

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on March 16, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Steve Brunk- excused
Representative Mike Peterson- excused

Committee staff present:

Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Carol Williams, Executive Director, Governmental Ethics Commission
Georgia Sandlin, President, Topeka League of Women Voters
Representative Tom Moxley, District 68
Representative Terrie Huntington, District 25
Representative Raj Goyle, District 87
Mike Kautsch, Professor of Law, Director, Media, Law and Policy, School of Law, University of Kansas and Member of the Board, Kansas Sunshine Coalition for Open Government

Others attending:

See attached list.

Hearing On: **SB 117 - Sub for S 117 – Campaign finance; corrupt political advertising; website, e-mail; other internet communication.**

Ken Wilke, Office of the Revisor of Statutes, explained the content of **Sub for S 117**, saying that the bill includes the addition of telephone solicitation advocating the election or defeat of an identified candidate and the inclusion of wording to identify who paid for or sponsored the message. He said the same information must be given when a website, e-mail or other internet communication is used. Mr. Wilke indicated that failure to comply with these procedures could result in a class C misdemeanor. He said a second amendment to the bill requires record-keeping of payments for one year.

Carol Williams, Executive Director, Governmental Ethics Commission, said the Commission holds the position that internet communications and websites advocating for candidates for a state or local office position should be required to use the disclaimer “paid for” or “sponsored by” in all communications. Ms. Williams recommended the committee pass **Substitute for SB 117** favorably (Attachment 1).

Upon request from the Chairman, Ms. Williams will provide the instructional information given to state and local candidates in relation to the term “paid for” and its usage in internet communications.

Georgia Sandlin, President, Topeka League of Women Voters, addressed the committee, stating that the League supports open and representative government; principles espoused in that arena are applicable in political campaigning as well. Ms. Sandlin said the proposed amendment in **Sub for SB 117** will help to strengthen the present campaign finance act and recommends it be passed favorably (Attachment 2).

Written testimony in support of the bill was distributed by:

Doug Anstaett, Executive Director, Kansas Press Association(Attachment 3).
Kent Cornish, President/Executive Director, Kansas Association of Broadcasters (Attachment 4).
Ciara Torres-Spelliscy, Brennan Center for Justice (Attachment 5).

The hearing on **Sub for S 117** was closed.

Discussion On: Campaign Finance Issues

Ken Wilke discussed with committee members the pertinent facets in the proposed balloon amendment to

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Sub for S 117 (Attachment 6). He said the term “electioneering communications” has been added to include broadcast by any means to 500 or more persons; for clarification, the balloon explains clearly what is not included in “electioneering communications.” Mr. Wilke noted that New Section Two identifies persons who spend or contract \$500 or more per year for any electioneering communication; those persons are required to submit a campaign finance report to the Governmental Ethics Commission.

Representative Terrie Huntington, District 25, addressed the committee with concerns about mailings advocating for or against candidates described as Third Party Advocacy (Attachment 7). She indicated that a number of groups and persons associated with Third Party Advocacy are mailing issue advertisements, rather than advocating for candidates. Representative Huntington said the proposed amendment would modify the law by providing information to the public as to where campaign monies originate and where those dollars are spent. She provided a list of frequently asked questions on page three of her testimony and recommended the committee consider the amendment favorable for passage.

Representative Tom Moxley, District 68, spoke to the committee emphasizing the need for transparency among those persons and groups operating as Third Party Advocacy (Attachment 8). He said the purpose of this amendment is to provide the voting public with the knowledge of who the donors are. Representative Moxley urged members to include the amendment in the bill.

Representative Raj Goyle, District 87, spoke in support of the balloon amendment to **Sub for S 117**, stating that it will strengthen the election process in Kansas and provide greater transparency to the public (Attachment 9). He indicated this proposal allows third party groups to function as before; the additional requirement would be to submit filing at least four campaign reports every two years, which is the same as political candidates must do. Representative Goyle recommended adopting the balloon amendment to **Sub for S 117**.

Carol Williams indicated the Governmental Ethics Commission advocates closing a loophole which allows sponsors of “issue ads” to conceal the amounts of money spent on election campaigns (Attachment 10). The requirement of disclosure regarding receipts and expenses will allow voters to be informed about candidates seeking election.

Mike Kautsch, Professor of Law, Director, Media, Law and Policy Program, University of Kansas School of Law and member of the board, Kansas Sunshine Coalition for Open Government, speaking personally as a proponent of the amendment, said the amendment is in harmony with the Kansas Legislature regarding campaign finance disclosure, openness and accountability (Attachment 11). He quoted a phrase from the Kansas Open Meetings Act, “A representative government is dependent upon an informed electorate.” He indicated the proposed amendment outlines reasonable terms for reporting contributions in support of “electioneering communications.”

The Chairman opened the floor for additional comments. Representative Charlie Roth, District 71, spoke in support of the amendment and noted many other Representatives in attendance who supported the amendment.

The Chairman requested further information on rules and regulations surrounding the election process of candidates. Ms. Williams will provide additional information to the committee.

The Chairman distributed a document from Mike Tallman which was requested previously. He indicated it will be discussed at the next meeting (Attachment 12).

The Chairman closed the discussion on the topic of Campaign Finance.

The meeting was adjourned at 4:45 p.m. The next meeting is scheduled for March 18, 2009.