

WRITTEN ONLY TESTIMONY OPPOSING HB 2391

February 14, 2023

To: KS House Elections Committee

Chair Pat Proctor, Vice-Chair Paul Waggoner, Ranking Minority Member Brandon Woodard, and House Members Emil Bergquist, Kenneth Collins, Michael Dodson, Robyn Essex, Allison Hougland, Leah Howell, Cyndi Howerton, Cindy Neighbor, Melissa Oropeza and Jeff Underhill

CC: Dana Rooney, Committee Assistant

From: Nikki McDonald, Olathe, KS

Thank you for allowing me the opportunity to weigh in on this bill. I often have to fight the frustrating feeling that exercises such as writing testimony to the Kansas Legislature seem futile. Bills such as this one, however, are absurd and extreme enough to force me to carve out the time to express my strong objections.

I find it curious that there are no sponsors listed for this bill. It's a bill that would make it FAR harder for politicians to have oversight or scrutiny when it comes to ethical behavior. It is really embarrassing to me that many lawmakers are able to so blatantly express their corruption or their desire to allow corruption to take place without notice. Checks and balances are a part of a good democracy. The Ethics Commission is an impartial body that works to keep everyone above-board. It is UNETHICAL and SELF-SERVING to propose the changes found in this bill. This is not a good look for lawmakers. It does even more damage to your already tarnished images.

I understand that many rules that are currently in place and enforced can be annoying or burdensome, but they are in place for a reason. To place blind faith in elected officials would not be an American ideal.

I am opposing this bill variety of reasons, which were recently summed up nicely in a tweet from the KS Ethics Commission which I will share here in bullet form:

- *Eliminates our investigatory subpoena power. There would be no meaningful way to investigate violations of the Campaign Finance Act.*
- *Applies the anti-SLAPP law to all investigatory actions by the Commission, so even minimal investigation could trigger major costs unless we somehow had*

substantial evidence of the violation before investigating it. We wouldn't be able to investigate most violations.

- *Prevents the Commission from entering into cooperation agreements with witnesses. There's zero reason to include this unless the advocates are specifically trying to cover for someone currently under investigation or who could be investigated. Even as brazen as the bill is otherwise, this prohibition against cooperating witnesses is particularly obvious.*
- *It changes the statute of limitations to 2 years, making complex investigations impossible, and violations revealed to us from previous elections cycles would be unresolvable.*
- *Coordination with PACs is made functionally legal by changing the definition of "agent" to a contrived and ridiculous limitation. There's essentially no reason to prohibit coordination at all with this definition.*
- *Legalizes giving contributions in the name of another if done to exceed campaign contribution limits, making these limits meaningless and undermining the foundation of campaign finance law.*
- *Eliminating the requirement that the Commission cannot have more than 5 (of 9) members of one political party, opening the door for a public perception that the Commission can be hijacked by partisan interests.*
- *Prevents the Ethics Commission from running hearings, despite being the experts on campaign finance law.*
- *Modifies PAC registration rules to such a ridiculous degree that virtually no PACs would ever register including massive PACs, eliminating all transparency into PAC activity.*
- *Allows candidates to give their funds to PACs, and allows them to give their money to parties or PACs to be specifically used by another candidate (unless they enter into a "binding contract" which doesn't happen that way in politics).*
- *Creates a low fine limit for serious violations - if one matter is particularly severe and includes many violations, the maximum fine is \$10,000, no matter what.*
- *Requires appeals to district court to be entirely re-run by the court rather than including some deference to the experts. No other state agency, to my knowledge, has this absurd standard.*

I strongly urge you to oppose this bill in its entirety. Such a bill was clearly written with ill intent & cannot be revised to be an improvement of our current system.

Sincerely,

Nikki McDonald, Olathe, KS