

SENATE BILL No. 142

AN ACT concerning certain activities concerning elections and governmental ethics; relating to advance voting ballots; relating to electronic and electromechanical voting systems; relating to the use of optical scanning systems to count votes; relating to campaign finance; reporting of election crimes; filing of substantial interest forms by certain members of the judicial branch; relating to advance voting; relating to recall petitions; amending K.S.A. 25-4119d, 25-4142, 25-4148, 25-4153, 25-4156, 25-4157, 25-4157a, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612, 25-4613, 46-282, 46-283 and 46-285 and K.S.A. 2005 Supp. 25-1122, 25-1124, 25-1128, 25-4143, 25-4302, 25-4322 and 46-247 and repealing the existing sections; also repealing K.S.A. 25-1307, 25-1309, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341 and 25-1343.

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

Section 1. K.S.A. 2005 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any ~~sick, physically disabled or illiterate~~ voter who *has a temporary illness or disability or who is not proficient in reading the English language and* is unable to apply for or mark or transmit an advance voting ballot, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person ~~upon request of~~ *designated in writing on the ballot envelope by* the voter. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a ~~sick, physically disabled or illiterate~~ voter *who has a temporary illness or disability or who is not proficient in reading the English language* in applying for or marking an application or advance voting ballot, provided a written statement is signed by the person who renders assistance to the ~~sick, physically disabled or illiterate~~ voter *who has a temporary illness or disability or who is not proficient in reading the English language* and submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the ~~sick, physically disabled or illiterate~~ voter *who has a temporary illness or disability or who is not proficient in reading the English language* and that the person providing assistance has completed the application or marked the ballot as instructed by the ~~sick, physically disabled or illiterate~~ voter.

(e) Any person assisting a ~~sick, physically disabled or illiterate~~ voter *who has a temporary illness or disability or who is not proficient in reading the English language* in applying for or marking an advance voting ballot who knowingly and willfully fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9 nonperson felony.

Sec. 2. K.S.A. 2005 Supp. 25-1128 is hereby amended to read as follows: 25-1128. (a) No voter shall mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto,

no person shall interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

(c) Except as otherwise provided by law, no person other than the voter, shall mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.

(d) *Except as otherwise provided by law, no person other than the voter shall sign an application for an advance voting ballot.*

(e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-1124, and amendments thereto, shall intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.

~~(e)~~ (f) No person shall willfully and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot, or set of advance voting ballots if the voter is entitled to vote more than one kind of advance voting ballot at a particular election, or in a declaration form on an advance voting ballot envelope.

~~(f) Nothing in this section shall be construed to prohibit any person from mailing, carrying or otherwise conveying advance voting ballots or sets of advance voting ballots to the county election officer upon request of advance voting voters.~~

(g) *A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation on the ballot envelope by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.*

~~(g)~~ (h) Violation of any provision of this section is a ~~class C misdemeanor~~ level 9 nonperson felony.

Sec. 3. K.S.A. 25-4401 is hereby amended to read as follows: 25-4401. As used in this act unless the context otherwise requires:

~~(a) "Automatic tabulating equipment" includes apparatus necessary to examine automatically and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results.~~

~~(b) "Ballot card" means a ballot which is voted by the process of punching.~~

~~(c) "Ballot labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and statements of measures to be voted on.~~

~~(d) "Ballot" may include ballot cards, ballot labels and paper ballots an electronic display or printed document containing the offices and questions on which voters in a specified voting area are eligible to vote.~~

~~(e)~~ (b) "Counting location" means the location in the county selected by the county election officer for the automatic processing or counting, or both, of ballots.

~~(f)~~ (c) "Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment including a direct recording electronic system.

(d) *"Direct recording electronic system" means a system that records votes by means of a ballot display provided with mechanical or electro-optical components that can be activated by the voter, that processes data by means of a computer program, that records voting data and ballot images in memory components, that produces a tabulation of the voting data stored in a removable memory component and as printed copy, and that may also provide a means for transmitting individual ballots or vote totals to a central location for consolidating and reporting results from precincts at the central location.*

~~(g) "Marking device" means an apparatus in which ballots or ballot cards are inserted and used in connection with a punch apparatus for the~~

~~piercing of ballots by the voter which will enable the ballot to be tabulated by means of automatic tabulating equipment. The hole made by such marking device may be in the form of a round dot, a rectangle, a square or any other shape that will clearly indicate the intent of the voter.~~

Sec. 4. K.S.A. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system to be used at voting places in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

~~(b) When the board of county commissioners of any county is presented with a petition requesting a vote on the proposition of using electronic or electromechanical voting systems in such county, signed by electors equal in number to not less than ten percent of the votes cast for secretary of state in the county at the last preceding general election at which the secretary of state was elected, such board of county commissioners shall submit the proposition to the voters of such county at the next succeeding state primary or general election. If a majority of the votes cast on the proposition shall be in favor thereof the board of county commissioners and the county election officer shall provide such a system to be used at voting places at national, state, county, township, city and school primary and general elections and in question submitted elections.~~

~~—(e) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system shall be used or in which a proposition to use electronic or electromechanical systems has been adopted may issue bonds, without an election, to finance and pay for purchase, lease or rental of such a system.~~

~~(d)~~ (c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with *an optical scanning voting system or with* regular paper ballots. Whenever the secretary of state rescinds approval of any voting system, the board of county commissioners and the county election officer shall abandon such system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such abandonment shall be permanent.

Sec. 5. K.S.A. 25-4404 is hereby amended to read as follows: 25-4404. The secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, *including operating systems, firmware and software*, and no kind or make of such system shall be used at any election unless and until it ~~received approval~~ *receives certification* by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 6. K.S.A. 25-4405 is hereby amended to read as follows: 25-4405. (a) Any person, firm or corporation desiring to sell any kind or make of electronic or electromechanical voting system to political subdivisions in Kansas may in writing request the secretary of state to examine the kind or make of the system which it desires to sell and shall accompany the request with a certified check in the sum of \$250 payable to the secretary of state to be used to defray a portion of the costs of such examination, and shall furnish at its own expense such system to the secretary of state ~~at the capitol in the city of Topeka, Kansas, for use by the secretary~~ in examining such ~~machine system~~. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system and demonstrate by the operation of such system that it ~~will do all the things required by article 44 of chapter 25 of Kansas Statutes Annotated and amendments thereto and can be safely used~~ *complies with state and federal laws*. The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such machine and to pay such persons reasonable compensation therefor. The costs of employment and any other costs associated with the approval of such system shall be paid in advance by the applicant.

