

SENATE BILL No. 563

By Committee on Federal and State Affairs

3-3

9 AN ACT concerning the campaign finance act; pertaining to coverage
10 for certain retention elections; amending K.S.A. 25-2505 and K.S.A.
11 2009 Supp. 25-4143 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 25-2505 is hereby amended to read as follows: 25-
15 2505. (a) “National office” or “national officer” means the office or mem-
16 bers of the United States house of representatives, members of the
17 United States senate and members of the United States presidential elec-
18 toral college.

19 (b) (1) “State office” or “state officer” means the state officers
20 elected on a statewide basis, members of the house of representatives
21 and state senators, members of the state board of education, district
22 judges, district magistrate judges and district attorneys.

23 (2) *The term “state office” or “state officer” shall also include any*
24 *incumbent:*

25 (A) *Justice of the supreme court who is subject to election upon the*
26 *question of retention pursuant to K.S.A. 25-111, and amendments thereto.*

27 (B) *Judge of the court of appeals who is subject to election upon the*
28 *question of retention pursuant to K.S.A. 25-3006, and amendments*
29 *thereto.*

30 (C) *District court judge who is subject to election upon the question*
31 *of retention pursuant to either K.S.A. 20-2908 or 25-113, and amendments*
32 *thereto.*

33 (D) *District magistrate judge who is subject to election upon the ques-*
34 *tion of retention pursuant to either K.S.A. 20-337 or 20-2908, and amend-*
35 *ments thereto.*

36 (c) “County office” or “county officer” means such county officers as
37 are provided by law to be elected.

38 (d) “City office” or “city officer” means such city officers as are pro-
39 vided by law to be elected.

40 (e) “School office” or “school officer” means members of the gov-
41 erning body of any school district or community college.

42 (f) “Township office” or “township officer” means the trustee, trea-
43 surer and clerk of a township.

1 Sec. 2. K.S.A. 2009 Supp. 25-4143 is hereby amended to read as
2 follows: 25-4143. As used in the campaign finance act, unless the context
3 otherwise requires:

4 (a) “Candidate” means an individual who: (1) Appoints a treasurer or
5 a candidate committee;
6 (2) makes a public announcement of intention to seek nomination or
7 election to state or local office;
8 (3) makes any expenditure or accepts any contribution for such per-
9 son’s nomination or election to any state or local office; ~~or~~
10 (4) files a declaration or petition to become a candidate for state or
11 local office; *or*
12 (5) *is an individual who is subject to an election for the purposes of*
13 *retention in office and who is an incumbent:*
14 (A) *Justice of the supreme court who is subject to election upon the*
15 *question of retention pursuant to K.S.A. 25-111, and amendments thereto;*
16 (B) *judge of the court of appeals who is subject to election upon the*
17 *question of retention pursuant to K.S.A. 25-3006, and amendments*
18 *thereto;*
19 (C) *district court judge who is subject to election upon the question*
20 *of retention pursuant to either K.S.A. 20-2908 or 25-113, and amendments*
21 *thereto; and*
22 (D) *district magistrate judge who is subject to election upon the ques-*
23 *tion of retention pursuant to either K.S.A. 20-337 or 20-2908, and amend-*
24 *ments thereto.*

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

27 (c) “Clearly identified candidate” means a candidate who has been
28 identified by the:
29 (1) Use of the name of the candidate;
30 (2) use of a photograph or drawing of the candidate; or
31 (3) unambiguous reference to the candidate whether or not the
32 name, photograph or drawing of such candidate is used.

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

34 (e) (1) “Contribution” means:
35 (A) Any advance, conveyance, deposit, distribution, gift, loan or pay-
36 ment of money or any other thing of value given to a candidate, candidate
37 committee, party committee or political committee for the express pur-
38 pose of nominating, electing or defeating a clearly identified candidate
39 for a state or local office.
40 (B) Any advance, conveyance, deposit, distribution, gift, loan or pay-
41 ment of money or any other thing of value made to expressly advocate
42 the nomination, election or defeat of a clearly identified candidate for a
43 state or local office;

