

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 February 8, 2007 in Room 423-S of the Capitol.

All members except Senator Donovan 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 Journey  
Senator Reitz  
Terry Forsyth - Kansas National Education Association  
Carol Williams - Governmental Ethics  
Doug Smith - Kansas Credit Attorney's Association  
Kathy Sachs - Secretary of States Office

Others attending:

See attached list.

Senator Journey introduced **SB136** **Voiding certain restrictive covenants; political yard signs** (Attachment 1).

Ken Wilke gave summary of **SB 195 Concerning campaign finances; pertaining to report of contributions** (Attachment 2).

Senator Reitz gave testimony on behalf of **SB 195** (Attachment 3).

Terry Forysth spoke for Mark Desetti of the Kansas National Education Association in favor of **SB 195** with a few language changes to introduce (Attachment 4).

Carol Williams, Executive Director of Governmental Ethics Commission gave testimony in favor of **SB 195** (Attachment 5).

Doug E. Smith from the Kansas Credit Attorney's Association gave testimony in favor of **SB 195** with suggested language changes. (Attachment 6).

Hearing closed.

Ken Wilke gave summary on **SB 196 Elections establishing requirements for reporting of independent expenditure and certain contribution** (Attachment 7 & 8).

Senator Reitz gave testimony on behalf of **SB 196** ( Attachment 9).

Carol Williams gave testimony in favor of **SB 196** ( Attachment 10 & 11).

Kathy Sachs gave testimony in favor of **SB 196** ( Attachment 12).

Meeting adjourned.

Respectfully submitted,

Zoie Kern, Committee Secretary

**Senate Elections and Local Government Committee**

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

Senator Tim Huelskamp, Chair

Guest List for 2/08/07, 2007

Please print in BLACK ink.

Name	Representing
BENJAMIN MUNGER	EMPORIA STATE UNIVERSITY
Amy Welch	Fort Hays State Uni.
Lara Wood	Fort Hays State University
TERRY FORSYTH	KWEA
Kathy Sachs	Sec of State
Alexis Hamilton	Washburn University
Stephanie Fisher	Washburn University
Sarah Krueger	Washburn University
Kristen Brown	Washburn University
Paul Yockey	Washburn U.
Lanita Moss	YSC
Rebbyn Herten	KMCA
Doug Smith	Ks. Collectors Association

SENATOR PHILLIP B. JOURNEY

STATE SENATOR, 26TH DISTRICT  
P.O. BOX 471  
HAYSVILLE, KS 67060

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E-mail: journey@senate.state.ks.us



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE  
(JOINT), CHAIR  
HEALTH CARE STRATEGIES  
JUDICIARY  
PUBLIC HEALTH AND WELFARE  
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE  
OVERSIGHT (JOINT)

SOUTH CENTRAL DELEGATION, CHAIR

**Testimony Before the Kansas Senate Elections and Local Government Committee  
in Support of Senate Bill 136  
February 7th, 2007**

Mr. Chairman, members of the committee thank you for the opportunity to testify in support of Senate Bill 136. Senate Bill 136 as a matter of public policy restrains restrictive covenants on real property that run with the land or similar homeowner's agreements which prohibit the display of political yard signs. I have had numerous complaints from individuals who have purchased property in premium developments without having been made aware of these restrictive covenants only to receive letters from their homeowner's associations or similar organizations upon placement of political yard signs prior to elections demanding they be removed.

These individuals rightly believe that their First Amendment rights have been infringed upon, and in many cases were unaware that in signing the deed and the voluminous pile of papers at the closing that these types of restrictions were agreed to by them in completing the terms of the original purchase contract. The Legislature in the past as a matter of public policy has routinely weighed in on similar restrictive covenants that it prohibited sale of properties to individuals of particular racial minorities and limited composition of dwelling roofs.

It is important to note that Senate Bill 136 does have some reasonable restrictions emulating signage restrictions in many municipalities across the state limiting both in time and size the placement of these political statements. No speech in America is more safeguarded in the long history of First Amendment litigation than that of political speech. Senate Bill 136 limits placement of the signs to a time period 45 days before an election and limits the size to six square feet.