(b) The secretary of state may require a review of any theretofore

approved electronic or electromechanical voting system and the equipment and operation thereof. Such review shall be commenced by the secretary of state giving written notice thereof to the person, firm or corporation which sought approval of the system and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such system or equipment thereof. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the system, its equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the system, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any electronic or electromechanical voting system and its equipment or the programs of such system.

Sec. 7. K.S.A. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide facilities for voting for the candidates for nomination or election of ~~at least seven different~~ *all* political parties *officially recognized pursuant to K.S.A. 25-302a, and amendments thereto*;

(b) shall permit a voter to vote for any independent candidate for any office;

(c) shall provide for voting on constitutional amendments or other questions submitted;

(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates of the political party with which the voter is affiliated or, if not affiliated, according to the voter's declaration when applying to vote;

(e) shall afford the voter an opportunity to vote for any or all candidates for an office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;

(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one ~~mark or punch~~ *action*;

(g) shall provide facilities for "write-in" votes;

(h) shall provide for voting in absolute secrecy, except as to persons ~~entitled to assistance~~ *who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language*;

(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; ~~and~~

(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers; *and*

(k) *shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.*

Sec. 8. K.S.A. 25-4407 is hereby amended to read as follows: 25-4407. (a) ~~When a county has voted to use electronic or electromechanical voting systems or when~~ a board of commissioners and county election officer have determined that such a voting system shall be used in a county, the board of county commissioners and the county election officer shall provide such number of units as shall be necessary to equip voting places for the use of voters. The board of county commissioners and the county election officer may purchase systems with payment by installments, may rent or lease systems or may lease machines with option to purchase with lease payments to be applied on the purchase price. Contracts for payment by installments, leases, rental agreements and leases with option to purchase may be for terms not exceeding ~~ten~~ 10 years, and the provisions of article 11 of chapter 10 of the Kansas Statutes Annotated and K.S.A. 79-2925 to 79-2940, inclusive, and amendments thereto, shall have no application to such contracts of purchase and lease or rental agreements, except that where payment is to be made from the general

fund the budget shall provide for the raising of the necessary yearly amount to make installment or rental payments. Where the authorized maximum levy for the general fund is insufficient for all other yearly expenses chargeable against such fund and to pay installments or rentals on the voting systems, or where the aggregate limit for taxes is such that a sufficient tax for the general fund cannot be levied to pay all other yearly expenses chargeable against such fund and to pay installments or rentals on the systems, the board of county commissioners may levy a tax of sufficient millage to provide revenue to pay such installments or rentals and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county and such levy shall not be within or limited by any aggregate limit of tax for such county.

(b) For the use of voting systems the board of county commissioners may pay the same out of the general fund of such county, or issue time warrants bearing not to exceed five percent interest and payable by not more than three annual tax levies of not to exceed two mills which shall not be within or limited by any aggregate tax levy applying to such county or issue general obligation bonds of such county, such bonds not to be limited by any bonded debt limit and such bonds shall not be considered in determining the bonded debt of the county for the purpose of issuing bonds for other purposes.

(c) No tax shall be levied under this section, nor shall any moneys be paid from any fund under authority of this section for any contract to purchase, lease or rent any electronic or electromechanical voting system or equipment thereof, if approval of such system or equipment has been rescinded by the secretary of state.

(d) *The secretary of state may purchase, rent or lease voting equipment only for the purpose of providing such equipment to counties pursuant to the provisions of the help America vote act of 2002, which requires each polling place to be equipped with at least one voting device which is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.*

Sec. 9. K.S.A. 25-4409 is hereby amended to read as follows: 25-4409. (a) In any voting area where electronic or electromechanical voting systems are used, the county election officer shall provide an adequate number of units of the systems to allow all voters expected by the county election officer to vote at such voting place.

(b) ~~The ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order of arrangement provided for paper ballots except that such information may be in vertical or horizontal rows, or in a number of separate pages. Ballots for all questions must be provided in the same manner and where ballots are placed in a marking device, they must be arranged on or in the marking device in the places provided for such purpose. Voting squares or ovals may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of system used. Ballots and ballot labels shall be printed. Tear-off stubs shall be of a size suitable for the ballots or ballot cards used and for the requirements of the marking device. Where candidate rotation is used, each type of ballot within a voting area shall be of the same rotation series. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. Where candidate rotation is used, the voting equipment shall be capable of meeting the requirements otherwise provided in law.~~ *Ballot information shall be displayed in as plain clear type and size as the ballot spaces will reasonably permit. Ballot information shall be displayed in as plain clear type and size as the ballot spaces will reasonably permit. Ballots and ballot labels shall be printed. Tear-off stubs shall be of a size suitable for the ballots or ballot cards used and for the requirements of the marking device. Where candidate rotation is used, each type of ballot within a voting area shall be of the same rotation series. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. Where candidate rotation is used, the voting equipment shall be capable of meeting the requirements otherwise provided in law.*

(c) A separate write-in ballot, which may be in the form of a paper ballot, ~~card or envelope in which the elector places his or her ballot card after voting,~~ shall be provided where necessary to permit electors to write in the names of persons whose names are not on the ballot.

(d) ~~The county election officer shall cause the marking devices to be put in order, set, adjusted and made ready for voting when delivered to the election precincts. Before the opening of the polls the election judges shall compare the ballots or ballot labels with the sample ballots fur-~~

nished, and see that the ~~names, numbers and letters~~ *ballot information* thereon ~~agree~~ *agrees* and shall certify thereto on forms provided for this purpose. The certification shall be filed with the election returns.

Sec. 10. K.S.A. 25-4410 is hereby amended to read as follows: 25-4410. (a) Insofar as applicable, the procedures provided for voting on paper ballots shall apply to electronic and electromechanical voting systems.

(b) The county election officer shall provide for each voting place sample ~~ballot cards and ballot labels~~ *ballots* which ~~shall be exact copies of the official ballots for the particular election. Such sample ballot cards and labels shall be arranged in the form of a diagram showing the front of the marking device as it will appear after the ballots are arranged therein for voting on election day. Such sample ballot cards and labels shall be posted near the entrance of voting booths and shall be there open to~~ *for* public inspection during the hours that the polls are open on election day.

