

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 19, 2007 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  
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Brad Bryant  
Donna Voth

Others attending:

See attached list.

Hearing on **SB 249 Concerning cities and counties; relating to natural resource development districts.**

Hearing closed. No conferees.

Ken Wilke of Revisor of Statutes office gave brief summary of **SB 168 Concerning governmental ethics; relating to lobbyists.**

Senator Hensley gave testimony on behalf of his bill **SB 168.**

Senator Hensley stated a cooling period of two years would be set. The revolving door concept to be from a five to two years period. There is a high percentage of public officials becoming lobbyists after they leave office and in some cases their spouse. **SB 168** will govern the process to avoid as much conflict as possible. Hearing closed.

Brad Bryant gave testimony for Secretary of State, Ron Thornburgh on **SB 343, Concerning campaign finance reporting.** (Attachment 1).

Donna Voth gave testimony in favor of **SB 343** (Attachment 2).

Discussion.

Hearing closed.

Senator Pyle gave testimony on **SB 152, Concerning elections; vacancy in US Senators position.** (Attachment 3).

Discussion.

Hearing closed.

Meeting adjourned.

Respectfully submitted,

Zoie C. Kern, Committee Secretary



**RON THORNBURGH**  
Secretary of State



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**STATE OF KANSAS**  
**Senate Committee on Elections and Local Government**

**Testimony on Senate Bill 343**

February 19, 2006

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 343. 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 343, but we wish to offer an amendment to Subsection (c) of Section 1 containing language prescribing the methods of filing the reports required by Senate Bill 343.

Proposed amendment

In Section 1, Subsection (c), lines 33 and 34: 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 Section 1 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 343 consistent with other legislation dealing with electronic filing and with the system being developed by the Secretary of State and the Governmental Ethics Commission.

If the committee decides to report Senate Bill 343, we urge the committee to first amend it as proposed. Thank you for your consideration.

*Brad Bryant  
Presented  
Testimony*



## 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 343

by Donna Voth, General Counsel

February 19, 2007

Senate Bill 343 is a recommendation made by the Governmental Ethics Commission in its 2005, 2006, and 2007 annual Reports and Recommendations.

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.

In the 2004 primary, candidates for Senate received 304 contributions in the amount of \$300 or more the last eleven days before the primary totaling \$236,285. During the last 11 days before the general election, Senate candidates received 291 contributions totaling \$203,350.

Senate Bill 343 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 before close of the next business day with the Secretary of State and/or county election officer by e-mail, facsimile transmission, telegram, or express delivery service. There are currently 35 states that require the reporting of last minute contributions, as well as the Federal Election Commission.

We would suggest one amendment to SB 343. The language on lines 33-34 describes the method for filing these additional candidate reports. In 2005, the Secretary of State's office recommended the language "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." We believe the Secretary of State's office should be permitted to determine

Senate Elections and Local  
Government Committee

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Attachment 2

the method for these filings.

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 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 343.

## Substitute for SENATE BILL NO. 152

By Senator Pyle

AN ACT concerning elections; pertaining to vacancy in the position of United States senator; amending K.S.A. 25-318 and repealing the existing section.

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

New Section 1. Whenever any vacancy shall occur in the office of United States senator from this state, leaving an unexpired term, an election shall be held in accordance with this act. Not later than five days after any such vacancy occurs, the governor shall proclaim the date of such election in accordance with the provisions of this act.

New Sec. 2. Except as is otherwise provided in this act, the governor shall proclaim the date of any election held under this act to be a day not less than 45 days nor more than 60 days after such proclamation is issued. Such proclamation shall be made in writing, signed by the governor and delivered to the secretary of state. Thereupon the secretary of state shall promptly cause such proclamation to be published in the Kansas register, and a copy thereof shall be transmitted by the secretary to the chairperson of all state political parties authorized to hold statewide conventions under the provisions of section 4 and amendments thereto.

New Sec. 3. (a) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than 90 days and not less than 30 days before any primary election of state officers, the election provided for in this act shall be held on the same date as the primary election of state officers.

(b) In the event that any vacancy occurs to which this act applies, and such occurrence is not more than 90 days and not less than 30 days before any regular primary or general election of city and school officers occurring in an odd-numbered year, the election provided for in this act shall be held within such 90 days and on the same date as such primary or general election.

New Sec. 4. Whenever a vacancy has occurred in the office of United States senator and is to be filled, a statewide convention of each political party whose candidate for governor received not

less than 5% of the votes cast at the next preceding election of the governor shall be called by the state chairperson of the party, or if there is no state chairperson, by the party's candidate for governor at the next preceding general election. Such convention shall be called for a date not less than 25 days after the proclamation of election is issued by the governor in the cases to which section 3, and amendments thereto, does not apply, and within 15 days in cases to which subsection (a) or (b) of section 3, and amendments thereto, apply. In accordance with the rules of the statewide party and the provisions of this act, each such statewide convention shall nominate a candidate to fill the vacancy which has occurred and shall file a certificate of the nomination so made with the secretary of state immediately. Every such certificate shall be signed by the presiding officer and secretary of the convention making such nomination. Independent candidates may be nominated by petition of registered voters of the state equal in number to 4% of the number of qualified voters of the state. Any such petition shall be filed with the secretary of state not later than the time for state party convention certificates to be filed. No candidate shall be nominated to fill such vacancy by any means other than provided by this section.

New Sec. 5. The secretary of state shall furnish to each county election officer, the form for the ballot to be used at the election. The ballot shall contain the names of the candidates and their political parties or designations, and these shall appear upon the ballot in substantially the same form as is provided by K.S.A. 25-616, and amendments thereto, and the provisions of such statute shall apply to ballots used at such election to the extent that the same are consistent with the provisions of this act. The ballot shall indicate that the vote is for the unexpired term.

New Sec. 6. Elections held under the provisions of this act shall be conducted by county election officers. Laws relating to registration of voters shall apply to such election.

New Sec. 7. In all other cases to which this act applies,

intermediate canvass of the election shall be made by the county boards of canvassers at 10 a.m. on the second day following the election, unless such day is a Sunday or holiday, in which case such canvass shall be on the next following day which is not a Sunday or holiday. County election officers shall dispatch the abstract of the intermediate canvass to the secretary of state immediately upon completion of the canvass by the board of county canvassers. The state board of canvassers shall meet in the office of the secretary of state on the fourth day following the election, unless such day is a Sunday or holiday, in which case such canvass shall be on the next following day which is not a Sunday or holiday. The state board of canvassers shall make the final canvass, and the certificate of election of the candidate receiving the highest number of votes shall be issued in the same manner as is provided for regular elections of national officers.

New Sec. 8. Election laws of the state not inconsistent with the provisions of this act shall apply to elections held under this act.

New Sec. 9. Sections 1 through 9, and amendments thereto, shall be known and may be cited as the vacancy in the United States senate act for Kansas.

Sec. 10. K.S.A. 25-318 is hereby amended to read as follows: 25-318. When a vacancy shall occur in the office of United States senator from this state, ~~the--governor--shall--make--a--temporary appointment--to--fill--such--vacancy--until--the--next--election--of representatives--in--congress,--at--which--time--such--vacancy--shall--be filled--by--election,--and--the--senator--so--elected--shall--take--office as--soon--thereafter--as--he--shall--receive--his--certificate--of election~~ there shall be an election to fill such vacancy. The election shall be held in accordance with the vacancy in the United States senate act for Kansas.

Sec. 11. K.S.A. 25-318 is hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.