

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 March 7, 2007 in Room 423-S of the Capitol.

All members were present except Senator Betts..

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:

Harriet Long, Kansas Broadcasters Association  
Sue Gambler, State Board of Education  
Carl Hill, Kansas Association of Employees  
Tom Whitaker, Kansas Society of Executives  
Carol Williams, Governmental Ethics  
Brad Bryant, Secretary of States Office  
Donald R. Merriman, Saline County Clerk

Others attending:

See attached list.

Harriet Lang gave testimony in favor of **HB 2129 Elections; corrupt political advertising crime; change** (Attachment 1).

No questions.

Hearing closed on **HB 2129**.

Hearing open on **HB 2080 Government ethics, acceptance of meals.**

Sue Gamble gave testimony in favor of **HB 2080** (Attachment 2).

Carl Hill gave testimony in favor of **HB 2080** (Attachment 3).

Tom Whitaker gave testimony in favor of **HB 2080** (Attachment 4).

Carol Williams gave testimony in favor of **HB 2080** (Attachment 5).

No questions.

Hearing closed on **HB 2080**.

Hearing open on **HB 2019 Advanced voting; satellite voting sites.**

Brad Bryant gave testimony in favor of **HB 2019** with technical amendments (Attachment 6).

Don Merriman gave testimony in favor of **HB 2019** (Attachment 7).

Questions.

Hearing closed on **HB 2019**.

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 March 7, 2007

Please print in BLACK ink.

Name	Representing
Don Merriman	Saline Co. Clerk / CEO
Shila Golden	SRS
Julie Heiman	SRS
Honey Whitcomb	SRS
Tom Whitaker	Ks Motor Carriers Assn.
Harriet Lange	Ks Assn of Broadcasters
Debra Pebeck	
Cary Hill	Ks Assn of Public Employees
Carol Williams	GEE
Donna Volk	



2709 SW 29<sup>th</sup> St, Topeka KS 66614  
TEL (785) 235-1307 FAX (785) 233-3052  
e-mail: [harriet@kab.net](mailto:harriet@kab.net) web site: [www.kab.net](http://www.kab.net)

Testimony – HB 2129  
Before Senate Committee on Elections and Local Government  
March 7, 2007  
By Harriet Lange, President  
Kansas Association of Broadcasters

Mr. Chairman, Members of the Committee, I am Harriet Lange with the Kansas Association of Broadcasters. Our membership is comprised of free-over-the-air radio and television stations which serve Kansas. We appreciate the opportunity to appear before you today in support of Substitute for HB 2129.

Substitute for HB 2129 brings consistency and clarity to the two statutes which define “corrupt political advertising”. K.S.A. 25-2407 currently defines “corrupt political advertising” differently than the definition found in the campaign finance law in K.S.A. 25-4156. The amendments to K.S.A. 25-2407 in the bill reflect the same language found in K.S.A. 25-4156. Also, Substitute for HB 2129 would provide the same definition for “corrupt political advertising” for all local and state candidates running for office in Kansas.

The differing statutes caused some confusion during the last election among some of our members about the specific sponsor ID requirements in broadcast ads. This clarification will remove the possibility for confusion and non-compliance by our members.

The bill passed the House on February 21 by a vote of 121 to 0.

We are offering a technical amendment on page two which defines “expressly advocate the nomination, election or defeat of a candidate”, as it is defined in the campaign finance law. We urge your favorable consideration of Substitute for HB 2129 with our proposed amendment.

I would be happy to respond to questions.

Thank you.

Senate Elections and Local  
Government Committee  
3-67-07  
Attachment

## Substitute for HOUSE BILL No. 2129

By Committee on Elections and Governmental Organization

2-14

9 AN ACT concerning elections; relating to certain crimes; amending  
10 K.S.A. 25-2407 and repealing the existing section.