(c) ~~In addition to the instructions printed on the ballot or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed how to operate the voting device before such voter enters the voting booth. When a voter is handed a ballot or ballot card, such voter shall be instructed to use only the marking device provided for punching or slotting the cards and to not mark the ballot or ballot card in any other way except for write-ins. The voter shall also be instructed to place his or her ballots in an envelope or other container after voting, in order that no card upon which a choice is indicated is exposed.~~

~~(d) For the instruction of voters on election day, there shall be provided for each voting place a mechanical model of the voting device. Such model shall be located in some place accessible to the voters. Each voter so desiring, before entering the voting booth, shall be instructed regarding the use of such model and shall be given an opportunity to use the model. The voter's attention may also be called to the ballot labels so that the voter may become familiar with the location of the questions submitted and the names of the offices and candidates.~~

~~(e) Each voter shall be instructed how to operate the voting device before such voter enters the voting booth. In case any elector voter after entering the voting booth shall ask for further instruction concerning the manner of voting, two (2) judges election board members of opposite political parties shall give such instructions to such elector, but no judge or other election officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.~~

~~(f) If a voter spoils or defaces a ballot card or marks it erroneously, such voter shall return the card with stub folded so as not to disclose any choices that such voter has made and receive another. The election judge shall immediately cancel the defective ballot card by writing on the back of the ballot card the word "SPOILED" in ink and without detaching the ballot stub, shall place the ballot in the container for voided ballots in a manner that does not expose the choices of the voter. The voter shall only be allowed to follow this procedure three (3) times at any election.~~

~~(g) Where ballot cards are used, after the voter has marked his or her ballot card, such voter shall place it inside the envelope provided for this purpose and return it to the judge. The judge shall remove the ballot stub and deposit such stub and the envelope with the ballot card inside in the ballot box.~~

Sec. 11. K.S.A. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) Within five ~~(5)~~ days prior to the date of the election, the county election officer shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all ~~measures~~ *questions submitted*. Public notice of the time and place of the test shall be given at least ~~forty-eight (48)~~ 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used. The test shall be

observed by at least two (2) election inspectors, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots and punched or marked as *marked* to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. ~~The test shall be repeated immediately before the start of the official count of the ballots, and at the conclusion of the official count in the same manner as set forth above.~~ After the completion of the count, the programs used and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.

Sec. 12. K.S.A. 25-4412 is hereby amended to read as follows: 25-4412. (a) In voting areas where electronic or electromechanical voting systems are used, as soon as the polls are closed, the ~~election supervising judge shall secure the marking devices against voting equipment to prevent further voting.~~ The judge shall ~~thereafter open the ballot box and~~ count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots ~~does not exceed equals~~ the number of voters shown on the poll book. If there is ~~an excess a discrepancy,~~ this fact shall be reported in writing to the county election officer with the reasons therefor if known. ~~The total number of voters shall be entered on the tally sheets.~~ The write-in votes shall then be counted by the ~~election supervising~~ judge and clerks. ~~If ballot cards are used and separate write-in ballots or envelopes for recording write-in votes are used, all ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. The election judge shall compare the write-in votes with the votes cast on the ballot card and if the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and it shall be returned to the counting location in an envelope marked "defective ballots" and such invalid votes shall not be counted. So far as applicable, provisions relating to defective paper ballots shall apply.~~

(b) The ~~election supervising~~ judge shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered forthwith by two election judges who shall not be of the same political party, to the counting location together with the *provisional*, unused, void and defective ballots and returns.

(c) All proceedings at the counting location shall be under the direction of the county election officer and under the observation of two election ~~officials~~ *board workers* who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container or return. ~~If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballots or ballot cards shall be clearly labeled "duplicate," shall bear a serial number which shall be recorded on the damaged or defective ballot or ballot card and shall be counted in lieu of the damaged or defective ballot.~~

~~— If any ballot card, of the type where offices and questions are printed directly on the card, is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card, in the presence of witnesses and in the manner set forth above, or the valid votes on such ballot card may be manually counted at the counting center by at least two election officials in the manner which is best suited to the system used. If any paper ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, such ballot shall be manually counted at the counting center. The totals for all such ballots or ballot~~

~~cards~~ manually counted shall be added to the totals for the respective precincts or election districts.

(d) Advance voting ballots may be counted by the automatic tabulating equipment if they have been ~~punched or~~ marked in a manner which will enable them to be properly counted by such equipment.

(e) The return printed by the automatic tabulating equipment, to which has been added the return of write-in and advance voting votes and manually counted votes, shall constitute the official return of each precinct or election district. Upon completion of the count the returns shall be open to the public. A copy of the returns shall be posted at the central counting place or at the office of the election officer in lieu of the posting of returns at the individual precincts.

(f) If for any reason it becomes impracticable to count all or a part of the ballots with tabulation equipment, the county election officer may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Sec. 13. K.S.A. 25-4413 is hereby amended to read as follows: 25-4413. In the case of a recount, the ballots ~~or ballot cards~~ shall be recounted in the manner provided by K.S.A. 25-4412 *and amendments thereto*.

Sec. 14. K.S.A. 25-4414 is hereby amended to read as follows: 25-4414. Electronic or electromechanical voting system fraud is: (a) Being in unlawful or unauthorized possession of ~~ballot cards, ballot labels or voting equipment~~, computer programs, *operating systems, firmware, software or ballots*; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any electronic or electromechanical system or component part thereof, ~~any ballot, ballot card or ballot label~~ *or any ballot* used by such systems.

Electronic or electromechanical voting system fraud is a severity level 10, nonperson felony.

New Sec. 15. The secretary of state may adopt rules and regulations:

(a) For the use of electronic and electromechanical voting systems to count votes under the election laws of this state; and

(b) necessary for the administration of this act.

New Sec. 16. K.S.A. 25-4401 through 25-4414, inclusive, and amendments thereto, and sections 15 and 16, and amendments thereto, shall be known and may be cited as the electronic and electromechanical voting systems act.

