

Approved: 2-25-93
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on February 24, 1993 in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Representative Tom Sawyer
Representative Gwen Welshimer
Brad Bryant, Secretary of State's Office
Representative Shallenburger
Michael Woolf, Common Cause of Kansas
Karen France, Kansas Association of Realtors

Others attending: See attached list

Action on:

HB 2217 - elections; reporter record proceedings during recount of ballots.

Representative Wells moved to accept the balloon amendment passed out (Attachment 1). Representative O'Connor seconded. Motion carried.

Representative Wells moved to pass out of committee HB 2217. Representative Cox seconded. Motion carried.

Hearing on:

HB 2394 - elections; statement of fair campaign practices.

Representative Sawyer testified in support of HB 2394, which would make provisions for lodging a complaint with the Kansas Commission on Governmental Standards and Conduct, requesting a response, then releasing to the news media after five days with response (Attachment 2).

HB 2400 - elections; statewide uniform system for processing and storing voter registration information.

Representative Gwen Welshimer gave testimony in support of HB 2400 (Attachment 3), which would require standardization of voter information.

Brad Bryant, Secretary of State's Office, appeared in opposition to HB 2400, stating it would be more feasible to standardize voter registration information after the pending federal motor-voter law is passed to see what mandates will be so they can do at the same time (Attachment 4).

HB 2402 - elections; campaign finance, expenditure limitations and funding measures.

Representative Tim Shallenburger testified in support of HB 2402, which bill would help in keeping campaign costs down by having a voluntary spending limit and providing 70% of what a candidate goes over that limit

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 24, 1993.

to his opponent. (Attachment 5)

Representative Tom Sawyer gave testimony in support of HB 2402 saying the concept of limiting spending was important. He suggested the possibility of an Interim Committee study.

Michael Woolf, Common Cause of Kansas, testified in support of HB 2402, stating that Common Cause has supported expenditure limits on campaigns, providing some public funding to candidates and providing income tax credit for campaign contributions (Attachment 6).

Karen France, Kansas Association of Realtors gave testimony on HB 2402 stating they felt the bill had some free speech problems and equal protection problems. (Attachment 7)

Representative Ballard moved approval of the minutes for February 23, 1993 as submitted. Representative Scott seconded. Motion carried.

The meeting was adjourned at 10:25 a.m. The next meeting is scheduled for February 25, 1993.

GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 2-24-93

[illegible]

HOUSE BILL No. 2217

By Representative Toplikar

2-3

AN ACT relating to elections; concerning the recount of ballots;
amending K.S.A. 1992 Supp. 25-3107 and repealing the existing
section.

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

Section 1. K.S.A. 1992 Supp. 25-3107 is hereby amended to read
as follows: 25-3107. (a) At the time of commencement of any canvass
by the county board of canvassers the county election officer shall
present to the county board of canvassers the preliminary abstracts
of election returns, together with the ballots and records returned
by the election boards. The county board of canvassers shall inspect
and check the records presented by the county election officer and
shall hear any questions which the county election officer believes
appropriate for determination of the board. The county board of
canvassers shall do what is necessary to obtain an accurate and just
canvass of the election and shall finalize the preliminary abstract of
election returns by making any needed changes, and certifying its
authenticity and accuracy. The certification of the county board of
canvassers shall be attested by the county election officer. Neither
the county board of canvassers nor the county election officer shall
open or unseal sacks or envelopes of ballots, except as is required
by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto,
or other specific provision of law or as is authorized to carry out a
recount under subsection (b).

