

January 24, 2014

The Honorable Mitch Holmes, Chairperson  
Senate Committee on Ethics and Elections  
Statehouse, Room 237-E  
Topeka, Kansas 66612

Dear Senator Holmes:

**SUBJECT:** Fiscal Note for SB 275 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 275 is respectfully submitted to your committee.

SB 275 would modify provisions of the Campaign Finance Act relating to improper use of public funds and equipment. The bill would expand rules that prohibit an officer or employee of the state or any municipality from using public funds or equipment to advocate for the nomination, election or defeat of a candidate to state or local office. SB 275 would also prohibit these individuals from using public funds or equipment to advocate for the passage or defeat of any proposition to be submitted at a question-submitted election. Current law prohibits municipalities from permitting any person to distribute brochures, fliers, political fact sheets or other documents which advocate for the nomination, election or defeat of a candidate for state or local office within any building or structure owned or leased by the municipality. SB 275 would expand this provision so that it applies to state agencies, as well as the municipalities, and to materials that advocate for the passage or defeat of any proposition to be submitted at a question submitted election. The bill would add "campaign item" to the list of materials that cannot be distributed and would ban the storage of these materials in these facilities.

Currently, the Governmental Ethics Commission does not have jurisdiction of any kind over question-submitted elections. The Commission also has no way of knowing how many municipalities, as defined by statute, exist in Kansas. Because a municipality is defined by statute as a county, township, city, school district, community junior college, municipal university, drainage district, cemetery district, fire district and other political subdivision or taxing unit and includes their boards, bureaus, commissions, committees, and other agencies, such as, but not limited to, a library board, park board, recreation commission, hospital board of trustees having the power to create indebtedness and make payments, and because passage of SB 275 would cause the Commission to be responsible for communicating with these municipalities concerning question-submitted elections, the fiscal effect of passage of SB 275 is expected to be

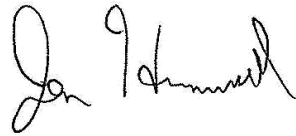
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of such a magnitude not covered by the Commission's current authorized budget. The agency is unable, however, to estimate how much staff time would be involved in explaining and answering questions concerning this new law, as well as how much staff time would be involved in conducting investigations into alleged violations and hearing costs should actions be brought before the Commission. Any fiscal effect associated with SB 275 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with a large initial "J" and "H".

Jon Hummell,  
Interim Director of the Budget

cc: Carol Williams, Governmental Ethics  
Mary Rinehart, Judiciary