I certainly am open to discussion or suggestions of modification of this bill by the committee, and for example, would consider an amendment that would allow a greater period of time before and after for placement and removal of these political yard signs.

Thank you again, Mr. Chairman and members of the committee for the opportunity to address you regarding Senate Bill 136.

Respectfully submitted,

Senator Phillip B. Journey  
State Senator 26<sup>th</sup> District

Senate Elections and Local  
Government Committee  
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1 (d) A telephone solicitor shall not transmit any written information  
2 by facsimile machine or computer to a consumer after the consumer  
3 requests orally or in writing that such transmissions cease.

4 (e) A telephone solicitor shall not obtain by use of any professional  
5 delivery, courier or other pickup service receipt or possession of a con-  
6 sumer's payment unless the goods are delivered with the opportunity to  
7 inspect before any payment is collected.

8 (f) *A telephone solicitor shall not use or connect to a telephone line  
9 an automatic dialing-announcing device unless:*

10 (1) *The consumer has knowingly or voluntarily requested, consented  
11 to, permitted or authorized receipt of the message;*

12 (2) *the message is immediately preceded by a live operator who ob-  
13 tains the consent of the consumer called before the message is delivered;*  
14 *or*

15 (3) *the consumer has an established business relationship with the  
16 telephone solicitor or the telephone solicitor's predecessor in interest and  
17 the consumer has not:*

18 (A) *Objected to such consumer telephone calls; and*

19 (B) *requested that the telephone solicitor cease making consumer tel-  
20 ephone calls.*

21 (g) Local exchange carriers and telecommunications carriers shall not  
22 be responsible for the enforcement of the provisions of this section.

23 ~~(g)~~ (h) Any violation of this section is an unconscionable act or prac-  
24 tice under the Kansas consumer protection act.

25 ~~(h)~~ (i) This section shall be part of and supplemental to the Kansas  
26 consumer protection act.

27 Sec. 3. K.S.A. 25-4156 and 50-670 are hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its  
29 publication in the statute book.

in connection with a political campaign for the  
purpose of expressly advocating the nomination,  
election or defeat of a clearly identified candidate for  
a state or local office

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ROGER REITZ

SENATE, 22ND DISTRICT  
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TOPEKA

SENATE

COMMITTEE ASSIGNMENTS

MEMBER: COMMERCE  
ELECTIONS AND LOCAL GOVERNMENT  
FEDERAL AND STATE AFFAIRS  
UTILITIES

The salient features of SB 195 are as follows:

- A paid political call over a telephone or similar device must be preceded by a statement making it clear who paid for the call, who was the sponsoring organization, and the name of the treasurer. This information categorically must be the initial information offered.
- Automatic dialing/announcing devices are defined. These are devices which can dial with or without manual assistance numbers that can disseminate recorded messages to the telephone number called.
- The bill defines telephone solicitors and what they are limited to do.
- No telephone political solicitor shall connect to a telephone line an automated device unless:
  1. The consumer has consented to the message.
  2. The message is preceded by a live operator obtaining consent of the message.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

**Mark Desetti, Testimony  
Senate Elections & Local Government Committee  
February 8, 2007**

**Senate Bill 195**

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to share our thoughts on **Senate Bill 195**.

This bill does two things. In section 1, it puts direct advocacy political phone calls on the same basis as direct advocacy political mail. If you pay for it, you must identify yourself.

Current law leaves a loophole for phones. All of you, I am sure, know how troublesome that can be. We would view this as a simple "clean up" bill. It is sad that our political discourse has become so ugly. It is even sadder that our laws would allow people with an ugly message to hide themselves by using phones.

We support the addition of identification of the sponsor on such calls.

Section 2 of the bill, however is troubling.

I, like many Kansans, came home from work each day in late October and early November to an answering machine full of so-called "robo calls." Some were benign, even pleasant; others were downright nasty. It seems that the 2006 elections were the robo call elections.