Sec. 17. K.S.A. 25-4601 is hereby amended to read as follows: 25-4601. As used in this act unless the context otherwise requires:

(a) “Ballot” means a paper ballot ~~of at least three inches in width and seven inches in depth~~ on which candidates’ names or questions are printed and ~~are~~ *which is* designed to receive opaque marks which can be detected by optical scanning equipment and which ~~are~~ *is* capable of being counted manually.

(b) “~~Counting location~~” means ~~the location or locations in the county selected by the county election officer for the automatic processing or counting, or both, of ballots.~~

~~(c)~~ (e) “Optical scanning equipment” means apparatus designed to examine and detect opaque marks on ballots which represent votes and count and tabulate those votes by electronic methods.

(c) “System” means an optical scanning system of automatically counting and tabulating ballots with optical scanning equipment.

(d) “*Precinct count voting system*” means *an optical scanning voting system that tabulates ballots at the polling place.*

(e) “*Central count voting system*” means *an optical scanning voting system that tabulates ballots from multiple precincts at a central location. Voted ballots are placed into secure storage at the polling place and transported to a central counting location.*

Sec. 18. K.S.A. 25-4602 is hereby amended to read as follows: 25-4602. (a) The board of county commissioners and the county election officer of any county may provide for use of a system using optical scanning equipment to be used in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

~~(b) When the board of county commissioners of any county is presented with a petition requesting a vote on the proposition of using a system using optical scanning equipment in such county, signed by electors equal in number to not less than 10% of the votes cast for secretary of state in the county at the last preceding general election at which the secretary of state was elected, such board of county commissioners shall submit the proposition to the voters of such county at the next succeeding state primary or general election. If a majority of the votes cast on the proposition are in favor of the proposition, the board of county commissioners and the county election officer shall provide such a system to be used at national, state, county, township, city and school primary and general elections and in question submitted elections.~~

~~—(e) The board of county commissioners of any county in which the board and county election officer have determined that a system using optical scanning equipment shall be used or in which a proposition to use a system that uses optical scanning equipment has been adopted may issue bonds, without an election, to finance and pay for purchase, lease or rental of such a system and optical scanning equipment.~~

~~(d) (c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any system using optical scanning equipment authorized under this act and approved by the secretary of state for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an electronic or electromechanical voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any such system or optical scanning equipment, the board of county commissioners and the county election officer shall abandon such system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such abandonment shall be permanent.~~

Sec. 19. K.S.A. 25-4603 is hereby amended to read as follows: 25-4603. The secretary of state shall examine and approve the kinds or makes of systems using optical scanning equipment, *including operating systems, firmware and software*, and no kind or make of such system shall be used at any election unless and until it receives approval certification by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 20. K.S.A. 25-4604 is hereby amended to read as follows: 25-4604. (a) Any person, firm or corporation desiring to sell any kind or make of system using optical scanning equipment to counties in this state may make a request in writing of the secretary of state to examine the kind or make of the system using optical scanning equipment which it desires to sell and shall accompany the request with a certified check in the amount of \$250 payable to the secretary of state, and shall furnish at its own expense such optical scanning equipment and other items necessary for operation of such system to the secretary of state ~~at the capitol in the city of Topeka, Kansas, for use by the secretary~~ in examining such equipment and system. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system and demonstrate by the operation of such system that ~~it will do all the things required by this act and applicable Kansas Statutes Annotated, and amendments thereto, and can be safely used~~ *such system complies with state and federal laws*. The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such system and equipment and to pay such persons reasonable compensation therefor. The costs of employment and other costs associated with the approval of such system shall be paid ~~in advance~~ by the applicant.

(b) The secretary of state may require a review of any theretofore approved system using optical scanning equipment and the operation thereof. Such review shall be commenced by the secretary of state giving written notice to the person, firm or corporation which sought approval of the system and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such system or equipment. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the system, its optical scanning

equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the system and such equipment, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any system using optical scanning equipment and the programs of the system.

Sec. 21. K.S.A. 25-4607 is hereby amended to read as follows: 25-4607. The ballot information shall be in the order of arrangement provided for in article 6, chapter 25 of Kansas Statutes Annotated for official ballots. Such information may be printed on both sides of one ballot or on more than one ballot. Nothing in this act shall be construed as prohibiting the use of multiple ballots when the information for any election exceeds the capacity of a single ballot. Voting squares *or ovals* may be placed before or after the names of candidates and statements of questions or on a separate paper corresponding to the ballot upon which the names of candidates and statements of questions appear. Voting squares *or ovals* shall be of such size as is compatible with the system used. Ballots shall be printed on paper and with ink compatible with the system used and the information printed in as plain clear type and size as the ballot spaces permit. ~~At the bottom of~~ *On* each ballot shall be printed a box, which shall be placed on the ballot in such a manner so as not to interfere with the scanning of the ballot.

Sec. 22. K.S.A. 25-4609 is hereby amended to read as follows: 25-4609. (a) ~~When a voter is handed a ballot, such~~ *Each* voter shall be instructed *how* to mark the ballot ~~as directed, and to not mark the ballot in any other way~~ *before such voter enters the voting booth*. The voter shall also be instructed to place such person's ballot or ballots in a ballot sleeve or other container after voting, in order that no ~~ballot upon which a choice is indicated~~ *votes are* exposed.

(b) In case any elector after entering the voting booth asks for further instruction concerning the manner of voting, two ~~judges~~ *election board members* of opposite political parties shall give such instruction to such elector, but no ~~judge~~ *election board member* or other election officer or person assisting an elector shall in any manner request, suggest or seek to persuade or induce any elector to vote for or against any candidate, question or ticket. ~~After receiving such instruction, such elector shall vote as in the case of an unassisted voter.~~

(c) After the voter has marked the ballot or ballots, the voter shall place it or them in the ballot sleeve provided for this purpose and return it to the judge. The judge shall verify the unique mark on the ballot and deposit the ballot in the ballot box.

Sec. 23. K.S.A. 25-4610 is hereby amended to read as follows: 25-4610. (a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used. The test shall be ~~observed by at least two election inspectors, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public.~~ The test shall be conducted by processing a preaudited group of ballots marked as to record a predetermined number of valid votes for each candidate and on each question submitted, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. ~~The test shall be repeated immediately before the start of the official count of the ballots, and at the conclusion of the official count in the same manner as set forth above.~~ ~~After~~ *The test shall be repeated after* the completion of the count, ~~the~~.