11

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

13 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-  
14 2407. Corrupt political advertising is:

15 (a) Publishing or causing to be published in a newspaper or other  
16 periodical any paid matter which ~~is designed or tends to aid, injure or~~  
17 ~~defeat any candidate for nomination or election to public office expressly~~  
18 *advocates the nomination, election or defeat of any candidate*, unless such  
19 matter is followed by the word "advertisement" or the abbreviation "adv."  
20 in a separate line together with the name of the chairman of the political  
21 or other organization inserting the same or the name of the person who  
22 is responsible therefor; or

23 (b) broadcasting or causing to be broadcast by any radio or television  
24 station any paid matter which ~~is designed or tends to aid, injure or defeat~~  
25 ~~any candidate for nomination or election to public office expressly ad-~~  
26 *vocates the nomination, election or defeat of any candidate*, unless such  
27 matter is followed by a statement ~~that the preceding was an advertisement~~  
28 ~~together with the name of the chairman of the~~ *which states: "Paid for"*  
29 *or "Sponsored by" followed by the name of the sponsoring organization*  
30 *and the name of the chairperson or treasurer of the* political or other  
31 organization sponsoring the same or the name of the person who is re-  
32 sponsible therefor; or

33 (c) publishing or causing to be published in a newspaper or other  
34 periodical any paid matter which is intended to influence the vote of any  
35 person or persons for or against any question submitted for a proposition  
36 to amend the constitution or to authorize the issuance of bonds or any  
37 other question submitted at an election, unless such matter is followed  
38 by the word "advertisement" or the abbreviation "adv." in a separate line  
39 together with the name of the chairman of the political or other organi-  
40 zation inserting the same or the name of the person who is responsible  
41 therefor; or

42 (d) broadcasting or causing to be broadcast by any radio or television  
43 station any paid matter which is intended to influence the vote of any

1 person or persons for or against any question submitted for a proposition  
2 to amend the constitution or to authorize the issuance of bonds or any  
3 other question submitted at an election, unless such matter is followed  
4 by ~~the a~~ statement ~~that the preceding was an advertisement together with~~  
5 ~~the name of the chairman of the~~ which states: "Paid for" or "Sponsored  
6 by" followed by the name of the sponsoring organization and the name  
7 of the chairperson or treasurer of the political or other organization spon-  
8 soring the same or the name of the person who is responsible therefor.

9 Corrupt political advertising is a class C misdemeanor.

10 ~~Sec. 2:~~ K.S.A. 25-2407 is hereby repealed.

11 ~~Sec. 3:~~ This act shall take effect and be in force from and after its  
12 publication in the statute book.

3
4

*Sec. 2. "Expressly advocate the nomination, election or defeat of a candidate" shall have the meaning ascribed to it in K.S.A. 25-4143 (h), and amendments thereto.*



## Division of Fiscal and Administrative Services

785-296-3871  
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March 7, 2007

TO: Senate Committee on Elections and Local Government  
FROM: State Board of Education  
SUBJECT: House Bill 2080

My name is Sue Gamble, Legislative Liaison of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

The State Board of Education supports House Bill 2080. This bill, if enacted, would allow state employees or officers of the Executive branch to accept meals provided by a source outside of state government when attending an event or meeting that serves a legitimate state purpose and the employing agency authorizes the person's attendance.

Passage of this bill is extremely important to the State Department of Education. Currently, the state ethics law allows an employee of the Executive branch to accept travel, lodging and related expenses to attend a meeting or conference when the employing agency would be willing to pay for such expenses. However, the law prohibits these state employees from accepting meals.

State Department of Education employees are frequently required to work at schools during the entire day. However, they cannot accept a "school lunch" without violating the law. Staff also regularly attend out-of-state meetings sponsored by the U.S. Department of Education. While it is permissible for the U.S. Department of Education to pay for the employee's airfare and lodging which may amount to several hundreds of dollars per trip, it is generally not permissible for our employees to participate at working luncheons or other events where meals are served. If our employees choose to accept a meal, they are required to pay the U.S. Department of Education for the cost of the meal. As many of you know from experience, meals served at conference hotels in large cities are not cheap. In these instances, our employees are limited to receiving the state per diem rates which means they must pay the difference out-of-pocket. It is not uncommon for one of our employees to pay \$60 or \$70 out-of-pocket when attending one of these meetings.

Last year, two State Department of Education employees attended the Milken Family Foundation Conference which honors exemplary teachers and principals across the country with a \$25,000 cash award. The Foundation offers to pay for all expenses, but, again, our employees cannot accept free meals from a source outside state government. As a result, they each had to pay over \$300 in personal funds to participate at luncheons and the Awards Banquet.

