

ELECTIONS AND ETHICS

Executive Branch Employee Meals

HB 2080 relates in large part to meals provided to Executive Branch state officers or employees from a source outside of state government. The bill does the following:

- Allows a state officer or employee to accept a free or special discount meal from outside state government when the meal is provided at an event or meeting where the person's presence serves a legitimate state purpose or interest and the person's employer agency authorizes their attendance;
- Allows these state officers or employees to accept any meal valued at \$25 or less; and
- Allows the Governor's spouse and immediate family members to accept meals provided at an event or meeting when their presence serves a legitimate state purpose or interest.

Campaign Finance; Election Petitions; and Election Staff

Senate Sub. for HB 2081 makes a number of changes in campaign finance and elections statutes.

Telephone Campaign Advertisements

The bill defines as a class C misdemeanor crime any paid campaign advertisement made by telephonic means which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office when the advertisement is not followed by a statement indicating who paid for or sponsored the ad.

Solicitation of Contributions During Legislative Session

The bill amends prior law, which prohibited legislators and others from soliciting contributions during the Legislative Session, by limiting the prohibition to "knowingly" soliciting such contributions.

Petitions

Regarding various election petitions required or authorized as part of a procedure applicable to the state, any legislative district, or any of several local governments, the bill changes the time frame for the county counselor, county attorney, or district attorney to furnish a written opinion regarding a petition from five *calendar* days to five *business* days.

Senate Sub. for HB 2081 (cont)

The bill also amends the recall law applying to elected officials to clarify the time frame when mandamus or injunction proceedings must be brought to "within" 30 days of the completion of the review of the adequacy of the recall petition by the Secretary of State in regard to state elected officials or by the county or district attorney in regard to local elected officials. The bill also requires notice of this recall petition decision be delivered to the officer who is the subject of the recall.

Election Staff Allocation

The bill changes the prior law regarding poll workers and election boards by permitting a county election officer, at his or her discretion, to allocate staffing resources. Poll workers may be utilized for partial shifts and not be required to work the entire time the polls are open; however, at least two workers, including the supervising judge, must be on duty the entire time the polls are open. Those workers on duty at the time the polls close are required to certify the ballots at that polling place.

The Secretary of State is authorized to adopt rules and regulations for the implementation of this provision of the bill.

Campaign Finance Reports

The bill also amends the campaign finance laws by the following:

- Clarifying 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 allows 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.
- Allowing the candidate to sign a campaign finance report, in lieu of the treasurer.

Threshold for In-Kind Contributions

The bill increases 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.

Optical Scanning Voting System Updates

The bill updates statutes governing the requirements and certification of optical scanning voting systems. A partial list of provisions includes the following:

Senate Sub. for HB 2081 (cont)

- Deletes 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 leaves the decision to the board of county commissioners and the county election officer.
- Revises and updates language addressing the public testing of voting equipment before and after each election.
- Requires 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. (Prior law required 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.)
- Updates language regarding the crime of optical scanning equipment fraud.
- Requires 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 updates the laws dealing with direct recording electronic (DRE) voting systems and repeals laws that provided for lever machines and punch card ballots. A partial list of requirements includes the following:

- Deletes 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 leaves the decision to the board of county commissioners and county election officer.
- Clarifies 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.
- Clarifies 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.
- Requires 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.

Senate Sub. for HB 2081 (cont)

- Authorizes 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.
- Updates the definition of "electronic or electromechanical voting system fraud."
- Repeals Chapter 25, Article 13, which provides for lever machines and punch card ballots.

Election-Related Issues

HB 2128 addresses the election-related issues of write-in candidates, authorized poll agents, corrupt political advertising and advance voting suppression according to the following:

Write-In Candidates and the General Election Ballot

The bill revises the formula to determine whether a write-in candidate's name is printed on the general election ballot after a primary election. The bill requires a write-in candidate to receive votes in the primary election equal to 5 percent of the current voter registration in the state, county, or district in which the office is sought.

Qualifications of Authorized Poll Agents

The bill:

- Requires the written appointment of an authorized poll agent to be filed with the county election officer, and clarifies that a copy of the appointment is to be carried with the poll agent while on duty.
- Establishes qualifications for authorized poll agents, who are appointed to serve as such, to include requirements that the poll agent be:
 - A registered Kansas voter; or
 - A member of the candidate's immediate family; or
 - A person younger than 18 but at least 14 years of age who meets all other requirements for qualification as a voter.
- Requires authorized poll agents to wear a badge containing specified information.

Corrupt Political Advertising

The bill:

- Amends statutes in order to conform more closely with the definition of "corrupt political advertising" in the statute with the campaign finance statute on the same issue by doing the following:
 - Clarifies that a publication or broadcast that "expressly advocates the nomination, election or defeat of any candidate" must be followed by the words or statement "advertisement" or "adv" or it is corrupt political advertising.
 - Revises the requirement regarding broadcasts – aimed at influencing a vote, including the vote on questions submitted as a proposition to amend the Constitution, to authorize the issuance of bonds, or any other question submitted at an election – to include the statement "Paid for" or "Sponsored by" followed by name of the sponsoring organization and the name of the chairperson or treasurer of the organization, or name of the person responsible for the advertisement.
 - Adds a requirement that the publication of brochures, fliers or other political fact sheets aimed at influencing various "questions submitted" include the statement "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the organization, or the name of the person responsible for the advertisement. Absence of such a statement constitutes corrupt political advertising.
- Revises the language contained in the Campaign Finance Act statute – regarding brochure publications aimed at express advocacy for or against a clearly identified candidate for state or local office – to require these publications include a statement providing the name of the sponsoring organization that paid for or sponsored the publication.

Advance Voting Suppression

The bill creates the new crime of advance voting suppression, a level 9, nonperson felony. The bill defines "advance voting suppression" as knowingly, with intent to impede, obstruct or exert undue influence on the election process by:

- Destroying or altering another person's advance ballot without written consent of the registered voter;
- Obstructing the delivery of the advance ballot to the voter, or obstructing the return of the completed ballot to the county election officer;

- Failing to deliver an advance ballot to the county election officer within two business days or before the close of polls on election day;
- Using undue influence on an advance voter in applying for, delivering, or marking an advance ballot; or
- Opening an advance ballot envelope sealed by the voter, examining or disclosing the contents except as required by official duties as prescribed by law.

Delivery of an advance ballot in the United States mail at least five calendar days prior to the election day for delivery to the county election officer would not be a violation of the new crime of advance voting suppression. The bill defines the term "undue influence" to mean coercion, compulsion or restraint as to diminish the voter's free agency, and by overcoming the power of resistance, or obliges or causes such voter to adopt the will of another. The bill defines the term "deliver" to mean hand-deliver, mail, or otherwise transmit an advance voting ballot.

EMPLOYERS AND EMPLOYEES

Employment Security Law—Contribution Rate

SB 83 amends employment security law by adjusting employer contribution rates beginning in FY 2007 and for all subsequent years as follows:

- For new employers, the rate is be 4.0 percent of wages paid during the calender year except for new employers engaged in the construction industry who will pay a 6.0 percent rate. (Under prior law, the rates were between 0.462 to 0.591 percent for new employers.)
- For experienced employers with a positive balance in the employer account at the Kansas Department of Labor, the rate is the following:
 - Rate Groups 1 through 5 – Zero
 - Rate Groups 6 through 28 – 50.0 percent of current rate
 - Rate Groups 29 through 51 – 60 percent of current rate

The bill provides that if the Employment Security Trust Fund balance falls below a prescribed amount, in any subsequent years, the reduction is eliminated and the rates return to the previous percentages.