

HOUSE BILL No. 2439

By Representatives Garner, Crow, Gilbert, Kirk, Loganbill, Toelkes and Wells

2-7

AN ACT concerning elections; relating to campaign finance; amending K.S.A. 25-206 and 25-4153 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-206 is hereby amended to read as follows: 25-206. (a) Except as provided in ~~subsection (b)~~ subsections (b) and (c), when a candidate in lieu of nomination petitions files a declaration of intention to become a candidate for any national, state, county or township office, the accompanying fee shall be in an amount as follows: For the office of United States senator, United States representative from any district or at large, all state offices, and all county offices, where the salary is over \$1,000 per year, a sum equal to 1% of one year's salary as determined by the secretary of state for state and national offices, and as determined by the county election officer for county offices. For all county offices where the salary is \$1,000 or less, a fee of \$5; for a state senator, \$75; for representatives, \$50; for all township offices, \$1. Nothing in this act shall be construed as requiring any fee of a candidate filing a declaration of intention to become a candidate for precinct committeeman or precinct committeewoman. The officer receiving the funds shall turn them over to the state treasurer, if deposited with the secretary of state, or to the county treasurer, if deposited with the county election officer, and the funds shall become a part of the general fund of the respective government.

Such declaration shall be prescribed by the secretary of state and shall be attested before a county election officer or deputy county election officer in the case of county and township offices, and before a county election officer, the secretary of state or a deputy of one of such officers in the case of state and national offices, and a notary public in the case of precinct committeemen and committeewomen.

(b) When a candidate for the office of district magistrate judge, in lieu of nomination petitions, files a declaration of intention to become a candidate for such office, the declaration shall be in the same form and subject to the same method of attestation as provided for other state

1 officers in subsection (a) and the required fee to accompany the decla-
2 ration shall be \$100.

3 (c) *Any candidate for election to membership in the Kansas senate or*
4 *house of representatives and any candidate for election to state office*
5 *elected on a statewide basis who files a statement of intent to be bound*
6 *by expenditure limitations prescribed by section 4, and amendments*
7 *thereto, may file a declaration of intention to become a candidate for such*
8 *office without the payment of the fee required by subsection (a), and no*
9 *fee shall be required therefor.*

10 Sec. 2. K.S.A. 25-4153 is hereby amended to read as follows: 25-
11 4153. (a) The aggregate amount contributed to a candidate and such
12 candidate's candidate committee and to all party committees and political
13 committees and dedicated to such candidate's campaign, by any political
14 committee or any person except a party committee, the candidate or the
15 candidate's spouse, shall not exceed the following:

16 (1) For the pair of offices of governor and lieutenant governor ~~or~~ *and*
17 *for other state officers elected from the state as a whole who have filed*
18 *a statement of intent to be bound by expenditure limitations prescribed*
19 *by section 4, and amendments thereto, \$2,000 for each primary election*
20 *(or in lieu thereof a caucus or convention of a political party) and an equal*
21 *amount for each general election; and for the pair of offices of governor*
22 *and lieutenant governor and for other officers of the state elected from*
23 *the state as a whole, who have filed a statement of intent not to be bound*
24 *by expenditure limitations prescribed by section 4, and amendments*
25 *thereto, \$400 for each primary election (or in lieu thereof a caucus or*
26 *convention of a political party) and an equal amount for each general*
27 *election;*

28 (2) ~~for the office of member of the house of representatives, district~~
29 ~~judge, district magistrate judge, district attorney, member of the state~~
30 ~~board of education or a candidate for local office, \$500 for each primary~~
31 ~~election (or in lieu thereof a caucus or convention of a political party) and~~
32 ~~an equal amount for each general election;~~

33 (3) ~~for the office of state senator, for any candidate who has filed a~~
34 ~~statement of intent to be bound by expenditure limitations prescribed by~~
35 ~~section 4, and amendments thereto, \$1,000 for each primary election (or~~
36 ~~in lieu thereof a caucus or convention of a political party) and an equal~~
37 ~~amount for each general election; and for any candidate for the office of~~
38 ~~state senator who has filed a statement of intent not to be bound by ex-~~
39 ~~penditure limitations prescribed by section 4, and amendments thereto,~~
40 ~~\$200 for each primary election (or in lieu thereof a caucus or convention~~
41 ~~of a political party) and an equal amount for each general election; and~~

