretary of State in support of Senate Bill 134. This bill was requested by the Secretary of State. It will accomplish two things:

(1) provide a vehicle for the Legislature to amend Kansas' closed primary statute because similar statutes have been declared unconstitutional by federal courts, and

(2) resolve a discrepancy between two laws regarding the deadlines for a voter to register and change party affiliations before an election.

In 1986 the United States Supreme Court struck down a Connecticut statute requiring voters in party primaries to be registered members of the political party. Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986). The Republican Party of Connecticut wanted to invite independent voters to participate in the Republican primary; however, state law prohibited anyone other than members of the party. The Republican Party sued, arguing that the state law restricted its constitutional right of free association. The Supreme Court agreed, striking down the statute as unconstitutional. The Court noted ". . . the freedom to join together in furtherance of common political beliefs 'necessarily presupposes the freedom to identify the people who constitute the association.'" Tashjian at 214, quoting Democractic Party of the United States v. Wisconsin, 450 U.S. 107, 122 (1981).

The Connecticut statute read as follows: "No person shall be permitted to vote at a primary of a party unless he is on the last-completed enrollment list of such party in the municipality or voting district. . . ." Conn. Gen. State. 9-431 (1985). Kansas has a similar provision in K.S.A. 25-3301, which reads as follows: "No voter shall be allowed to receive the ballot of any political party except that with which such voter is affiliated." Based on the U.S. Supreme Court decision, the Kansas statute is unconstitutional. The state cannot require a closed primary; only the party can make that decision. If the state mandates a closed primary election, it violates the constitutional rights of the party.

Senate Elections & Local Govt.

Date: 2 / 10 / 2005

Attachment 6

Summary of the Bill

Section 1

This section amends the wording of the advance ballot application form to allow a voter the option of requesting the primary election ballot of any party, rather than limiting the request to the ballot of the party with which the voter is affiliated. This is proposed to cover instances where one or more political parties choose to have open primaries.

Section 2

As a follow-up to Section 1, Section 2 instructs the county election officer to send the applicant an advance ballot of the party requested by the voter on the ballot application.

Section 3

This section is the crux of the bill. It amends KSA 25-3301(a) so that instead of each voter in the primary being required to be officially affiliated with the party whose ballot he/she requests, each party is required to notify the Secretary of State by April 1 of the primary election year regarding which voters the party wishes to include in its primary.

Further, it amends KSA 25-3301(c) to allow each voter to either receive the ballot of the party with which the voter is affiliated or to receive the ballot the voter requests, depending on the rules adopted by each party.

Section 4

This section resolves the discrepancy between the laws setting deadlines for voters to register and change party affiliations before each election. The bill simply changes the deadline for affiliating with a party, or changing one's affiliation, from 14 days before the election to 15 days before the election. This will put KSA 25-3304 in agreement with KSA 25-2311, which specifies that registration is closed for 14 days before election, which effectively establishes the 15th day as the last day to register.

Section 5

This section is similar to Section 3 except it applies to the presidential preference primary. In this case, the deadline for parties to notify the Secretary of State regarding who may vote in the respective parties' primaries is December 1 preceding the presidential election year.

We urge the committee to pass Senate Bill 134 favorably for passage. Thank you for your consideration.

SENATE BILL No. 67

By Committee on Elections and Local Government

1-20

9 AN ACT concerning campaign finance; relating to corrupt political ad-
10 vertising; amending K.S.A. 25-4156 and repealing the existing section.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 25-4156 is hereby amended to read as follows: 25-
14 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
15 or other periodical to a candidate or to a candidate committee, party
16 committee or political committee, the charge made for the use of such
17 space shall not exceed the charges made for comparable use of such space
18 for other purposes.

19 (2) Intentionally charging an excessive amount for political advertis-
20 ing is a class A misdemeanor.

21 (b) (1) Corrupt political advertising of a state or local office is:

22 (A) Publishing or causing to be published in a newspaper or other
23 periodical any paid matter which expressly advocates the nomination,
24 election or defeat of a clearly identified candidate for a state or local
25 office, unless such matter is followed by the word "advertisement" or the
26 abbreviation "adv." in a separate line together with the name of the chair-
27 person or treasurer of the political or other organization sponsoring the
28 same or the name of the individual who is responsible therefor;

29 (B) broadcasting or causing to be broadcast by any radio or television
30 station any paid matter which expressly advocates the nomination, elec-
31 tion or defeat of a clearly identified candidate for a state or local office,
32 unless such matter is followed by a statement which states: "Paid for" or
33 "Sponsored by" followed by the name of the sponsoring organization and
34 the name of the chairperson or treasurer of the political or other organ-
35 ization sponsoring the same or the name of the individual who is respon-
36 sible therefor; ~~or~~

37 (C) *telephoning or causing to be contacted by any telephonic means*
38 *any paid matter which expressly advocates the nomination, election or*
39 *defeat of a clearly identified candidate for a state or local office, unless*
40 *such matter is followed by a statement which states: "Paid for" or "Spon-*
41 *sored by" followed by the name of the sponsoring organization and the*
42 *name of the chairperson or treasurer of the political or other organization*
43 *sponsoring the same or the name of the individual who is responsible*

including, but not limited to any device using a voice over internet protocol or wireless telephone,

Senate Elections & Local Govt.
Date: 2 / 10 / 2005
Attachment 7

1 *therefor; or*
 2 (D) publishing or causing to be published any brochure, flier or other
 3 political fact sheet which expressly advocates the nomination, election or
 4 defeat of a clearly identified candidate for a state or local office, unless
 5 such matter is followed by the name of the chairperson or treasurer of
 6 the political or other organization sponsoring the same or the name of
 7 the individual who is responsible therefor.
 8 The provisions of this subsection (~~G~~) (D) requiring the disclosure of
 9 the name of an individual shall not apply to individuals making expendi-
 10 tures in an aggregate amount of less than \$2,500 within a calendar year.
 11 (2) Corrupt political advertising of a state or local office is a class C
 12 misdemeanor.
 13 (c) If any provision of this section or application thereof to any person
 14 or circumstance is held invalid, such invalidity does not affect other pro-
 15 visions or applications of this section which can be given effect without
 16 the invalid application or provision, and to this end the provisions of this
 17 section are declared to be severable.
 18 Sec. 2. K.S.A. 25-4156 is hereby repealed.
 19 Sec. 3. This act shall take effect and be in force from and after its
 20 publication in the statute book.

HP

(d)(1) Whenever any vendor or other person provides any of the services defined in subsection (b) of this section, such vendor or other person shall keep and maintain record showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for such services.
 (2) Failure to keep and maintain the records required by this subsection is a class C misdemeanor.