Senate Elections and Local  
Government Committee  
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Attachment

2-1

Senate Committee on Elections and Local Government  
Page 2  
March 7, 2007

Requiring a state employee to pay any portion of the cost of a meal served at a function that benefits the state not only penalizes the employee but is also awkward and embarrassing. It can lower employee morale, as well.

We strongly support passage of House Bill 2080.

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T E S T I M O N Y

By

The Kansas Association of Public Employees  
Supporting House Bill 2080

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Before the Senate Committee on Elections and Governmental Organization  
The Honorable Tim Huelskamp, chairman  
Wednesday, March 7, 2007 -- Statehouse, Topeka, Kansas

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Carl Hill, chief of staff of the Kansas Association of Public Employees. On behalf of our President, Brian R. Thompson, who appears here with me, we appreciate the opportunity to speak in support of House Bill 2080. KAPE represents more than 20,000 public employees and retirees across Kansas.

KAPE supports the change outlined in House Bill 2080 made to the ethics statute because it makes sense. We became aware of the restriction in the current ethics statute quite innocently, when in May 2006, we wanted to offer to state employees a complimentary hot dog in observance of Public Employee Appreciation Week.

A quick call to the Governmental Ethics Commission stopped the plan because we found out that KAPE and the employee would be violating the law because the hot dog is considered a "meal." KAPE could provide the hot dog to an association member, but could not do so to a non-member. However, that hot dog could be cut into thirds and offered as a "snack".

Quite frankly, KAPE sees no harm in offering a simple meal to a state employee. There certainly would not be the hazard of such employees being influenced by KAPE, which is a labor union; nor anyone else for the price of a modest meal. The relationship between KAPE and state employees does not even suggest that there could be any undue influence exerted to state employees.

KAPE urges the committee to recommend favorable approval of House Bill 2080.

May I invite your questions?

Elections and Local Government  
3-07-07  
Attachment



**Kansas Society of Association Executives  
4301 SW Huntoon, Suite 9  
Topeka, Kansas 66604  
785-272-0083  
Chip Wheelen, President  
Corey D. Peterson, President-Elect  
Melissa Hungerford, Secretary-Treasurer**

**Legislative Testimony**

**Presented by**

**KANSAS SOCIETY OF ASSOCIATION EXECUTIVES**

**Before the**

**Senate Elections and Local Government Committee  
Senator Tim Huelskamp, Chairman**

**In Support Of House Bill No. 2080**

**MR. CHAIRMAN AND MEMBERS OF THE ELECTIONS  
AND LOCAL GOVERNMENT COMMITTEE:**

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association and the immediate past president of the Kansas Society of Association Executives. I currently serve as voluntary chairman of the KSAE Governmental Relations Committee. I appear here this afternoon representing KSAE's 181 professional members, 92 associate members and 52 legislative agent members in support of House Bill No. 2080.

The bill allows those serving in the executive branch of government to accept meals provided to a person when the person's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest, and the agency of which such person is an officer or employee authorizes such person's attendance at such event or meeting.

Current law prohibits a state employee from accepting a meal at an association event unless the state employee is speaking at the event or pays for the meal that is associated with such event. This is extremely awkward, particularly when the cost of the meal is difficult to ascertain.

Your favorable consideration of HB 2080 will relieve the Kansas Governmental Ethics Commission from being the food monitor for the state and encourage state employees to participate in events that will improve communications between state government, and the trades and industries governed by the state.

I thank you for the opportunity to appear before you this afternoon, and would be pleased to respond to any questions you may have.

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Attachment

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## GOVERNMENTAL ETHICS COMMISSION

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

### Testimony before Senate Elections and Local Government

#### House Bill 2080

by Carol Williams, Executive Director

March 7, 2007

Under current law, a state officer or employee in the Executive Branch of state government is prohibited from accepting a meal from a source outside government with a few exceptions.

K.S.A. 46-237a was enacted into law in 1997 at the recommendation of Governor Bill Graves. This statute prohibits officers and employees in the Executive Branch of state government from accepting any gift, travel, recreation, or meal with few exceptions. The Commission had no input into the drafting of K.S.A. 46-237a.

