

SESSION OF 2007

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 100**

As Recommended by House Committee on
Elections and Governmental Organization

Brief*

House Sub. for SB 100 would make a number of changes in campaign finance and elections statutes.

Campaign Finance Reports

The bill would:

- Clarify that the Kansas Governmental Ethics Commission (KGEK) is required to prescribe and provide forms for all reports required to be filed under the Campaign Finance Act. The bill would allow any information filed in accordance with this requirement after January 10, 2008, to be filed electronically with the Secretary of State in a method authorized by the Secretary of State.
- Allow the candidate to sign a campaign finance report, in lieu of the treasurer.

Threshold for In-Kind Contributions

The bill would increase the threshold amount from \$50 to \$100 for reporting in-kind contributions, or instances when an individual has paid for personal services provided without charge to a candidate, a candidate committee, party committee, or political committee.

*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>

Transfer of Campaign Funds

The bill would authorize the transfer of campaign funds in certain circumstances. The bill would permit a candidate or candidate committee to transfer campaign funds to a bona fide successor committee or candidacy established by the candidate. The transfer could be to the candidate's new campaign committee or candidacy initiated either:

- At the termination of the original candidacy; or
- With the transfer of all money from the original campaign, when the original campaign holds debt and the candidate does not terminate the original campaign committee or candidacy.

A transfer to the new campaign would not constitute a contribution as defined by the Campaign Finance Act and therefore would not be subject to the Act's contribution limits.

The bill also would permit a candidate to transfer funds to the candidate's original campaign for the purpose of retiring any remaining debt to an original campaign. Under this scenario, the candidate may then only accept contributions to the original candidacy sufficient to retire the debt. These contributions would be subject to the Campaign Finance Act debt limits. Once the debt is retired, the candidate must terminate the candidacy.

The bill would add donations to charitable organizations to the list of permitted uses of campaign contributions by a candidate or candidate committee.

Finally, the bill would deem all campaign transfers occurring between January 1, 1976 and the day before the bill's effective date to be in compliance with the Campaign Finance Act in existence at the time of the transfer, regardless of when the original campaign fund was closed after the transfer was made.

Optical Scanning Voting System Updates

The bill would update statutes governing the requirements and certification of optical scanning voting systems. A partial list of provisions follows:

- Delete a provision authorizing a county's voters to petition and vote on whether to adopt a system using optical scanning equipment in the county. Elimination of this provision would leave the decision to the board of county commissioners and the county election officer.
- Revise and update language addressing the public testing of voting equipment before and after each election.
- Require the supervising judge either to ensure that the number of ballots equals the number of voters shown on the poll book or to report in writing a discrepancy to the county election officer. (Current law requires an election judge to ensure the number of ballots does not exceed the number of voters shown or report excess numbers to the county election officer.)
- Update language regarding the crime of optical scanning equipment fraud.
- Require that optical scanning equipment and related systems approved by the Secretary of State: (a) provide notification when the voter has cast more votes than authorized, and (b) meet the requirements of the federal Help America Vote Act of 2002 (HAVA) and other related federal laws and regulations.

Direct Recording Electronic Voting System Updates

The bill would update the laws dealing with direct recording electronic (DRE) voting systems and repeal laws that provided for lever machines and punch card ballots. A partial list follows:

- Delete a provision authorizing a county's voters to petition and vote on whether to adopt a system using electronic or electromechanical voting systems in the county. Elimination of this provision would leave the decision to the board of county commissioners and county election officer.
- Clarify that the Secretary of State's examination of electronic voting systems is to include operating systems, firmware and software, and that the Secretary of State must certify such a system before it is used at any election.
- Clarify the exception to the requirement that voting in absolute secrecy be provided, in relation to such voting systems, to indicate the exception applies to persons who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language.
- Require that electronic or electromechanical voting systems approved by the Secretary of State comply with the federal Help America Vote Act of 2002 (HAVA) and other related federal law.
- Authorize the Secretary of State to acquire electronic voting systems only to assist counties in meeting the HAVA requirement that each polling place have at least one voting device accessible to individuals with disabilities.
- Update the definition of "electronic or electromechanical voting system fraud."
- Repeal Chapter 25, Article 13, which provides for lever machines and punch card ballots.

Background

KSA 25-4158 currently requires the Secretary of State to furnish forms prescribed and provided by the Kansas

Governmental Ethics Commission for making reports and statements required to be filed with the Secretary of State by the Campaign Finance Act.

Appearing in support of the original bill were representatives of KGEC and the Secretary of State and Senator David Haley. No opponents testified.

The fiscal note on the original bill indicated KGEC expects the fiscal effect of implementing an electronic filing system for campaign finance reports to be no more than \$100,000. It is estimated that the bill could not be implemented within current budget resources, and it is unknown whether additional staff would be required.

The Senate Elections and Local Government Committee adopted a technical and clarifying amendment.

The House Committee on Elections and Governmental Organization amended the bill to:

- Specify the authorization to file campaign finance forms electronically pertains to forms filed after January 10, 2008.
- Add the contents of SB 101, as amended by the Senate Committee of the Whole, containing various campaign finance provisions.
- Add the contents of SB 158, as amended by the Senate Committee on Elections and Local Government (with a technical change), dealing with optical scanning voting system updates.
- Add the contents of SB 160, as amended by the Senate Committee on Elections and Local Government, addressing direct recording electronic voting system updates.