KNEA used a robo call this year in which we urged our members to vote. In our call we did not identify any candidates. Our script read:

Hello, this is Blake West, President of Kansas NEA.  
You should have received your KNEA voters guide with the names of all candidates recommended for election on November 7.  
Our goal is to elect a strong pro-public education majority to public office in Kansas.  
Please review the voter's guide and consider these recommendations. But most importantly, I urge you to vote.  
Vote early or vote on November 7, but VOTE!  
For our children, our schools and our careers, don't sit out this election.

I classify this as one of those benign calls and it went only to KNEA members.

The experience of this past election was, for many I'm sure, a negative experience. But we believe that the change in section 2 is overkill. It would throw out the get-out-the-vote calls along with the nasty attack calls.

I would point out in addition that there is no reference in section 2 to "political calls" and lumps these in with consumer calls. If your intent is to address express advocacy political calls, then that needs to be addressed in the bill.

If you wish to stop the nasty calls, pass the change in section 1. If you have to put your name on it, you will be less likely to use it.

At the very least we would hope that you would allow organizations to contact their own members. KNEA, Kansans for Life, the NRA, KCCI – we should all be allowed to phone our members.

Senate Elections and Local  
Government Committee

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**GOVERNMENTAL ETHICS COMMISSION**

[www.accesskansas.org/ethics](http://www.accesskansas.org/ethics)

**Testimony before Senate Committee on Elections and Local Government  
in Support of Section 1 in Senate Bill 195  
by Carol Williams, Executive Director  
February 8, 2007**

Section 1 of Senate Bill 195 is one of the recommendations made by the Governmental Ethics Commission in its 2005, 2006 and 2007 Annual Reports and Recommendations.

Current law does not require a telephone call which expressly advocates the election or defeat of a clearly identified candidate for state or local office to identify who paid for or sponsored the telephone message. Any advertisement placed in a newspaper or other publication, any advertisement broadcast on radio or television, or any published brochure, flier, or other political fact sheet which expressly advocates the election or defeat of a candidate must identify the person paying for or sponsoring such ad or flyer.

K.S.A. 25-4156 was last amended in 1998 to require the identification of those publishing campaign brochures, fliers, or other political fact sheets. In 1998, automated phone messages were not widely utilized by campaigns. Today, the use of personal and automated phone messages have become an integral part of many campaigns. The Commission believes that individuals receiving these campaign phone messages should know who has either paid for or sponsored the message.

New section (b)(1)(C) in SB 195 would require the identification of who "paid for" or "sponsored" any paid matter by telephonic means which expressly advocates the election or defeat of a clearly identified candidate for state or local office at the beginning of the telephone message.

The Commission has no position on Section 2 of SB 195 but does urge your support for passage of Section 1 of Senate Bill 195.

Senate Elections and Local  
Government Committee

2-08-07

Attachment

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**KANSAS CREDIT ATTORNEYS ASSOCIATION AND**  
**KANSAS COLLECTORS ASSOCIATION, INC.**

**REMARKS CONCERNING SENATE BILL NO. 195**

**SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE**

**FEBRUARY 8, 2007**

*Chairman Huelskamp and Members of the Senate Elections and Local Government Committee:*

Thank you for the opportunity to present remarks regarding Senate Bill No. 195 on behalf of the Kansas Credit Attorneys Association and Kansas Collectors Association, Inc. The Kansas Credit Attorneys Association is a statewide organization of attorneys, representing approximately 60 law firms, whose practice includes considerable collection work, and Kansas Collectors Association, Inc., which is an association of collection agencies in Kansas. Our members represent the interests of retail merchants of all sizes and other small businesses in collection and legal matters resulting from the unpaid or past due payment for goods or services.

Our Associations are neutral to the underlying public policy issues addressed in Senate Bill No. 195. We do have a concern that if this bill is passed in its present form there may be unintentional ramifications to commercial telephone calls being made by legitimate businesses in Kansas.

We request that on page 3, line 6 the "or" be changed to "and".

An "automatic dialing-announcing device" should mean a device that, with or without assistance, can dial a telephone number and once connected deliver a recorded message.

Current definition in statute uses "or" which means a device that can perform either function but not both. We believe the definition is faulty and cleaning up the definition is needed.