42 (4) ~~for the office of member of the house of representatives, for any~~
43 ~~candidate who has filed a statement of intent to be bound by expenditure~~

1 *limitations prescribed by section 4, and amendments thereto, \$500 for*
2 *each primary election (or in lieu thereof a caucus or convention of a*
3 *political party) and an equal amount for each general election; and for*
4 *any candidate for the office of member of the house of representatives*
5 *who has filed a statement of intent not to be bound by expenditure limi-*
6 *tations prescribed by section 4, and amendments thereto, \$100 for each*
7 *primary election (or in lieu thereof a caucus or convention of a political*
8 *party) and an equal amount for each general election.*

9 (b) For the purposes of this section, the face value of a loan at the
10 end of the period of time allocable to the primary or general election is
11 the amount subject to the limitations of this section. A loan in excess of
12 the limits herein provided may be made during the allocable period if
13 such loan is reduced to the permissible level, when combined with all
14 other contributions from the person making such loan, at the end of such
15 allocable period.

16 (c) For the purposes of this section, all contributions made by une-
17 emancipated children under 18 years of age shall be considered to be
18 contributions made by the parent or parents of such children. The total
19 amount of such contribution shall be attributed to a single custodial par-
20 ent and 50% of such contribution to each of two parents.

21 (d) The aggregate amount contributed to a state party committee by
22 a person other than a national party committee or a political committee
23 shall not exceed \$15,000 in each calendar year; and the aggregate amount
24 contributed to any other party committee by a person other than a na-
25 tional party committee or a political committee shall not exceed \$5,000
26 in each calendar year.

27 The aggregate amount contributed by a national party committee to a
28 state party committee shall not exceed \$25,000 in any calendar year, and
29 the aggregate amount contributed to any other party committee by a
30 national party committee shall not exceed \$10,000 in any calendar year.

31 The aggregate amount contributed to a party committee by a political
32 committee shall not exceed \$5,000 in any calendar year.

33 (e) Any political funds which have been collected and were not sub-
34 ject to the reporting requirements of this act shall be deemed a person
35 subject to these contribution limitations.

36 (f) Any political funds which have been collected and were subject to
37 the reporting requirements of the campaign finance act shall not be used
38 in or for the campaign of a candidate for a federal elective office.

39 (g) The amount contributed by each individual party committee of
40 the same political party other than a national party committee to any
41 candidate for office, for any primary election at which two or more can-
42 didates are seeking the nomination of such party shall not exceed the
43 following:

1 (1) For the pair of offices of governor and lieutenant governor and
2 for each of the other state officers elected from the state as a whole,
3 \$2,000 for each primary election (or in lieu thereof a caucus or convention
4 of a political party);

5 (2) For the office of member of the house of representatives, district
6 judge, district magistrate judge, district attorney, member of the state
7 board of education or a candidate for local office, \$500 for each primary
8 election (or in lieu thereof a caucus or convention of a political party).

9 (3) For the office of state senator, \$1,000 for each primary election
10 (or in lieu thereof a caucus or convention of a political party).

11 (h) When a candidate for a specific cycle does not run for office, the
12 contribution limitations of this section shall apply as though the individual
13 had sought office.

14 (i) No person shall make any contribution or contributions to any
15 candidate or the candidate committee of any candidate in the form of
16 money or currency of the United States which in the aggregate exceeds
17 \$100 for any one primary or general election, and no candidate or candi-
18 date committee of any candidate shall accept any contribution or contri-
19 butions in the form of money or currency of the United States which
20 in the aggregate exceeds \$100 from any one person for any one primary
21 or general election.

