

Approved: 3-22-07
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on January 23, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Senator Haley
Carol Williams - Ethics Commission
Brad Williams - Secretary of States office

Others attending:

See attached list.

Carol Williams of the Ethics Commission gave testimony in favor of **SB 100 Concerning elections and repealing (Attachment 1).**

Brad Bryant of the Secretary of States Office gave testimony in favor of **SB 100 (Attachment 2).**

Senator David Haley gave testimony in favor of **SB 100 (Attachment 3).**

There were no opponents present.

Senator Huselskamp closed hearing on **SB 100.**

Senator David Haley gave testimony in favor of **SB101 Concerning the Kansas Sports hall of fame; use of lottery revenue (Attachment 4).**

There were no opponents to **SB 101.**

Senator Huelskamp closed hearing on **SB 101.**

Meeting adjourned.

Respectfully submitted,

Zoie C. Kern, Committee Secretary



GOVERNMENTAL ETHICS COMMISSION

www.accesskansas.org/ethics

Testimony before Senate Elections and Local Government

Senate Bill 100

by Carol Williams

January 23, 2007

Senate Bill 100 would require the Governmental Ethics Commission to develop and implement campaign finance forms that can be filled out on-line and transmitted via e-mail or over the Internet.

It is the goal of both the Commission and the Secretary of State's office to offer electronic filing for some, if not all, state level campaigns in the 2008 election cycle. The Information Network of Kansas has provided a grant to conduct a study to determine the best means of streamlining the information flow between the Secretary of State's office and the Commission and to determine the cost of implementing an electronic filing system. The study is to be completed soon.

The Secretary of State's office is the repository for all state candidate campaign finance reports, therefore, the Secretary of State's office should be included in the process of developing an electronic filing system. In addition, the Commission is not the repository for any local level candidate filings. Local candidates file campaign finance reports only in their home county. Any electronic filing system for local level candidates would need to be coordinated and implemented by the 105 county election officials. K.S.A. 25-4158 states "(a) The secretary of state shall: (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the secretary of state by the campaign finance act; and ... (b) the county election officer shall: (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the county election officer by the campaign finance act...". The Campaign Finance Act defines a local candidate as any candidate for county office, first class city office, the Board of Public Utilities, or the Wichita School Board.

I would defer to the Secretary of State as to the necessity of the language in the bill with respect to "transmitted via e-mail or over the Internet". I also question the feasibility of setting up a campaign finance electronic filing system with the 105 county election officers at this time.

Senate Elections and Local
 Government Committee

1/23/07

Attachment /

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 100

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

January 23, 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.

We offer the following points specifically related to SB 100:

- The Secretary of State is the filing agency for campaign finance reports and thus should be included in the process of developing an electronic system. The process should be a cooperative one with GEC. SB 100 assigns the task solely to GEC.
- While we support the goals of SB 100, we do not think it is necessary to pass this legislation because the authority to develop an electronic system already exists under UETA.
- The words "internet" and "e-mail" in SB 100 may prove to be unnecessarily restrictive and should be deleted from 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.

We urge the committee to support current efforts to develop an electronic campaign finance reporting system, which can be done without passage of this legislation. If the committee wishes to pass SB 100, we recommend adoption of the proposed amendment.

Thank you for your consideration.

Senate Bill 100

Section 1. The governmental ethics commission shall develop and implement forms for each report required to be made under the campaign finance act ~~to be filled out on-line and transmitted via e-mail or over the internet.~~ Any information required to be filed pursuant to this section may be filed electronically with the secretary of state or county election officer in a method authorized by the secretary of state. The provisions of this section shall be part of an supplemental to the Kansas campaign finance act.

STATE OF KANSAS

OFFICE
STATE CAPITOL BUILDING
ROOM 140-N
TOPEKA, KANSAS 66612-1504
(785) 296-7376
(785) 296-0103 /FAX

DISTRICT
CIVIC CENTER STATION
POST OFFICE BOX 171110
KANSAS CITY, KANSAS 66117
(913) 321-3210
(913) 321-3110/FAX



SENATE CHAMBER

DAVID B. HALEY

SENATOR
DISTRICT 4
WYANDOTTE COUNTY

TESTIMONY IN SUPPORT OF SENATE BILL 100

January 23, 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, if approved by the Legislature, will expand access to 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.

Might I suggest, Mr. Chair and Members, 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 include a means of "date/time" stamp verification as controlling for the electronically submitted report ?

For example, under existing 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 dispositive as to the exact time that a report is sent, as might a telephone record whenever a fax is sent to Topeka, "long-distance."

SB 100 has the opportunity to underscore that the date of report filing is a day composed of twenty-four (24) 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. An email usually indicates to sender and to recipient the time/date of the transmission.

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".

Senate Elections and Local
Government Committee

4/23/07

Attachment 3

STATE OF KANSAS

OFFICE
ST. CAPITOL BUILDING
ROOM 140-N
TOPEKA, KANSAS 66612-1504
(785) 296-7376
(785) 296-0103/FAX

DISTRICT
CIVIC CENTER STATION
POST OFFICE BOX 171110
KANSAS CITY, KANSAS 66117
(913) 321-3210
(913) 321-3110/FAX



SENATE CHAMBER

DAVID B. HALEY
SENATOR
DISTRICT 4
WYANDOTTE COUNTY

TESTIMONY IN SUPPORT OF SENATE BILL 101

January 23, 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, 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 "..."

BUT

K.S.A. 25- 4151 " ... "

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.

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