~~The programs used and ballots and ballot stubs and ballots~~ shall be sealed, retained and disposed of in the same manner as paper ballots.

Sec. 24. K.S.A. 25-4611 is hereby amended to read as follows: 25-4611. (a) As soon as the polls are closed, ~~an election~~ *the supervising judge* shall open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots ~~does not exceed~~ *equals* the number of voters shown on the poll book. If there is ~~an excess~~ *a discrepancy*, this fact shall be reported in writing to the county election officer with the reasons therefor if known. ~~The total number of voters shall be entered on the tally sheets.~~

(b) The election judge shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered by two election ~~judges~~ *board members* who shall not be of the same political party, to the counting location together with the *provisional*, unused, void and defective ballots and returns.

(c) All proceedings at the counting location shall be under the direction of the county election officer and under the observation of two election ~~judges~~ *board workers* who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container or return. If any ballot is damaged or defective so that it cannot properly be counted by the optical scanning equipment, it shall be counted manually.

(d) Advance voting ballots may be counted by the optical scanning equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(e) The return printed by the optical scanning equipment, to which has been added the return of write-in and advance voting votes and manually counted votes, shall constitute the official return of each precinct or voting area. Upon completion of the count the returns shall be open to the public. A copy of the returns shall be posted at the office of the county election officer.

(f) If for any reason it becomes impracticable to count all or a part of the ballots with optical scanning equipment, the county election officer may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Sec. 25. K.S.A. 25-4612 is hereby amended to read as follows: 25-4612. Optical scanning equipment fraud is:

(a) Being in unlawful or unauthorized possession of ballots ~~or programs~~, *optical scanning equipment, computer programs, operating systems, firmware or software*; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any optical scanning equipment or component part thereof, or any ballot, *operating system, firmware or software* used by a system.

Optical scanning equipment fraud is a severity level 10, nonperson felony.

Sec. 26. K.S.A. 25-4613 is hereby amended to read as follows: 25-4613. Optical scanning equipment and systems using optical scanning equipment approved by the secretary of state:

(a) Shall be capable of being tested to ascertain that the equipment will correctly count votes cast for all offices and on all questions submitted; and

(b) shall be capable of printing in legible form, reports and summaries of the election results as required by articles 30 and 31 of chapter 25 of Kansas Statutes Annotated; and

(c) shall be capable of tabulating votes for candidates for nomination or election of ~~at least seven different~~ *all* political parties *officially recognized pursuant to K.S.A. 25-302a, and amendments thereto*; and

(d) shall be capable of tabulating votes for any independent candidate of any office; and

(e) shall be capable of tabulating votes for constitutional amendments or other questions submitted; and

(f) shall be capable of tabulating the number of “write-in” votes cast for any office; ~~and~~

(g) shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(h) shall provide notification when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; and

(i) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.

New Sec. 27. The secretary of state may adopt rules and regulations:

(a) For the use of optical scanning systems to count votes under the election laws of this state; and

(b) necessary for the administration of this act.

New Sec. 28. K.S.A. 25-4601 through 25-4613, inclusive, and amendments thereto, and sections 27 and 28, and amendments thereto, shall be known and may be cited as the optical scanning voting systems act.

Sec. 29. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word “advertisement” or the abbreviation “adv.” in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; ~~or~~

(C) telephoning or causing to be contacted by any telephonic means including, but not limited to any device using a voice over internet protocol or wireless telephone, any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter contains a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or

(D) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection ~~(C)~~ (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

(d) (1) Whenever any vendor or other person provides any of the services defined in subsection (b), such vendor or other person shall keep and maintain records showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of

one year after the date upon which payment was received for such services.

(2) *Failure to keep and maintain the records required by this subsection is a class C misdemeanor.*

New Sec. 30. (a) Every treasurer for a candidate for state or local office shall file reports of campaign contributions as prescribed by this act. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in the office of the secretary of state. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports required by this section shall be in addition to any other reports required by law.

(b) The report shall contain the name and address of each person who has made one or more contributions in an aggregate amount or value of \$350 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending upon the day before such election. The report shall be made on or before the close of the second business day following the day in which any contribution is received. The report need contain only the amount and date of the contribution, including the name and address of every lender, guarantor and endorser when the contribution is in the form of an advance or loan.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d) Reports filed with the secretary of state pursuant to this section shall be provided to the public on the governmental ethics commission's website and in any other manner the secretary of state deems appropriate.

(e) (1) "Local office" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(2) "State office" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(f) This section shall be part of and supplemental to the campaign finance act.

Sec. 31. K.S.A. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the

election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of ~~\$50~~ \$100, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$50 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) Treasurers of candidates and of candidate committees shall be required to itemize, as provided in subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(d) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(e) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions, and notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(f) The commission may require any treasurer to file a report for any period for which the required report is not on file, and notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(g) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(h) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(i) *Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.*

Sec. 32. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 ~~and K.S.A., 25-4153a and 25-4153b and sections 30, 36, 37 and 38, and~~

amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 33. K.S.A. 2005 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) “Candidate” means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person’s nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(b) “Candidate committee” means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) “Clearly identified candidate” means a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) “Commission” means the governmental ethics commission.

(e) (1) “Contribution” means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate’s campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) “Contribution” does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate’s spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate’s spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event; or

(E) *the transfer of campaign funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a and amendments thereto.*

(f) “Election” means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) “Expenditure” means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

(8) "defeat" accompanied by a picture of one or more candidates; or

(9) "Smith's the one."

(i) "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;

(4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or

(6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.

(2) "Political committee" shall not include a candidate committee or a party committee.

(l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(m) "Public office" means a state or local office.

(n) “Local office” means:

(1) A member of the governing body of a city of the first class;

(2) an elected office of:

(A) A unified school district having 35,000 or more pupils regularly enrolled in the preceding school year;

(B) a county; or

(C) the board of public utilities.

~~(m)~~ (o) “State office” means any state office as defined in K.S.A. 25-2505, and amendments thereto.

