

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE
SUBSTITUTE FOR HOUSE BILL NO. 2079**

As Amended by Senate Committee of the Whole

Brief*

Senate Sub. for HB 2079 would include incumbent Supreme Court justices and judges of the Court of Appeals who are subject to retention elections in the Campaign Finance Act, add judicial campaign contribution limits, and increase the limit for members of the State Board of Education. Specifically, it would do the following:

- Change the definition of “election” in the Act’s definition section to include these retention elections as well as those of district court judges and district magistrate judges who are subject to retention elections.
- Revise the definition of “state office” to include Supreme Court justices and judges of the Court of Appeals. The definition no longer would refer to the definition contained in KSA 25-2505 but instead would name all those listed in that statute’s definition as well as adding the above-named justices and judges.
- Establish campaign contribution limits for these judicial officials as follows, relating to the aggregate amount contributed to a candidate, candidate committee, and all party and political committees and dedicated to the candidate’s campaign, by any political committee or person except a party committee, the candidate or the candidate’s spouse:

*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>

- \$2,000 for a Supreme Court justice or a judge of the Court of Appeals; and
- \$1,000 for a district judge or a district magistrate judge.
- Increase, from \$500 to \$1,000 for each primary or general election, the campaign contribution limit for a member of the State Board of Education.

Background

As introduced, HB 2079 dealt with sales tax refunds related to certain telecommunications equipment and machinery. The bill passed the House in that form, as well as the Senate Committee on Assessment and Taxation, but was rereferred to the Senate Committee on Assessment and Taxation and later referred to the Senate Committee on Ethics and Elections. The Senate Ethics and Elections Committee deleted the contents of the original bill and replaced them with the contents of SB 563 with amendments.

Regarding the original SB 563, a representative of the Kansas Equality Coalition stated the Coalition requested introduction of the bill. Representatives of the League of Women Voters of Kansas, the Kansas City Metro National Organization for Women, the Kansas Bar Association, and the Kansas Association for Justice, and a private citizen testified in support of the bill. Proponents expressed concern with anonymous funds being placed into any campaign for or against Supreme Court justices, appellate judges and those district court judges who must stand for retention. Kansas Court of Appeals Chief Judge Patrick Brazil, retired, representing the Kansas Supreme Court, testified favorably but with concerns about the bill as drafted. No opponents testified.

The Senate Committee on Ethics and Elections, in amending the contents of SB 563 for inclusion into Senate Sub. for HB 2079, made the following amendments to the original SB 563:

- It deleted changes to the definition of “‘state office’ or ‘state officer’” contained in the general definitions section of the elections statutes.
- It deleted changes to the definition of “candidate” contained in the Campaign Finance Act definitions section, and it changed the definition of “state office” in that statute.
- It added the judicial campaign contribution limits.
- It made technical changes.

The Senate Committee of the Whole added the contents of SB 443, regarding the campaign contribution limit change for State Board of Education members.

According to the fiscal note for SB 563, the Secretary of State’s costs associated with the bill as introduced would be negligible and could be absorbed within existing resources. The Governmental Ethics Commission indicates the bill would have no fiscal effect on its operation.

According to the fiscal note for SB 443, passage of the bill would have no fiscal effect on the state budget.