22 New Sec. 3. The provisions of sections 3 through 6, and amendments
23 thereto, shall apply to:

24 (a) Candidates for election to membership in the house of represen-
25 tatives and the senate of the state of Kansas; and

26 (b) candidates for election to state offices elected on a statewide basis
27 from and after July 1, 2001.

28 New Sec. 4. The commission shall establish campaign expenditure
29 limitations in accordance with this section and shall provide copies of such
30 schedule to persons requesting the same and to all candidates for offices
31 specified in K.S.A. 25-206, and amendments thereto, at the time of filing
32 for office. Such expenditure limitations shall apply to primary and general
33 election cycles prescribed for the allocation of contributions and expend-
34 itures prescribed by K.S.A. 25-4149, and amendments thereto. Campaign
35 expenditures shall not exceed:

36 (a) For offices elected on a statewide basis:

37 (1) (A) For uncontested election cycles for the pair of offices of gov-
38 ernor and lieutenant governor, \$200,000; and

39 (B) for contested election cycles, for the pair of offices of governor
40 and lieutenant governor, \$1,000,000;

41 (2) (A) for uncontested election cycles for the office of secretary of
42 state, \$100,000; and

43 (B) for contested election cycles for the office of secretary of state,

1 \$400,000;

2 (3) (A) for uncontested election cycles for the office of attorney gen-
3 eral, \$100,000; and

4 (B) for contested election cycles for the office of attorney general,
5 \$400,000;

6 (4) (A) for uncontested election cycles for the office of state trea-
7 surer, \$100,000; and

8 (B) for contested election cycles for the office of state treasurer,
9 \$400,000; and

10 (5) (A) for uncontested election cycles for the office of insurance
11 commissioner, \$100,000; and

12 (B) for contested election cycles for the office of insurance commis-
13 sioner, \$400,000.

14 (b) For the office of state senator:

15 (1) For uncontested election cycles for the office of state senator,
16 \$10,000; and

17 (2) for contested election cycles for the office of state senator,
18 \$40,000.

19 (c) For the office of state representative:

20 (1) For uncontested election cycles for the office of state represen-
21 tative, \$5,000; and

22 (2) for contested election cycles for the office of state representative,
23 \$20,000.

24 An uncontested election is an election in which only one candidate has
25 filed to appear on the ballot for an election cycle.

26 A contested election is an election in which more than one candidate
27 will appear on the same ballot for an election cycle.

28 (d) For any candidate who is running against another candidate, who
29 is also currently holding the office, for which such candidates are running,
30 expenditures shall not exceed an amount equal to 110% of the amounts
31 prescribed under subsections (a), (b) and (c) for candidates for such
32 offices.

33 Expenditure limitations hereinbefore prescribed shall be adjusted by
34 the legislature to become effective July 1, 2001, and each two years there-
35 after, to reflect changes in costs of financing election campaigns.

36 New Sec. 5. Any candidate who has filed a statement of intent to be
37 bound by the campaign expenditure limitations prescribed by section 4,
38 and amendments thereto, who makes any expenditures in excess of such
39 amounts shall pay a civil penalty in an amount equal to 100% of all ex-
40 penditures made in excess of such limitation. All civil penalties collected
41 pursuant to this section shall be remitted to the state treasurer and upon
42 receipt thereof the state treasurer shall deposit the same in the state
43 treasury and credit it to the Kansas commission on governmental stan-

1 dards and conduct fee fund.

2 New Sec. 6. Within five days following the filing of reports of ex-
3 penditures in accordance with K.S.A. 25-4148, and amendments thereto,
4 the commission shall compile and produce a list of the accumulated ex-
5 penditures of all candidates for offices for which expenditure limitations
6 are prescribed under section 4, and amendments thereto. Copies of such
7 lists shall be filed in the office of the secretary of state and in addition,
8 in the case of members of the legislature, in the office of the county
9 election officer of the counties from which members of the legislature
10 are elected.

11 Sec. 7. K.S.A. 25-206 and 25-4153 are hereby repealed.

12 Sec. 8. This act shall take effect and be in force from and after its
13 publication in the statute book.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43