

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on March 6, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Representative Steven Brunk- excused

Committee staff present:

Martha Dorsey, Legislative Research Department

Matt Spurgin, Legislative Research Department

Mike Heim, Revisor of Statutes Office

Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

Brad Bryant

David Haley

Others attending:

See attached list.

Chairman Burgess opened the hearing on **SB 100**.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of the bill (Attachment 1). He explained that their office is currently working in a cooperative effort with the Governmental Ethics Commission to develop an electronic campaign finance system. He anticipates that the system, being developed under general authority granted by the Kansas Uniform Electronic Transactions Act (UETA), to be ready for testing later this year and deployment to be in 2008.

Senator David Haley testified in support of the bill (Attachment 2). He explained that under current statute any report filed by facsimile prior to 11:59 P.M. on the report filing due date is deemed "timely" filed although often and erroneously misrepresented to the contrary.

Chairman Burgess closed the hearing on **SB 100**.

Chairman Burgess opened the hearing on **SB 101**.

Senator David Haley testified in support of the bill (Attachment 3). He explained that the bill, as amended by the Senate Committee of the Whole, allows a candidate or a candidate committee to transfer campaign funds to a bonafide successor committee. He said he would appreciate the Committee's contemplation as to the removal of the Senate Committee of the Whole amendment relating to transfer of campaign funds.

Chairman Burgess closed the hearing on **SB 101**.

Rep. Julie Menghini made a motion for the favorable approval of the minutes for March 5, 2007. Rep. Melody McCray-Miller seconded the motion. The motion carried.

The meeting was adjourned.

The next meeting is scheduled for Wednesday, March 7, 2007.



**RON THORNBURGH**  
Secretary of State



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**STATE OF KANSAS**  
**House Committee on Elections and Governmental Organization**

**Testimony on Senate Bill 100**

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

March 6, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 100. The Secretary of State supports electronic filing and is, in fact, currently in a cooperative effort with the Governmental Ethics Commission to develop an electronic campaign finance system. That system is being developed under general authority granted by the Kansas Uniform Electronic Transactions Act (UETA) and will be ready for testing later this year and deployment in 2008.

The Senate amended Senate Bill 100 as proposed jointly by the Secretary of State and Governmental Ethics Commission. We support the amended version of the bill.

There is no funding for this project. The research and design work that has been done so far has been accomplished without funding, but there will ultimately be expenses before the system can be implemented. It is possible the Secretary of State will seek funding before completion of the electronic campaign finance project.

We urge the committee to support current efforts to develop an electronic campaign finance reporting system. Senate Bill 100 is consistent with those efforts.

Thank you for your consideration.

House Elections & Gov. Org.  
Date: 3-6-2007  
Attachment # 1

OFFICE  
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# STATE OF KANSAS



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POST OFFICE BOX 171110  
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SENATE CHAMBER

**DAVID B. HALEY**  
SENATOR  
DISTRICT 4  
WYANDOTTE COUNTY

TESTIMONY IN SUPPORT OF SENATE BILL 100  
March 6, 2007

MR. CHAIR ; MEMBERS OF THE ELECTIONS & LOCAL GOVERNMENT COMMITTEE :

Thank you for allowing this opportunity to add my testimony to Senate Bill 100.

SB 100, which passed the Senate 40-0 and if approved by the House, will expand access to the timely and accurate filing of campaign finance reports. Interactive forms, accessed electronically, can enhance rapidly expanding technology and provide greater opportunities for compliance by a candidate, a campaign treasurer or a candidate committee.

I would have preferred, frankly Mr. Chair and Members, that for the sake of clarity not only for enforcing authorities but to the general public and media, as well, that the enactment of SB 100 had included a means of "date/time" stamp verification as controlling for the electronically submitted report. As you are perhaps aware, under current statute, any report filed by facsimile prior to 11:59pm on the report filing due date is deemed "timely" filed although often and erroneously misrepresented to the contrary. The verification form available to most fax transmissions can prove proof positive as to the exact time that a report was sent, as might a telephone record whenever a fax is sent to Topeka, "long-distance." And an email usually indicates to sender and to recipient the time/date of the transmission.

There was some discussion in both the Senate Elections committee and on the Senate floor regarding the prospect of amending SB 100 to state a specific hour of the filing date at which a campaign report, regardless of manner filed, might be due. Some contended "Noon" was appropriate; while others contended "5pm", etc. but no consensus was reached and, subsequently, no amendment offered. SB 100 as now passed then, has the opportunity to underscore that the date of report filing is a day composed of twenty-four (24) full hours, from midnight until 11:59pm, and that a report filed in any manner is not bound to some artificial deadline or timetable set by some outside observer or entity that might attempt to pervert the law.

Thank you again and I would be pleased to stand for any questions at the appropriate time.

A handwritten signature in black ink, appearing to read "David B. Haley".

House Elections & Gov. Org.  
Date: 3-6-2007  
Attachment # 2

COMMITTEE ASSIGNMENTS  
ASSESSMENT & TAXATION  
JUDICIARY REAPPORTIONMENT  
PUBLIC HEALTH & WELFARE

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JOINT COMMITTEE ASSIGNMENTS  
STATE TRIBAL RELATIONS  
CORRECTIONS & JUVENILE JUSTICE  
HEALTH CARE REFORM OVERSIGHT

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SENATE CHAMBER

**DAVID B. HALEY**

SENATOR  
DISTRICT 4  
WYANDOTTE COUNTY

## TESTIMONY IN SUPPORT OF SENATE BILL 101

March 6, 2007

MR. CHAIR ; MEMBERS OF THE ELECTIONS & LOCAL GOVERNMENT COMMITTEE :  
Thank you for allowing this opportunity to add my testimony to Senate Bill 101.

SB 101, which passed the Senate 32-8 and if approved by the Legislature, will reduce ambiguity in our current statutes and send clear direction for whom, exactly, might sign a campaign finance report.

K.S.A. 25- 4144 can easily be misinterpreted when compared with K..S.A. 25- 4151.

As some on this Committee or who have been observing our Kansas political landscape for some time might recall, I was personally disaffected by this very ambiguity that SB 101, when enacted, would clarify. While a candidate for office, yet without naming myself as Treasurer of my campaign, I signed off on our campaign finance report in 2002. This simple act took on statewide and highly publicized implications.

SB 101 should send clear direction, once and for all, that a timely filed report signed by a candidate OR a duly appointed campaign treasurer OR duly appointed campaign committee chair is deemed appropriate without recrimination. This common sense clarity will send direction to those who purport to enforce, yet optimistically NOT selectively, our sometimes conflicting law(s).

An amendment by the Senate Committee of the Whole to this bill will allow a candidate or a candidate committee to transfer campaign funds to a bonafide successor committee. In my opinion, the broad implications of this amendment should be studied in a separate bill and I would appreciate the Committee's contemplation as to its' removal. Thank you again and I would be pleased to stand for questions at the appropriate time.

House Elections & Gov. Org.  
Date: 3-6-2007  
Attachment # 3

COMMITTEE ASSIGNMENTS  
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