

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2223**

As Recommended by House Committee on
Elections

Brief*

Sub. for HB 2223 would amend law concerning electronic filing of reports by candidates for the Kansas House of Representatives, the Kansas Senate, and lobbyists and penalties for late contribution reports.

The bill would require reports filed by treasurers for candidates for the House of Representatives and the Senate be filed electronically. Additionally, the bill would require every lobbyist electronically file required reports of employment and expenditures.

Reports due the eighth day preceding a primary or general election and filed more than 48 hours late would be subject to a civil penalty. The bill would specify the candidate would be liable for a penalty of \$100 for the first day such report was more than 48 hours late, and \$50 for each subsequent day the report was late. Notice requirements regarding late reports in current law would be unchanged. The Governmental Ethics Commission would have the discretion to waive any civil penalty authorized by the bill, for good cause.

Under the bill, the same civil penalties would apply to any lobbyist more than 48 hours late filing a required report of employment and expenditures.

*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>

Background

The bill was introduced in the House Committee on Elections at the request of Representative Carpenter. In the House Committee hearing, Representative Carpenter appeared in support of the bill. He testified the bill would add more accountability and transparency to the election process by encouraging candidates to turn reports in on time, giving the public and the media access to the information before the election. A citizen provided written testimony in support of the bill. The Executive Director of the Governmental Ethics Commission testified as neutral on the bill. She provided a summary of current law and some background information on late reports and associated civil penalties during the 2016 election cycle. No other testimony was provided on the bill.

The House Committee recommended adoption of a substitute bill with the following changes from the original language of the bill: reducing the amount of the civil penalties that could be assessed for reports filed more than 48 hours late, specifying that candidates and not treasurers would be liable for the civil fines, imposing the fines only for candidates in current primary and general election races (as opposed to any person required to make a report as in the bill, as introduced), requiring electronic filing of reports by candidates to the Kansas House and Senate, and making the provisions of the bill also applicable to lobbyists.

According to the fiscal note prepared by the Division of the Budget, the Governmental Ethics Commission has indicated enactment of the bill, as introduced, would have a fiscal effect on the agency due to fines assessed. The agency is unable to estimate how many civil fines would be assessed or the amount of fines that would go into the Commission's fee fund. Any fiscal effect associated with the bill, as introduced, is not reflected in *The FY 2018 Governor's Budget Report*.