(b) If a majority of the members of the county board of canvassers
shall determine that there are manifest errors appearing on the face
of the poll books of any election board, which might make a dif-
ference in the result of any election, or if any candidate shall request
the recount of the ballots cast in all or in only specified voting areas
for the office for which such person is a candidate, or if any registered
elector who cast a ballot in a question submitted election requests
a recount in all or only specified voting areas to determine the result
of the election, the county board of canvassers shall cause a special
election board appointed by the county election officer to meet under
the supervision of the county election officer and recount the ballots
with respect to any office or question submitted specified by the

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Attachment 1

1 county board of canvassers or requested by such candidate or elector.
2 *If a recount is conducted, the county board of canvassers shall*
3 ~~*employ a certified shorthand reporter to attend the recount and*~~
4 ~~*preserve a complete record of all proceedings involved in such re-*~~
5 ~~*count and provide copies of transcript to the candidate requesting*~~
6 ~~*recount and secretary of state.*~~ If a recount is required in a county
7 that uses optical scanning systems as defined in K.S.A. 25-4601 et
8 seq., and amendments thereto, the method of conducting the recount
9 shall be at the discretion of the person requesting such recount. The
10 county election officer shall not be a member of such special election
11 board. Before the special election board meets to recount the ballots
12 upon a properly filed request, the party who makes the request shall
13 file with the county election officer a bond, with security to be
14 approved by the county or district attorney, conditioned to pay all
15 costs incurred by the county in making such recount. In the event
16 that the candidate requesting the recount is declared the winner of
17 the election as a result of the recount, or if as a result of the recount
18 a question submitted is overturned, no action shall be taken on the
19 person's bond and the county shall bear the costs incurred for the
20 recount. Any recount requested must be requested in writing of the
21 county election officer not later than 12:00 noon on the Monday
22 following the election. The request shall specify which voting areas
23 are to be recounted. Any such recount shall be initiated not later
24 than the following day and shall be completed not later than the
25 Friday of such week at 5:00 p.m. Upon completion of any recount
26 under this subsection, the election board shall package and reseal
27 the ballots as provided by law and the county board of canvassers
28 shall complete its canvass. The members of the special election board
29 shall be paid as prescribed in K.S.A. 25-2811 and amendments
30 thereto for time actually spent making the recount.
31 Sec. 2. K.S.A. 1992 Supp. 25-3107 is hereby repealed.
32 Sec. 3. This act shall take effect and be in force from and after
33 its publication in the statute book.

make and preserve a detailed record or account
of all matters before the board and all actions
taken in the conduct of

such record or account

the board shall

2
1
Brief for HB 2394: providing for the filing of statements and the administration of the provisions of the act; prohibiting certain acts and prescribing certain penalties for the violation thereof.

A. Complaints alleging a violation of the Statement of Fair Campaign Practices may be submitted to the Kansas Commission on Governmental Standards and Conduct. Upon receipt, the KCGS&C will forward the complaint to the complainee within 24 hours. Included will be a request for a response within five days.

B. A copy of the complaint will be sent to the news media. If the complainee does not respond within five days, the complaint will be made public without the complainee's response.

C. The Commission will not release a complaint within eight days of an election.

D. Provisions for violations

1. False statement of material fact
2. Falsely accusing a challenger of being an incumbent
3. Falsely claiming an endorsement that does not exist
 - a. Responsibility for compliance will rest with the sponsor of the advertising, not the media used
 - b. If the media used changes the content of the advertising, it will be held responsible for the violation
 - c. A fine will be assessed to violators not to exceed \$1,000

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Attachment 2

GWEN WELSHIMER
 REPRESENTATIVE, EIGHTY-EIGHTH DISTRICT
 SEDGWICK COUNTY
 6103 CASTLE
 WICHITA, KANSAS 67218
 316-685-1930
 DURING SESSION
 LEGISLATIVE HOTLINE
 1-800-432-3924



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: TAXATION
 INSURANCE
 LOCAL GOVERNMENT
 ADMINISTRATIVE RULES & REGULATIONS

February 24, 1993

TO: Rep. Marvin Smith
 Chairman, Governmental Organization
 and Elections Committee

FROM: Rep. Gwen Welshimer

Gwen Welshimer

SUBJECT: Testimony - HB 2400 - STANDARDIZATION OF VOTER
 REGISTRATION INFORMATION
 BY SECRETARY OF STATE AND
 COUNTIES

Chairman Smith, and distinguished members of this Committee,
 I appreciate the opportunity to testify today in favor of HB2400.

