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Kansas House Elections Committee
HB 2391

Presented by Chet Compton, Member, Fleeson Gooing, Attorneys at Law
Thursday, February 16, 2023

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Chair Proctor and members of the Committee, thank you for the opportunity to present my experiences with the Kansas Governmental Ethics Commission (the "KGEC") over the past few months. I represent various private individuals who held positions within the Republican Party structure as county chairs or treasurers. These particular individuals have been singled out by the KGEC, which is attempting to enforce exceedingly broad subpoenas as part of a dragnet investigation we now know is centered on a new interpretation of K.S.A. 25-4154, the Kansas statute that prohibits making a contribution in the name of another person. The KGEC does not allege that any of my clients are targets of an investigation. In fact, ironically, they go to great pains to point out they have no evidence my clients did anything wrong. Yet, the KGEC is seeking essentially all of my client's private and personal communications with other political actors.

We are working to expose these unprecedented and unwarranted intrusions for exactly what they are – violations of my clients' constitutional rights to speak freely, to associate, and to petition their government. In responding, the KGEC has doubled-down, alleging my clients' constitutional rights are "subservient" to their interests.

The KGEC is charged with regulating constitutionally protected activities, yet, it has been shown to not respect or understand those constitutional protections. In my view, the KGEC should be reformed to ensure adequate protections are given to the private citizens of this state that happen to be involved in political activity. My clients were unpaid volunteers and have now accumulated thousands of dollars in attorneys' fees because the KGEC wants to fish around in all of their personal political communications.

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Adding insult to injury, the KGEC admitted its efforts were “lacking” when it came to protecting my clients’ privacy by failing to follow procedural rules that would have sealed the lawsuits it has filed against my clients. The KGEC has shown little effort in trying to minimize its impact on constitutionally-protected activities. Instead of using a scalpel when it must, the KGEC brazenly wields a sledgehammer in apparent disregard for the collateral damage.

Something must be done to stop this bureaucratic agency from violating the constitutional rights of Kansans. HB 2391 begins the timely and important conversation about the nature of the KGEC’s powers as an administrative agency, and the checks and balances holding it accountable when it tramples on Kansans’ constitutional rights.

Thank you for the opportunity for me to tell you about my clients’ ordeal at the hands of the KGEC.

Very truly yours,

FLEESON, GOOING, COULSON & KITCH, L.L.C.

By



T. Chet Compton

TCC:cla