Since K.S.A. 46-237a became law, the vast majority of questions asked, and concerns expressed by Executive Branch employees is in the meals section of this statute. The Commission has heard from most, if not all, Executive Branch agencies that the meal prohibition not only causes confusion, but is places a financial burden on Executive Branch employees.

House Bill 2080 would: 1) permit a state officer or employee in the Executive Branch of state government to accept any meal the value of which is \$25 or less from a source outside state government; 2) permit the spouse of the to accept a meal from a source outside state government when the presence of the governor's spouse at the event or meeting at which the meal is provided serves a legitimate state purpose; and 3) permit a state officer or employee to accept a free or discounted meal from a source outside state government when the meal is provided to the employee when the employee's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest and the agency authorizes the employee's attendance at such event or meeting. This last subsection, which can be found in the bill on page 2, lines 16-20, has been a Commission recommendation the past three years.

The Commission does not take a position on the \$25 and under meal exclusion or the section dealing with the meals consumed by a governor's spouse. The Commission does asks for your support for the provision in this bill which would permit Executive Branch officers and employees to accept meals from a source outside state government when authorized by the employee's agency.

Elections and Local Government

3-07-07  
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 House Bill 2019**

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

March 7, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2019. This bill will expand voting opportunities for Kansans by allowing more counties to establish satellite advance voting sites. Current law restricts satellite advance voting to those counties with populations greater than 250,000—Johnson and Sedgwick Counties.

The Secretary of State has frequently proposed and supported legislation to expand voting opportunities, including proposing the original bill to adopt advance voting in 1995. It is imperative that any expansion in voting opportunities be considered only if it can be accomplished with adequate security measures to protect the integrity of the electoral process. The experience we have with satellite voting since its inception in 1999 has proven that it can be done in a secure fashion, and recent technological advancements will enable the effective expansion of satellite advance voting as proposed in this legislation.

We support this expansion of satellite advance voting for the following reasons:

- It represents an expansion of a program that has already proven to be popular among voters.
- It offers voters additional opportunity and convenience, thereby encouraging higher turnout.
- It can be done without compromising the security or integrity of the process.
- It will help alleviate the loss of polling places that has occurred in recent years as a result of the Help America Vote Act.

County election officers support this legislation. The election officers from Johnson, Crawford, Saline, Douglas and Sedgwick Counties have testified in support of satellite advance voting during this legislative session.

House Bill 2019 is nearly identical to Senate Bill 65, which the Senate passed recently.

If the committee chooses to work House Bill 2019, it might consider a technical amendment similar to an amendment added to Senate Bill 65:

On page 3, lines 20 and 21, change the comma to a period at the end of line 20, and capitalize the word "such" at the beginning of line 21.

We urge the committee to amend House Bill 2019 as proposed and to report the bill, as amended, favorably for passage. Thank you for your consideration.



# Saline County Clerk

Donald R. Merriman - County Clerk  
Phone: (785) 309-5820  
FAX: (785) 309-5826  
E-mail: don.merriman@saline.org  
www.saline.org

P.O. Box 5040  
300 West Ash  
Salina, Kansas 67402-5040

March 7, 2007

Honorable Senator Tim Huelskamp  
Chairperson – Elections and Local Government Committee  
and Committee Members

Re: H.B. 2019 for Satellite Advance Voting Testimony

Chairman Huelskamp and Committee Members:

As Saline County Election Officer and County Clerk, I am supportive of H.B. 2019, to allow any county to plan for and offer Satellite Advance Voting sites. I am always in favor of making voting more available and accessible for the voting public. Currently, our in-office Advance Voting is proving more popular each year.

This amendment of K.S.A. 2006 Supp. 25-1122, also, has support of the Kansas County Clerks' and Election Officials' Association and members of the Election Committee of the Association.

I believe this change in statute could help with voter turnout in spring primaries. Our recent primary held on February 27<sup>th</sup> only had a 13% voter turnout (4,000 voters with a cost of approximately \$20,000.00).

Thank you for the time allotted today.

Sincerely,

Donald R. Merriman  
Saline County Election Officer and County Clerk  
(Chair of the Election Committee – KCCEO)

DRM:ll