This bill will reduce the cost of national, state and local
 campaigns for all political parties. It requires the Secretary of
 State and all 125 counties to standardize voter information with
 compatible software and hardware. It requires voter information to
 be stored, maintained and disseminated in a system designed to sort
 and produce lists, labels and electronic voter registration data
 by:

- (1) Last Name
- (2) Mailing Address
- (3) Zip Code
- (4) Date of Birth
- (5) Party Designation
- (6) Voting Record
- (7) Ward and Precinct
- (8) Congressional District
- (9) State Senatorial District
- (10) State House District

At the present time, some counties produce an incompatible
 variation of the these ten desired sorts, causing considerable
 expense in converting the information, if it can be converted at
 all.

Mr. Lee McMann and Ms. Betty McBride from the Dept. of Revenue are
 here to answer the technical questions you may have on this bill.

Thank you for your attention and consideration of this bill.

*2-24-93
 House Govt. Org & Elec.
 Attachment 3*

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

Office of the Secretary of State
Testimony by Brad Bryant
on HB 2400
February 24, 1993

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to address the committee. The Secretary of State's office does not oppose the concept of the central voter registration database, but we oppose passage of HB 2400 because of questionable necessity and timing.

There is already a central voter registration statute on the books. HB 2400 will add nothing essential that will not eventually be included in the database anyway. In 1990 K.S.A. 25-2304 was amended to require the development of a central voter registration database. In 1991 a system was developed, but it was not in a flexible format to provide the type of information for which it was intended, due to the difficulty of standardizing the varying database systems of the 105 counties.

In early 1992, representatives of the Secretary of State's office met with the chairmen of the House and Senate Election Committees and other interested parties to decide the future of the project. It was agreed that the system met the minimum statutory requirements but was little better than before it was developed, when users had to contact individual counties for the same information. It was decided, however, that no more money should be appropriated for improvements at that time.

Today, any serious attempts to improve the central voter registration file must be considered in light of the Kansas motor-voter statute and the impending federal motor-voter law. The state motor-voter statute was passed last year. Discussions have been held for the past six months with the Division of Motor Vehicles to plan the system. The Division of Motor Vehicles is seeking authority and funding to move to a digitized, paperless driver's license renewal system, which would facilitate improvement of the central voter registration database.

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Further, a final vote is expected in mid-March on HR 2, the federal motor-voter bill, which will change many of the rules for states like ours which have their own motor-voter requirements.

In our view, it is not good policy to spend time and money now on the central voter registration database, realizing it will change when the state and federal motor-voter projects are implemented. The state of Minnesota has spent \$250,000 in the past several years on a similar central voter file; the cost for Kansas to do the same would be less, but still significant.

It is the opinion of the Secretary of State that we should improve the state's central voter registration database at the same time we develop the state and federal motor-voter programs in 1994 and 1995. The provisions of HB 2400 should be easier to develop at that time without separate appropriations and startup costs.

We urge the committee not to pass HB 2400.

HOUSE OF REPRESENTATIVES
STATE OF KANSAS

REPRESENTATIVE, FIRST DISTRICT
CHEROKEE COUNTY
2027 FAIRVIEW
BAXTER SPRINGS, KANSAS 66713
316-856-3461



TOPEKA

ROOM 330-N
STATE CAPITOL
TOPEKA, KS 66612-1504
913-296-7645

TIM SHALLENBURGER
SPEAKER PRO TEM

To: House Governmental Organization and Elections Committee
Date: February 24, 1993

RE: House Bill 2402 - Campaign Finance Reform

Thank you Chairperson Smith and Committee Members. I appreciate the Committee taking time to hear my bill.

