

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 43

As Amended by Senate Committee on
Ethics and Elections

Brief*

SB 43 would amend the Campaign Finance Act to allow, under certain circumstances, transfer of funds to a *bona fide* successor campaign committee and to require disclosure of dates of certain lobbyist expenditures.

With regard to campaign funds, the bill would do the following:

- Define “*bona fide* successor committee or candidacy” as the new committee being initiated, either at the termination of the original candidacy or when all money is transferred to the new candidacy and the original candidacy has debt and has not been terminated.
- Exclude from the definition of “contribution” the transfer of campaign funds to a *bona fide* successor committee.
- Permit transfer of funds to a *bona fide* successor committee or candidacy established by the candidate.
- Allow a candidate who has established a *bona fide* successor committee and transferred all funds to it to accept contributions to the original candidacy sufficient to retire the debt of the original candidacy, subject to contribution limits for the original office. When contributions have been sufficient to retire the debt, the bill would require the original candidacy to be terminated.

*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 also would require a lobbyist expending \$100 or more for lobbying in any reporting period to report the date of the expenditure for any gift, entertainment, or hospitality provided to any legislator, member of the judicial branch, or employee of the judicial or legislative branch. The reporting of the date would be in addition to information previously required: the full name of the recipient and the amount expended.

Background

Senators Ray Merrick and Rob Olson testified in support of the bill. No testimony opposing the bill was offered.

A representative of the Governmental Ethics Commission presented neutral testimony on the bill. According to testimony, the bill was introduced to address the 2003 Kansas Supreme Court decision in *Cole v. Mayans and Kenton*, in which the Court said that transfer of funds from one campaign account to another is a contribution prohibited under the Campaign Finance Act.

The Senate Committee on Ethics and Elections amended the bill to require the reporting of the date of certain lobbyist expenditures.

According to the fiscal note prepared by the Division of the Budget, passage of the original SB 43 would have no effect on the state revenues or expenditures.