Without the amendment all auto-dialed telephone calls, whether a recorded message is played or not, would be in violation of the act. Due to today's computer technology and adoption of the Federal and State "Do Not Call" lists a majority of all consumer telephone calls are initiated by auto-dialers, to ensure accuracy and efficiency.

Other states that define an "automatic dialing-announcing device" use the word "and" to combine the two functions.

The new language on page 4 of the bill doesn't identify or define the type of call being made by the telephone solicitor, it is either solicited or unsolicited. Therefore, all calls made by an "automatic dialing-announcing device" are prohibited, unless they are made under one of the three exemptions listed.

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6-1



Our members request an exemption identical to the language in current law, on page 2, lines 32-34 of the bill, in order to play a recorded message to a consumer about a debt they are attempting to collect.

We would suggest a new section (f)(4) on page that states:

*“The message is primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call.”*

We respectfully request that you consider our amendment along with Senate Bill No. 195 as you work your way through this issue.

Thank you again for your time and consideration.

Douglas E. Smith  
For the Kansas Credit Attorneys Association  
and the Kansas Collectors Association, Inc.

**SENATE BILL No. 195**

By Committee on Elections and Local Government

1-25

9 AN ACT concerning certain automated telephone calls; pertaining to the  
10 use of automated telephone calls for political purposes; amending  
11 K.S.A. 25-4156 and 50-670 and repealing the existing sections.  
12

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

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

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

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

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

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

38 (C) *telephoning or causing to be contacted by any telephonic means*  
39 *including, but not limited to, any device using a voice over internet pro-*  
40 *TOCOL or wireless telephone, any paid matter which expressly advocates*  
41 *the nomination, election or defeat of a clearly identified candidate for a*  
42 *state or local office, unless such matter is preceded by a statement which*  
43 *states: "Paid for" or "Sponsored by" followed by the name of the spon-*

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Amendment

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1 soring organization and the name of the chairperson or treasurer of the  
2 political or other organization sponsoring the same or the name of the  
3 individual who is responsible therefor; or

4 (D) publishing or causing to be published any brochure, flier or other  
5 political fact sheet which expressly advocates the nomination, election or  
6 defeat of a clearly identified candidate for a state or local office, unless  
7 such matter is followed by the name of the chairperson or treasurer of  
8 the political or other organization sponsoring the same or the name of  
9 the individual who is responsible therefor.

10 The provisions of this subsection (~~C~~) (D) requiring the disclosure of  
11 the name of an individual shall not apply to individuals making expendi-  
12 tures in an aggregate amount of less than \$2,500 within a calendar year.

13 (2) Corrupt political advertising of a state or local office is a class C  
14 misdemeanor.

15 (c) If any provision of this section or application thereof to any person  
16 or circumstance is held invalid, such invalidity does not affect other pro-  
17 visions or applications of this section which can be given effect without  
18 the invalid application or provision, and to this end the provisions of this  
19 section are declared to be severable.

20 Sec. 2. K.S.A. 50-670 is hereby amended to read as follows: 50-670.

21 (a) As used in this section and K.S.A. 50-670a, and amendments thereto:

22 (1) "Consumer telephone call" means a call made by a telephone  
23 solicitor to the residence of a consumer for the purpose of soliciting a  
24 sale of any property or services to the person called, or for the purpose  
25 of soliciting an extension of credit for property or services to the person  
26 called, or for the purpose of obtaining information that will or may be  
27 used for the direct solicitation of a sale of property or services to the  
28 person called or an extension of credit for such purposes.

29 (2) "Unsolicited consumer telephone call" means a consumer tele-  
30 phone call other than a call made:

31 (A) In response to an express request of the person called;

32 (B) primarily in connection with an existing debt or contract, payment  
33 or performance of which has not been completed at the time of such call;  
34 or

35 (C) to any person with whom the telephone solicitor or the telephone  
36 solicitor's predecessor in interest has an established business relationship,  
37 unless the consumer has objected to such consumer telephone calls and  
38 requested that the telephone solicitor cease making consumer telephone  
39 calls.

