

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 71

As Amended by Senate Committee of the Whole

Brief*

SB 71 addresses local elections by (1) making changes to a statute dealing with local question-submitted elections; and (2) prohibiting the use of local public resources in state or local campaigning. Details of the bill follow.

Filing Statements in Question Submitted Elections

The bill would require the filing of detailed statements of receipts and expenditures by various entities that are designed to or actually do promote the adoption or defeat of any question submitted in a number of local elections. Specific details of the bill follow.

- Detailed statements would have to be submitted by every committee, club, organization, municipality or association promoting the adoption or defeat of any question submitted at any city, unified school district, community college, township or county election.
- Statements would be required to be submitted as follows:
 - On or before the eighth day preceding the election for the period beginning January 1 of the election year and ending 12 days before the election; and
 - On or before the second day preceding the election for the period beginning 11 days before the election and ending three days before the election, for all receipts and expenditures of \$300 or more.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- The bill would specify the detail of each statement required.

Prohibiting the Use of Public Resources in Election Campaigning

The bill would prohibit any officer, employee or governing body member of any municipality to use or authorize the use of the municipality's public resources to:

- Expressly advocate for or against a clearly identified candidate to a state or local office. An exception is provided for the use of time by an incumbent officer when campaigning for nomination or reelection to a succeeding term or by an elected officer's personal staff.
- Promote the success or defeat of any question submitted at any city, unified school district, community college, township, county or state election.

The bill would define "municipality" as does KSA 12-105a, which defines the term broadly (*i.e.*, "county, township, city, school district of whatever name or nature, community junior college, municipal university, city, county or district hospital, drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees having power to create indebtedness and make payment of the same independently of the parent unit.")

Background

Senator Jean Schodorf and a representative of the Wichita Public Schools Board President testified in favor of the bill. No opponents testified.

The Senate Committee on Ethics and Elections amended the bill to require a statement for the 11-day period immediately prior to an election that mirrors the candidate's reporting requirement during that time period.

The Senate Committee of the Whole amended the bill to add the prohibition against the use of local public resources for campaigning purposes.

According to the fiscal note, passage of the original bill would require additional record keeping and other reporting obligations of cities and, presumably, counties. Additional staff would be required to do the work, but it is not known how frequently cities or counties would conduct special question elections or how many would need additional staff.