

SESSION OF 2007

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2332

As Amended by Senate Committee of the Whole

Brief*

HB 2332 deals with write-in candidates and campaign finance, as follows:

Write-In Candidates and the General Election Ballot

The bill would revise the formula to determine whether a write-in candidate's name is printed on the general election ballot after a primary election. The bill would require a write-in candidate receive votes in the primary election equal to 5 percent of the current voter registration of the candidate's party in the state, county, or district in which the office is sought. (Current law requires a write-in candidate to receive votes in the primary election equal to 10 percent of the total votes cast for the Secretary of State during the last general election in the state, county, or district of the office sought.)

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

*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>

- 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.

Background

A representative of the Secretary of State's Office testified neutrally on the original bill, requesting an amendment. The Shawnee County Commissioner of Elections testified in opposition.

The House Committee on Elections and Local Government amended the bill to require that election results be

reported with the tabulated provisional and advance voting ballots, and to clarify that these results be allocated by precinct.

The Senate Committee on Elections and Local Government amended the bill to remove its original contents (related to tabulating and reporting provisional and advance voting ballots) and replace them with the contents of HB 2094, except that the percentage of votes required was changed from 10 to 5 percent. According to testimony presented by a representative of the Office of Secretary of State in support of HB 2094, the bill was designed to correct a situation that resulted in controversy in a Kansas House district in the 2006 election cycle, during which the Secretary of State's Office was unable to calculate accurately the write-in ballots due to the way election results are reported by most counties. Advance ballots and provisional ballots were not allocated among precincts but instead were reported as countywide totals.

The Senate Committee of the Whole amended the bill to insert the contents of HB 2083, dealing with the transfer of campaign funds. (The language also has appeared in SB 100 and SB 101.)

The fiscal note on the original bill indicates passage of HB 2332 would cause the 75 Kansas counties, which do not currently tabulate provisional and advance ballots by precinct, to incur as-yet unknown costs for re-programming their ballot tabulating equipment.

According to the fiscal note on the original HB 2094, the bill would make it easier for counties to determine the number of write-in votes needed to qualify for the general election ballot, but the amount of savings is inestimable. No effect would be expected on cities.

The fiscal note for HB 2083 indicated its passage would not have a fiscal effect.