40 (3) "Telephone solicitor" means any natural person, firm, organiza-  
41 tion, partnership, association or corporation who makes or causes to be  
42 made a consumer telephone call, including, but not limited to, calls made  
43 by use of automatic dialing-announcing device.

H-9

7

1 (4) "Automatic dialing-announcing device" means any user terminal  
2 equipment which:

3 (A) When connected to a telephone line can dial, with or without  
4 manual assistance, telephone numbers which have been stored or pro-  
5 grammed in the device or are produced or selected by a random or se-  
6 quential number generator; ~~or~~ \_\_\_\_\_ and

7 (B) when connected to a telephone line can disseminate a recorded  
8 message to the telephone number called, either with or without manual  
9 assistance.

10 (5) "Negative response" means a statement from a consumer indi-  
11 cating the consumer does not wish to listen to the sales presentation or  
12 participate in the solicitation presented in the consumer telephone call.

13 (6) "Established business relationship" means a prior or existing re-  
14 lationship formed by a voluntary two-way communication between a per-  
15 son or entity and consumer with or without an exchange of consideration,  
16 on a basis of an application, purchase or transaction by the consumer,  
17 within the preceding 36 months, regarding products or services offered  
18 by such person or entity, which relationship has not been previously ter-  
19 minated by either party.

20 (b) Any telephone solicitor who makes an unsolicited consumer tel-  
21 ephone call to a residential telephone number shall:

22 (1) Identify themselves;

23 (2) identify the business on whose behalf such person is soliciting;

24 (3) identify the purpose of the call immediately upon making contact  
25 by telephone with the person who is the object of the telephone  
26 solicitation;

27 (4) promptly discontinue the solicitation if the person being solicited  
28 gives a negative response at any time during the consumer telephone call;

29 (5) hang up the phone, or in the case of an automatic dialing-an-  
30 nouncing device operator, disconnect the automatic dialing-announcing  
31 device from the telephone line within 25 seconds of the termination of  
32 the call by the person being called; and

33 (6) a live operator or an automated dialing-announcing device shall  
34 answer the line within five seconds of the beginning of the call. If an-  
35 swered by automated dialing-announcing device, the message provided  
36 shall include only the information required in subsection (b)(1) and (2),  
37 but shall not contain any unsolicited advertisement.

38 (c) A telephone solicitor shall not withhold the display of the tele-  
39 phone solicitor's telephone number from a caller identification service  
40 when that number is being used for telemarketing purposes, except that  
41 before January 1, 2005, a telephone solicitor's telephone number shall  
42 not be required to be displayed when the telephone solicitor's service or  
43 equipment is not capable of allowing the display of such number.

1 (d) A telephone solicitor shall not transmit any written information  
 2 by facsimile machine or computer to a consumer after the consumer  
 3 requests orally or in writing that such transmissions cease.

4 (e) A telephone solicitor shall not obtain by use of any professional  
 5 delivery, courier or other pickup service receipt or possession of a con-  
 6 sumer's payment unless the goods are delivered with the opportunity to  
 7 inspect before any payment is collected.

8 (f) *A telephone solicitor shall not use or connect to a telephone line*  
 9 *an automatic dialing-announcing device unless:*

10 (1) *The consumer has knowingly or voluntarily requested, consented*  
 11 *to, permitted or authorized receipt of the message;*

12 (2) *the message is immediately preceded by a live operator who ob-*  
 13 *tains the consent of the consumer called before the message is delivered;*  
 14 *or*

15 (3) *the consumer has an established business relationship with the*  
 16 *telephone solicitor or the telephone solicitor's predecessor in interest and*  
 17 *the consumer has not:*

18 (A) *Objected to such consumer telephone calls; and*

19 (B) *requested that the telephone solicitor cease making consumer tel-*  
 20 *ephone calls.*

21 (g) Local exchange carriers and telecommunications carriers shall not  
 22 be responsible for the enforcement of the provisions of this section.

23 ~~(g)~~ (h) Any violation of this section is an unconscionable act or prac-  
 24 tice under the Kansas consumer protection act.