~~(n)~~ (p) “Testimonial event” means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate’s campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

~~(o)~~ (q) “Treasurer” means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

~~(p)~~ “Local office” means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Sec. 34. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. ~~Before~~ *Except as provided in subsection (b), before* any candidate committee, party committee or political committee may be dissolved or the position of a candidate’s treasurer terminated, the treasurer of the candidate or such committee shall file a termination *or inactive status* report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148 and amendments thereto may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) *Any candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, may file an inactive status report in lieu of a termination report. The inactive status report shall contain full information as to the disposal of residual funds. The inactive status report shall be filed in the same manner as a termination report. Any candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, and which files an inactive status report shall be placed on inactive status pursuant to this subsection and shall file all other reports required by this act. No candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, which has been placed on inactive status shall accept any funds or other contributions while on inactive status. No candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, which has been placed on inactive status shall be returned to active status until the bona fide successor committee or candidacy has been terminated as required by this act.*

Sec. 35. K.S.A. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

(1) Legitimate campaign purposes;

- (2) expenses of holding political office;
- (3) contributions to the party committees of the political party of which such candidate is a member;
- (4) any membership dues or donations paid to a community service, *charitable* or civic organization in the name of the candidate or candidate committee of any candidate;
- (5) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or
- (6) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for “personal use” shall include expenditures to defray normal living expenses for the candidate or the candidate’s family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit:

(1) A candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate’s proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement; or

(2) *A candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate.*

~~(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state. At the time of the termination or placement on inactive status of any campaign and prior to the filing of a termination or inactive status report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds shall be used first to retire any debt in such account. Any residual funds remaining after the retirement of all debt in such account not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office, or any portion of such funds, shall be:~~

~~(1) Contributed to a charitable organization, as defined by the laws of the state; or~~

~~(2) contributed to a party committee; or~~

~~(3) returned as a refund in whole or in part to any contributor or contributors from whom such funds were received; or~~

~~(4) paid into the general fund of the state; or~~

~~(5) transferred to a bona fide successor committee or candidacy established by the candidate.~~

Whenever a transfer to a bona fide successor committee or candidacy is made pursuant to paragraph (5), all moneys shall be transferred to the bona fide successor committee or candidacy. Once a transfer has been made to a bona fide successor committee or candidacy, the candidate shall be prohibited from making any further transfer back to any campaign committee or candidacy for the office from which the original transfer was made.

(e) *For the purposes of this section, “bona fide successor committee or candidacy” means the candidate’s campaign committee or candidacy*

for a public office initiated at the termination or placement on inactive status of the original candidacy.

New Sec. 36. (a) Upon transferring money to a bona fide successor committee or candidacy as defined by subsection (e) of K.S.A. 25-4157a, and amendments thereto, the candidate may not accept any contributions to the original candidacy. Contributions to the bona fide successor committee or candidacy shall be subject to the contribution limits set forth in K.S.A. 25-4153, and amendments thereto, for the successor public office sought. If any contribution to the bona fide successor committee or candidacy is received from a person who made a contribution to the original candidacy, the amount of such contribution to the bona fide successor committee or candidacy shall not exceed the difference between the contribution limit imposed by K.S.A. 25-4153, and amendments thereto, for the public office sought by the bona fide successor committee or candidacy and the aggregate amount of all contributions made by such person to the original candidacy.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 37. (a) For the period commencing on January 1, 1976, and ending December 12, 2003, any candidate who transferred campaign funds to a bona fide successor candidacy, as such term is defined in K.S.A. 25-4157a, and amendments thereto, shall be deemed to have made such transfer in compliance with the provisions of the campaign finance act in existence at the time of such transfer regardless of when the original campaign fund is closed after the date such transfer was made and such transfer is hereby validated.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 38. The governmental ethics commission shall develop and implement forms for each report required to be made under the campaign finance act to be filled out on-line and transmitted via e-mail or over the internet. The provisions of this section shall be part of and supplemental to the Kansas campaign finance act.

New Sec. 39. (a) (1) Each complaint alleging a violation of any election crime set forth in article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, received by a county election officer shall be reported to the secretary of state on a form provided by the secretary of state. Each report shall be made in writing within 30 days after receiving the complaint.

(2) In lieu of filing a complaint alleging a violation of any election crime set forth in article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, in the manner specified in paragraph (1), such complaint may be filed with the secretary of state.

(b) The secretary of state shall develop the reporting form required by subsection (a) and distribute copies thereof to each county election official on or before October 1, 2006.

(c) Upon conviction of any person for violating any provision of article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, the clerk of the district court shall notify the secretary of state of such conviction.

(d) For the purposes of this section, “county election officer” shall have the meaning ascribed to it in K.S.A. 25-2504 and amendments thereto.

(e) For the purposes of this section, “complaint” means a written statement under oath of the essential facts constituting a crime.

Sec. 40. K.S.A. 2005 Supp. 46-247 is hereby amended to read as follows: 46-247. The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

(a) Legislators and candidates for nomination or election to the legislature.

(b) Individuals holding an elected office in the executive branch of this state, and candidates for nomination or election to any such office.

(c) State officers, employees and members of boards, councils and commissions under the jurisdiction of the head of any state agency who are listed as designees by the head of a state agency pursuant to K.S.A. 46-285, and amendments thereto.

(d) Individuals whose appointment to office is subject to confirmation by the senate whether or not such individual is a state officer or employee.

(e) General counsels for state agencies irrespective of how compensated.

(f) The administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery.

(g) Private consultants under contract with any agency of the state of Kansas to evaluate bids for public contracts or to award public contracts.

(h) From and after January 1, 2003, any faculty member or other employee of a postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, who provides consulting services and who, on behalf of or for the benefit of the person for which consulting services are provided:

(1) Promotes or opposes action or nonaction by any federal agency, any state agency as defined by K.S.A. 46-224, and amendments thereto, or any political subdivision of the state or any agency of such political subdivision or a representative of such state agency, political subdivision or agency; or

(2) promotes or opposes action or nonaction relating to the expenditure of public funds of the federal government, the state or political subdivision of the state or agency of the federal government, state or political subdivision of the state.

(i) From and after January 1, 2006, any faculty member who receives an annual salary of \$50,000 or more, other than an adjunct faculty member, who is employed by a state education institution as defined by K.S.A. 76-711, and amendments thereto.