The bill you have before you is a complicated bill, however, I feel the changes it would implement are greatly needed in our election process. Since my first election to the Kansas Legislature, campaign reform has been at the forefront of my mind. Year after year I have seen the cost of running for office skyrocket. I feel my reform bill will put a cap on these outrageous amounts of money currently used in elections. Please allow me to highlight the following points:

1. House Bill 2402, which would be implemented in the Kansas House of Representatives beginning in the 1994 elections, and would include Senate and State-wide races in '96 and '98, creates a voluntary spending cap for candidates in contested elections.
2. In the event one candidate volunteers to limit funds and their opponent refuses, the state would provide to the volunteer candidate matching funds of 70% of the opponents expenditures over the cap.
3. The matching funds will be raised through a voluntary individual income tax check off box and fees levied on lobbyists and PACs.
4. The matching funds provision was created to eliminate an incumbent's overwhelming financial advantage. This financial advantage promotes unresponsiveness and entrenchment, both of which are plaguing our representative form of government.

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I again thank this Committee for their time and I hope you will recommend House Bill 2402 for passage.



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

TESTIMONY IN SUPPORT OF HOUSE BILL 2402

by Michael Woolf, Executive Director
February 24, 1993

Thank you Mr. Chairman, members of the Committee, for allowing me to testify today in support of House Bill 2402 which would set voluntary expenditure limits on campaigns, provide some public funding to candidates whose opponent violates those limits, and provide for an income tax credit of up to \$500 for campaign contributions.

Common Cause has long believed that the campaign finance system needs to be fundamentally changed, and that any reform package should include:

1. Voluntary limits that are low enough so as to not be meaningless, and high enough to allow a challenger to overcome an incumbents greater name recognition,
2. Severer restrictions on, or the elimination of contributions from PACs, corporations, and unions, and
3. Some form of partial public funding to qualifying candidates to provide clean campaign resources to inform the voters.

Two years ago, in an attempt to achieve these three goals, Common Cause wrote and had introduced House Bill 2169. And while the bill before you does not go as far in the areas of public funding and contribution restrictions as our proposal, it does take us in the right direction. Common Cause believes that this proposal will help control the rising amounts of money spent on campaigns, and help to level the playing field between incumbents and challengers.

Section 8 of the bill would set up an income tax credit of up to \$500 for contributions to state candidates. While Common Cause is generally supportive of income tax credits for campaign contributions, we believe that they should be for smaller amounts than \$500. We would prefer the income tax credit system set up in House Bill 2395 over that which appears here. It would limit the credit to no more than \$50 to any one candidate or political party, and allow no more than five credits per tax return.

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Executive Offices:
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Topeka, Kansas 66611-2098
Telephone 913/267-3610
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TO: THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS

DATE: FEBRUARY 24, 1993

SUBJECT: HB 2402, CAMPAIGN FINANCE

Thank you for the opportunity to testify. On behalf of the Kansas Association of REALTORS®, I appear today to oppose HB 2402.

While we understand the goal of trying to get control of campaign costs, we believe the "PAC Tax" funding mechanism poses severe Constitutional problems. On its face, it appears the 5% fee would be an administrative fee, something the United State Supreme Court has determined is constitutional. However, on closer inspection, the 5% fee is actually a tax on free speech, something the United States Supreme Court has not approved.

The United States Supreme Court has upheld PAC contributions as a lawful exercise of the 1st Amendment, Free Speech Rights. As presented in this bill, the more a lobbyist or political action committee exercises their free speech rights, in the form of giving contributions to candidates, the higher the fee gets. There is no correlation between the amount of the fee and the number or amount of contributions in the same way as is done currently for our PAC registration fee. Under that fee, there is some sort of corollary between the increased number of contributions and the additional administrative costs for monitoring the contributions by the Commission on Governmental Standards and Conduct Commission. The effect of this "fee" then, is to place a penalty on the exercise of free speech in the form of a tax.

Additionally, the money collected by this "fee" can potentially go to candidates whom the Political Action Committee oppose, thus forcing political action committees to make contributions to candidates. This concept goes in direct contravention of free speech rights.

Finally, we believe this proposal presents an Equal Protection problem, in that, the contribution tax is only assessed against lobbyists and political committees, not against all contributors. Their appears to be no rational basis for this distinction, thus making it a violation of the Equal Protection Clause of the Constitution.

As I said at the beginning, we understand the concept behind the bill but we think this funding mechanism has constitutional problems and urge you to remove it from the bill.

Thank you for the opportunity to testify.

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