25 ~~(h)~~ (i) This section shall be part of and supplemental to the Kansas  
 26 consumer protection act.

27 Sec. 3. K.S.A. 25-4156 and 50-670 are hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its  
 29 publication in the statute book.

INSERT

(4) the message is primarily in connection with  
 an existing debt or contract, payment or performance  
 of which has not been completed at the time of such  
 calls,



# ROGER P. REITZ

SENATOR, 22nd District

Room 136-N, State Capitol  
Topeka, Kansas 66612-1504  
785-296-7360

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Manhattan, Kansas 66503  
785-539-1710

## News From the Capitol

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Senate Bill 196 relates to campaign finance.

Treasurers for candidates for state and local office shall file reports of campaign contributions with the Secretary of State. If they are for local office it will be for both the Secretary of State and the County Election Officer in the county in which they are a candidate. The report shall contain the name and address of each person who has made one or more contributions in an aggregate amount of more than \$300 during the period commencing eleven days before the primary or general election at which a state or local officer is to be elected and ends at 11:59 p.m. on the Thursday preceding the date of election. The report will be made on or before the close of the business day on Friday preceding the election. The report shall contain the amount and date of the contribution, including every lender, guarantor, and endorser when the contribution is in the form of an advance or a loan. Reports can be filed by hand delivery, express delivery, facsimile transmission or any electronic method authorized by the Secretary of State.

The report defines independent expenditures. Independent expenditures are defined as those made without the cooperation or consent of the candidate to be benefitted. These will contain the name and address of each party committee or political action committee which has made or contracted to be made independent expenditures of an aggregate amount of excess of \$50 or more during the period commencing eleven days before the primary or the general election and ending at 11:59 p.m. on the Thursday preceding the date of election. Such report shall also contain the amount, date and purpose of each independent expenditure as well as the name of the candidate whose nomination, election, or defeat is expressly advocated.

When an independent expenditure is made to an advertising agency, public relations firm, or political consultant the report of such independent expenditure shall show in detail the name of each vendor and the amount, date, purpose of the payments to each as well as the name of the candidate whose nomination, election, or defeat is expressly advocated. The report shall be filed by hand delivery, express delivery service, facsimile transmission, or any electronic method authorized by the Secretary of State.

Senate Elections &  
Local Government  
2-8-07 Attachment 9



**GOVERNMENTAL ETHICS COMMISSION**

[www.accesskansas.org/ethics](http://www.accesskansas.org/ethics)

**Testimony before Senate Committee On  
Elections and Local Government  
in Support of Senate Bill 196**

**by Carol Williams, Executive Director**

**February 8, 2007**

The Governmental Ethics Commission has recommended that last minute contributions received by candidates and last minute independent expenditures made by PACs and party committees be disclosed prior to an election. These recommendations have been made by the Commission in its 2005, 2006, and 2007 Annual Reports and Recommendations. Senate Bill 196 provides for such disclosure.

Under current law, any contribution a state or local candidate receives during the last eleven days prior to the primary election is not disclosed on a receipts and expenditures report until eight days before the general election. Any contribution received during the last eleven days before the general election is not disclosed until the January 10 Receipts and Expenditures Report is filed. This post election reporting of last minute contributions does not provide the citizens of Kansas the opportunity to view these contributions in a timely fashion. There are currently 35 states, as well as the Federal Election Commission.

In addition, current law does not require a PAC or party committee to report any independent expenditure it makes to expressly advocate the election or defeat of a clearly identified candidate during the last eleven days before an election until well after the election.

Senate Bill 196 would require treasurers for state and local candidates to file a report of any contributions received by the campaign in the amount of \$300 or more received during the time period commencing 11 days before a primary or general election and ending at midnight on the Thursday preceding the date of election. The bill would also require PACS and party committees to report any independent expenditure made or contracted to be made in the amount

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of \$50 during the time period commencing 11 days before a primary or general election and ending at midnight on the Thursday preceding the date of election. These reports would be required to be filed on or before the close of business on the Friday preceding the date of the election with the Secretary of State and/or county election officer.

