

SESSION OF 2011

**SUPPLEMENTAL NOTE ON  
SUBSTITUTE FOR SENATE BILL NO. 127**

As Amended by House Committee of the Whole

**Brief\***

House Sub. for Sub. for SB 127 would make changes to elections statutes concerning primaries, campaign contributions and campaign contribution transfers, candidate treasurer's report filings, and drainage district terms.

House Sub. for Sub. for SB 127 would, for a school district, city officer, or community college trustee office, require a primary election only if more than three candidates would be on the ballot. It also would require that the names of the top two vote-getters in the primary election be placed onto the ballot for the general election. If the election-at-large method is used, the bill would require a primary election only if the number of candidates is more than three times the number to be elected, and the number on the general election ballot would equal twice the number to be elected.

The bill also would increase the campaign contribution limit for State Board of Education candidates from \$500 to \$1,500 for each primary or general election. This limit would apply to these types of contributions:

- The aggregate amount contributed to a candidate, the candidate's candidate committee, and all party committees and political committees dedicated to the candidate's campaign, by any political committee or any person except a party committee, the candidate, or the candidate's spouse; and

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\*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>

- The amount contributed by each individual party committee of the same political party other than a national party committee to any candidate for office, for any primary election at which two or more candidates are seeking the party's nomination.

The bill would increase the campaign contribution limit for the House of Representatives, district judge, district magistrate judge, district attorney or a candidate for local office from \$500 to \$750.

The bill also would increase the campaign contribution limit for state senators from \$1,000 to \$1,500.

The bill would eliminate the requirement that candidates for state office file a treasurer's report with the county election office in the county in which the candidate lives. These candidates would be required to file only with the state. The bill also allows candidates for local office to file this report electronically.

The bill would change the term of office for the Drainage District No. 2 of Finney County from a three-year staggered term to a four-year staggered term.

Finally, the bill would authorize the transfer of campaign funds from one campaign fund to another campaign fund to a *bona fide* successor committee of candidacy only after all debt is retired in the original candidate committee. In order for this transfer to take place, the original candidate committee must be either terminated or placed on inactive status when its residual funds are transferred. Once the money is transferred, the candidate is prohibited from accepting any contributions to the original candidacy unless the *bona fide* successor committee of candidacy is terminated.

The bill also would deem all campaign transfers occurring between January 1, 1976, and December 12, 2003, (the date of the Kansas Supreme Court ruling) 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**

At the Senate Committee on Ethics and Elections hearing on SB 127 (as introduced), the Allen County Clerk and Election Official, representing the Kansas County Clerks and Election Officials Association, and the Crawford County Clerk and Election Official testified in favor of the bill. A representative of the Secretary of State also testified in its support, and a representative of the League of Kansas Municipalities submitted written proponent testimony. No neutral or opposing testimony was presented.

The Senate Committee recommended a substitute bill that incorporated extensive technical changes to the original bill, but did not change its intent.

At the House hearing on Sub. for SB 127 in the House Committee on Elections, representatives from the Secretary of State, the League of Kansas Municipalities, and elections officials from Allen and Crawford County testified as proponents. No neutral or opposing testimony was presented.

The House Committee adopted a new substitute bill to add the following into Sub. for SB 127:

- The contents of SB 17, as recommended by the Senate Committee on Ethics and Elections, relating to campaign contributions for the State Board of Education; and
- The contents of HB 2308, as introduced, relating to the filing of campaign treasurer's reports. This provision was further amended by the House Committee to require that treasurer's reports for candidates for state office be filed only with the Secretary of State and no longer are required to be filed with the county election office in which the candidate lives.

The House Committee of the Whole amended the bill in the following ways:

- Added the contents of HB 2314, which would change the terms of office for the Drainage District No. 2 of Finney County from a three-year staggered term to a four-year staggered term;
- Changed the campaign contribution limits from \$500 to \$750 for candidates for the House of Representatives, district judge, district magistrate judge, district attorney, or local office, and the limit for state senators and State Board of Education members from \$1,000 to \$1,500; and
- Added the contents of HB 2309, which would allow candidates for office to transfer campaign contributions from one campaign fund to another campaign fund for a separate office.

***Background for SB 17***

Currently, campaign contribution limits for other offices, from the same types of contributions, are as follows:

- \$2,000 for statewide office;
- \$1,000 for state senators; and
- \$500 for a candidate for the House of Representatives, district judge, district magistrate judge, district attorney, or local office.

At the Senate Committee hearing on SB 17, Senator Steve Abrams, a former member of the State Board of Education, and the legislative coordinator for the State Board of Education testified in support of the bill. The proponents of the bill testified that each State Board of Education district is four times the size of a State Senate district, and candidates experience difficulty raising money for their campaigns. No opponents spoke to the bill.

At the House Committee hearing on SB 17, a representative of the Department of Education testified in support of the bill. There was no opponent testimony.

### ***Background for HB 2308***

The bill was referred to the House Committee on Elections, but received no hearing. When the bill was amended into House Sub. for Sub. for SB 127, the House Committee on Elections amended the bill to require that candidates for state office must file treasurer's reports only with the Secretary of State. The amendment eliminated the current requirement that these candidates also file with the county election office in the county in which the candidate lives.

### ***Background for HB 2314***

Representative Larry Powell testified in favor of the bill. His testimony indicated the current three-year term for the drainage district members has created the need for a special election. HB 2314 would correct that problem. No opponents testified. The House Committee on Local Government adopted technical amendments to HB 2314.

### ***Background for HB 2309***

The bill was referred to the House Committee on Elections, but received no hearing.

In 2003, the Kansas Supreme Court ruled that the Campaign Finance Act prohibited a former State Representative from transferring unused legislative campaign funds to his campaign for election to be mayor. This ruling came after the Kansas Governmental Ethics Commission had issued several opinions over a number of years stating that such transfers were permitted by Kansas campaign finance law.

The Kansas Supreme Court ruled that transfers could be made only in two cases:

- When an incumbent runs for reelection to the same office; and

- When a candidate loses an election for a specific office and seeks election to the same office in a subsequent election.

The Court further suggested that the Legislature define the term “*bona fide* successor candidacy,” which is not defined in current law or rules and regulations, and required the Kansas Governmental Ethics Commission to promulgate rules and regulations for the “return of contributions to donors who have contributed to a candidate for a specific office but do not want to contribute to the same candidate if he or she decides to run for a different office.”

According to the fiscal note prepared by the Division of the Budget, the Secretary of State stated SB 127 as introduced would have no fiscal impact and could lead to savings for local governments, but the amount of any savings could not be estimated because the numbers of candidates vary from year to year.

According to the fiscal note prepared by the Division of the Budget, the original versions of SB 17, HB 2308, HB 2314, and HB 2309 would have no fiscal impact.