(j) (1) *Each:*

(A) *Judge of the court of appeals;*

(B) *justice of the supreme court;*

(C) *member of the commission on judicial qualifications;*

(D) *member of any supreme court nominating commission;*

(E) *law clerk of a judge of the court of appeals or justice of the supreme court; and*

(F) *nonjudicial employee of an appellate court who is listed as a designee pursuant to K.S.A. 46-285 and amendments thereto.*

(2) *For the purposes of this subsection, the term “appellate court” shall have the meaning ascribed to it in K.S.A. 22-2202 and amendments thereto.*

(k) *For the purposes of this act, for the persons listed in subsection (j), the term “statement of substantial interests” shall mean the judicial financial disclosure report required by the supreme court.*

Sec. 41. K.S.A. 46-282 is hereby amended to read as follows: 46-282. “Designee” means:

(a) Any state officer, employee or member of any agency, department, division, bureau or other unit of state government who holds a position:

(1) Defined as a major policy making position;

(2) responsible for contracting, purchasing or procurement, except persons whose sole responsibility is the purchasing of gasoline or emergency repair for a state vehicle assigned to them for their use or persons whose sole responsibility relating to purchasing or procurement includes only transactions pursuant to preexisting state contracts;

(3) responsible for writing or drafting specifications for contracts;

(4) responsible for awarding grants, benefits or subsidies; or

(5) responsible for inspecting, licensing or regulating any person or entity.

(b) (1) *Any judge of the court of appeals, justice of the supreme court or nonjudicial officer or employee of an appellate court who holds a position:*

(A) *Defined as a major policy making position;*

(B) *responsible for contracting, purchasing or procurement, except*

persons whose sole responsibility is the purchasing of gasoline or emergency repair for a state vehicle assigned to them for use or persons whose sole responsibility relating to purchasing or procurement includes only transactions pursuant to preexisting state contracts;

- (C) responsible for writing or drafting specifications for contracts;
- (D) responsible for awarding grants, benefits or subsidies; or
- (E) responsible for inspecting, licensing or regulating any person or entity.

(2) For the purposes of this section, the term “appellate court” shall have the meaning ascribed to it in K.S.A. 22-2202 and amendments thereto.

(c) “Designee” does not include any driver’s license examiner of the department of revenue or any person performing ministerial functions.

Sec. 42. K.S.A. 46-283 is hereby amended to read as follows: 46-283.

(a) “Major policy making” position“ means ~~(a)~~:

(1) The administrative head or heads or executive of a state agency ~~or (b); or~~

(2) the head of each department, division, bureau or other major administrative unit within a state agency.

(b) Except as provided in subsection (c), major policy making position also includes:

- (1) Any justice of the supreme court;
- (2) any judge of the court of appeals; or
- (3) the head of each department, division, bureau or other major administrative unit within the supreme court.

(c) Major policy making position includes any judge or nonjudicial personnel of an appellate court as such term is defined in K.S.A. 22-2202 and amendments thereto.

Sec. 43. K.S.A. 46-285 is hereby amended to read as follows: 46-285.

(a) The head of every state agency shall submit a list of designees under the agency head’s jurisdiction, identifying the positions, names and home mailing addresses of all designees of that agency to the commission annually between March 15 and March 31, inclusive. The agency head may prepare and submit a separate list for each department, division, bureau or other unit within the agency head’s jurisdiction. The agency head shall attach to each list an organizational chart for the agency, department or division to which that list corresponds and shall certify the list to be correct. The agency head shall notify the commission of the name, home address and position of any new designee under the agency head’s jurisdiction within 10 days of appointment. The commission may request the head of a state agency to make additions to or deletions from the list.

(b) The chief justice of the supreme court shall submit a list of designees under the jurisdiction of the supreme court, identifying the positions, names and home mailing addresses of all designees of that agency to the commission annually between March 15 and March 31, inclusive. The chief justice may prepare and submit a separate list for each department, division, bureau or other unit within the jurisdiction of the supreme court. The chief justice shall attach to each list an organizational chart for the agency, department or division to which that list corresponds and shall certify the list to be correct. The chief justice shall notify the commission of the name, home address and position of any new designee under the jurisdiction of the supreme court within 10 days of appointment. The commission may request the chief justice to make additions to or deletions from the list.

(c) The commission shall transmit promptly copies of all lists received under this section to the secretary of state.

Sec. 44. K.S.A. 2005 Supp. 25-4308 is hereby amended to read as follows: 25-4308.

(a) The secretary of state shall review the application and shall either certify such application or notify the recall committee of the grounds of refusal. The secretary of state shall deny certification if the secretary of state determines that:

- (1) The facts do not support the grounds for recall as stated in the application;
- (2) the application is not substantially in the required form;
- (3) the application was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 200 days of

the termination of the term of office of the state officer sought to be recalled;

- (4) the person named in the application is not a state officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the state officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
- (7) the application does not conform to any other requirement of this act.

(b) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the secretary of state's decision.

Sec. 45. K.S.A. 2005 Supp. 25-4322 is hereby amended to read as follows: 25-4322. (a) Before any petition for recall of a local officer is circulated, a copy thereof accompanied by names and addresses of the recall committee and sponsors shall be filed in the office of the county election officer with whom the petitions are required to be filed. The copy of the petition so filed shall be subscribed by the members of the recall committee in the presence of such county election officer. The recall committee shall represent all sponsors and subscribers in matters relating to the recall. Notice on all matters pertaining to the recall may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the petition so filed. The county election officer, upon request, shall notify the recall committee of the official number of votes cast for all candidates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled.

(b) Before any petition for recall of a local officer is circulated, the county election officer shall transmit a copy of such petition to the county or district attorney or to the attorney designated pursuant to subsection (c) for determination of the sufficiency of the grounds stated in the petition for recall. Within five days of receipt of the copy of the petition from the county election officer, the county or district attorney or the attorney designated pursuant to subsection (c) shall make such determination and notify the county election officer, *the officer sought to be recalled* and the recall committee of such determination. Such determination shall include whether:

- (1) The facts do not support the grounds for recall as stated in the petition for recall;
- (2) the petition is not substantially in the required form;
- (3) the petition was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 180 days of the termination of the term of office of the officer sought to be recalled;
- (4) the person named in the petition is not a local officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the local officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
- (7) the application does not conform to any other requirement of this act.

(c) In the case of a recall of the county or district attorney, a judge of the district court of such county shall designate an attorney to determine the sufficiency of the grounds stated in the petition for recall. Such attorney shall perform the duties imposed on the county or district attorney in the recall of other local officers.

(d) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the county or district attorney's decision.