In the 2004 primary, candidates for Senate received 304 contributions in the amount of \$300 or more during the last eleven days before the primary election for a total of \$236,285.00 . Two hundred ninety-one contributions were received the last eleven days before the general election totaling \$203,350. For the time period covered in SB 196, Senate candidates received 162 contributions totaling \$128,785 received before the primary and received 215 contributions totaling \$158,550 before the general election.

I would suggest two amendments to SB 196. First, the language on lines 34-35 on page 1 describes the method for filing these additional candidate reports. The language which describes the method for the filing of PAC and party reports on lines 19-21 on page 2 is different. These two sections should read the same. The preferred language is on page 2. This language was provided by the Secretary of State's office when this committee worked SB 65 two years ago.

Second, the definition of "independent expenditure" found on lines 22-23 on page 2 should state "'Independent expenditure' means any expenditure that is made without cooperation or consent of any candidate or agent of such candidate". This would bring the definition "independent expenditure" in line with the definition of "independent expenditure" currently in the Commission's rules and regulations.

The mission of the Kansas Governmental Ethics Commission is to provide the public with timely and accurate information they need for knowledgeable participation in government and the electoral process. In fulfilling its mission, the Commission believes that contributions received by candidates and independent expenditures made by PACs and party committees in the final days before an election should be reported and made available to the public prior to an election. The Commission urges your support for passage of Senate Bill 196.





NUMBER OF CONTRIBUTIONS  
PLUS TOTAL DOLLAR AMOUNT  
ELEVENTH DAY THROUGH THE FIFTH DAY  
PRIOR TO ELECTION

**FROM JULY 23, 2004 THROUGH MIDNIGHT OF JULY 29, 2004**

SENATOR	NUMBER OF CONTRIBUTIONS	TOTAL DOLLAR AMOUNT OF CONTRIBUTIONS
HUELSKAMP	4	\$2,900
REITZ	4	\$9,800
BETTS	1	\$500
DONNOVAN	2	\$800
FRANCISCO	0	0
LYNN	N/A	N/A
PETERSEN	0	0
PYLE	1	\$500
WILSON	1	\$1,000

**FROM OCTOBER 22, 2004 THROUGH MIDNIGHT OF OCTOBER 28, 2004**

SENATOR	NUMBER OF CONTRIBUTIONS	TOTAL DOLLAR AMOUNT OF CONTRIBUTIONS
HUELSKAMP	1	\$1,000
REITZ	2	\$800
BETTS	4	\$1,800
DONNOVAN	4	\$3,250
FRANCISCO	4	\$4,800
LYNN	N/A	N/A
PETERSEN	4	\$12,500
PYLE	4	\$2,400
WILSON	4	\$2,050

**RON THORNBURGH**  
Secretary of State



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## STATE OF KANSAS

### Senate Committee on Elections and Local Government

#### Testimony on Senate Bill 196

February 8, 2006

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 196. This bill would require campaign finance reports to be filed during the 11 day period before any primary or general election when contributions reach an aggregate \$300 or more.

Our office is coordinating with the Governmental Ethics Commission to develop an electronic campaign finance reporting system. We hope to have the system ready for the 2008 reporting season.

The Secretary of State is neutral on the policy question represented in Senate Bill 196, but we wish to offer an amendment to resolve a discrepancy in the language in two similar sections of the bill. Subsection (c) of Section 1 and Subsection (c) of Section 2 contain language prescribing the methods of filing the reports required by Senate Bill 196, but the language is inconsistent. We propose the following amendment to make the language consistent.

#### Proposed amendment

In Section 1, page 1, Subsection (c), lines 34 and 35: Delete "e-mail" and "telegram" and insert "hand delivery" and "or any electronic method authorized by the secretary of state."

With this proposed amendment, Subsection (c) in both Section 1 and Section 2 of the bill would read as follows:

*Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.*

This amendment will make Senate Bill 196 consistent with other legislation dealing with electronic filing and with the system being developed by the Secretary of State and the Governmental Ethics Commission.

We urge the committee to amend Senate Bill 196 as proposed and to report the bill favorably, as amended, for passage. Thank you for your consideration.