Sec. 46. K.S.A. 25-4153 is hereby amended to read as follows: 25-4153. (a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any political committee or any person except a party committee, the candidate or the candidate's spouse, shall not exceed the following:

- (1) For the pair of offices of governor and lieutenant governor or for other state officers elected from the state as a whole, \$2,000 for each

primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election;

(2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney, member of the state board of education or a candidate for local office, ~~\$500~~ \$750 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(3) For the office of state senator, ~~\$1,000~~ \$1,500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

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

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

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

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

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

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

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

(g) 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 nomination of such party shall not exceed the following:

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

(2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney, member of the state board of education or a candidate for local office, ~~\$500~~ \$750 for each primary election (or in lieu thereof a caucus or convention of a political party).

(3) For the office of state senator, ~~\$1,000~~ \$1,500 for each primary election (or in lieu thereof a caucus or convention of a political party).

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

(i) No person shall make any contribution or contributions to any candidate or the candidate committee of any candidate in the form of money or currency of the United States which in the aggregate exceeds \$100 for any one primary or general election, and no candidate or candidate committee of any candidate shall accept any contribution or contributions in the form of money or currency of the United States which in the aggregate exceeds \$100 from any one person for any one primary or general election.

Sec. 47. K.S.A. 25-4119d is hereby amended to read as follows: 25-4119d. (a) ~~From and after the effective date of this act, no person shall be appointed to membership on the commission who has held the office of chairperson, vice chairperson or treasurer of any county, district or state political party committee, or who within five years preceding the date of such appointment has been a candidate for or the holder of any partisan political office or who has within three years preceding the date of such appointment: (1) Held an elective state office; (2) held the office of secretary of any department of state government; (3) been a lobbyist as defined by K.S.A. 46-222 and amendments thereto; (4) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; or (5) provided services under contract to the state of Kansas or any agency thereof. No person shall be appointed to membership on the commission who has within:~~

(1) Five years preceding the date of such appointment:

(A) Been a candidate for or the holder of any partisan political office;

or

(B) held the office of chairperson, vice-chairperson or treasurer of any county, district or state political party committee; or

(2) three years preceding the date of such appointment:

(A) Held an elective state office;

(B) held the office of secretary of any department of state government;

(C) been a lobbyist as defined by K.S.A. 46-222 and amendments thereto;

(D) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; or

(E) provided services under contract to the state of Kansas or any agency thereof.

(b) While serving on the commission created by K.S.A. 25-4119a, and amendments thereto, no member shall: ~~(1) Be an individual subject to the provisions of the campaign finance law or the provisions of K.S.A. 46-215 et seq. and amendments thereto administered or enforced by the commission; (2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act; (3) actively solicit contributions subject to the provisions of the campaign finance act; (4) be a lobbyist as defined by K.S.A. 46-222 and amendments thereto; (5) be an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; (6) provide services under contract to the state of Kansas or any agency thereof; (7) be a candidate for or the holder of any partisan political office; (8) be the chairperson, vice chairperson or treasurer of any county, district or state political party committee; (9) directly or indirectly solicit contributions for any partisan political party or any organization thereof or any candidate for partisan political office; or (10) endorse any candidate for any partisan political office subject to the provisions of this act.~~

(1) Be an individual subject to the provisions of the campaign finance law or the provisions of K.S.A. 46-215 et seq. and amendments thereto administered or enforced by the commission;

(2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act;

(3) actively solicit contributions subject to the provisions of the campaign finance act;

(4) be a lobbyist as defined by K.S.A. 46-222 and amendments thereto;

(5) be an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof;

(6) provide services under contract to the state of Kansas or any agency thereof;

(7) be a candidate for or the holder of any partisan political office;

(8) be the chairperson, vice-chairperson or treasurer of any county, district or state political party committee;

(9) directly or indirectly solicit contributions for any partisan political party or any organization thereof or any candidate for partisan political office; or

(10) *endorse any candidate for any partisan political office subject to the provisions of this act.*

(c) Whenever any member of the commission is ineligible to serve as a member thereof under the provisions of subsections (a) and (b) of this section, the membership of such person shall terminate and such person shall no longer be eligible to participate in any action or proceeding by the commission. Such vacancy shall be filled in the manner prescribed by K.S.A. 25-4119a, and amendments thereto.

(d) *For the purposes of this section, the term “partisan political office” shall not include the office of precinct committeeman or precinct committeewoman.*

Sec. 48. K.S.A. 2005 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver’s license, nondriver’s identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter’s current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, and such voter is a first-time voter, such voter shall provide on the application for an advance voting ballot the voter’s current and valid Kansas driver’s license number, nondriver’s identification card number or the last four digits of the voter’s social security number, or shall provide with the application a copy of the voter’s current and valid Kansas driver’s license, nondriver’s identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter’s current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(d) If a first-time voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter’s name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (c) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter’s identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a pri-

mary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (e) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(f) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

~~In any county having a population exceeding 250,000,~~ The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(g) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(h) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of in-

spection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(i) If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(j) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.

(k) The secretary of state may adopt rules and regulations defining valid forms of identification.

New Sec. 49. (a) Every treasurer for a party committee or political committee shall file reports of independent expenditures as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in additions to any other reports required by law.

(b) The report shall contain the name and address of each party committee or political committee which has made or contracted to be made independent expenditures in an aggregate amount or value in excess of \$1,000 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending before the day of such election. Such report shall contain the amount, date and purpose of each such independent expenditure, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. When an independent expenditure is made by payment to an advertising agency, public relations firm or political consultant for disbursement to vendors, the report of such independent expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. The report shall be made on or before the close of the next business day in which any independent expenditure is made.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d) (1) "Expenditure" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(2) "Independent expenditure" means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate.

(3) "Party committee" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(4) "Political committee" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

(e) The provisions of this act shall be part of and supplemental to the campaign finance act.

Sec. 50. K.S.A. 25-1307, 25-1309, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341, 25-1343, 25-4119d, 25-4142, 25-4148, 25-4153, 25-4156, 25-4157, 25-4157a, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612, 25-4613, 46-282, 46-283 and 46-285 and K.S.A. 2005 Supp. 25-

1122, 25-1124, 25-1128, 25-4143, 25-4308, 25-4322 and 46-247 are hereby repealed.

Sec. 51. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.