- 1 (C) a transfer of funds between any two or more candidate commit-
2 tees, party committees or political committees;
- 3 (D) the payment, by any person other than a candidate, candidate
4 committee, party committee or political committee, of compensation to
5 an individual for the personal services rendered without charge to or for
6 a candidate's campaign or to or for any such committee;
- 7 (E) the purchase of tickets or admissions to, or advertisements in
8 journals or programs for, testimonial events;
- 9 (F) a mailing of materials designed to expressly advocate the nomi-
10 nation, election or defeat of a clearly identified candidate, which is made
11 and paid for by a party committee with the consent of such candidate.
- 12 (2) "Contribution" does not include:
- 13 (A) The value of volunteer services provided without compensation;
- 14 (B) costs to a volunteer related to the rendering of volunteer services
15 not exceeding a fair market value of \$50 during an allocable election
16 period as provided in K.S.A. 25-4149, and amendments thereto;
- 17 (C) payment by a candidate or candidate's spouse for personal meals,
18 lodging and travel by personal automobile of the candidate or candidate's
19 spouse while campaigning;
- 20 (D) the value of goods donated to events such as testimonial events,
21 bake sales, garage sales and auctions by any person not exceeding a fair
22 market value of \$50 per event.
- 23 (f) "Election" means:
- 24 (1) A primary or general election for state or local office; ~~and~~
- 25 (2) a convention or caucus of a political party held to nominate a
26 candidate for state or local office; *and*
- 27 (3) *an election to determine the retention of an incumbent:*
- 28 (A) *Justice of the supreme court who is subject to election upon the*
29 *question of retention pursuant to K.S.A. 25-111, and amendments thereto;*
- 30 (B) *judge of the court of appeals who is subject to election upon the*
31 *question of retention pursuant to K.S.A. 25-3006, and amendments*
32 *thereto;*
- 33 (C) *district court judge who is subject to election upon the question*
34 *of retention pursuant to either K.S.A. 20-2908 or 25-113, and amendments*
35 *thereto; and*
- 36 (D) *district magistrate judge who is subject to election upon the ques-*
37 *tion of retention pursuant to either K.S.A. 20-337 or 20-2908, and amend-*
38 *ments thereto.*
- 39 (g) (1) "Expenditure" means:
- 40 (A) Any purchase, payment, distribution, loan, advance, deposit or
41 gift of money or any other thing of value made by a candidate, candidate
42 committee, party committee or political committee for the express pur-
43 pose of nominating, electing or defeating a clearly identified candidate

1 for a state or local office.

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

6 (C) any contract to make an expenditure;

7 (D) a transfer of funds between any two or more candidate commit-
8 tees, party committees or political committees; or

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

10 (2) "Expenditure" does not include:

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

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

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

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

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

26 (h) "Expressly advocate the nomination, *retention or nonretention*,
27 election or defeat of a clearly identified candidate" means any commu-
28 nication which uses phrases including, but not limited to:

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

30 (2) "re-elect your senator";

31 (3) "support the democratic nominee";

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

33 (5) "Smith for senate";

34 (6) "Bob Jones in '98";

35 (7) "vote against Old Hickory";

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

37 (9) "Smith's the one";

38 (10) "*retain judge or justice Smith*";

39 (11) "*retire judge or justice Smith*"; or

40 (12) "*reject judge or justice Smith*".

41 (i) "Party committee" means:

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

- 1 (2) the county central committee or the state committee of a political
2 party regulated under article 38 of chapter 25 of the Kansas Statutes
3 Annotated, and amendments thereto;
- 4 (3) the bona fide national organization or committee of those political
5 parties regulated by the Kansas Statutes Annotated;
- 6 (4) not more than one political committee established by the state
7 committee of any such political party and designated as a recognized
8 political committee for the senate;
- 9 (5) not more than one political committee established by the state
10 committee of any such political party and designated as a recognized
11 political committee for the house of representatives; or
- 12 (6) not more than one political committee per congressional district
13 established by the state committee of a political party regulated under
14 article 38 of chapter 25 of the Kansas Statutes Annotated, and amend-
15 ments thereto, and designated as a congressional district party committee.
- 16 (j) “Person” means any individual, committee, corporation, partner-
17 ship, trust, organization or association.
- 18 (k) (1) “Political committee” means any combination of two or more
19 individuals or any person other than an individual, a major purpose of
20 which is to expressly advocate the nomination, *retention or nonretention*,
21 election or defeat of a clearly identified candidate for state or local office
22 or make contributions to or expenditures for the nomination, *retention*
23 *or nonretention*, election or defeat of a clearly identified candidate for
24 state or local office.
- 25 (2) “Political committee” shall not include a candidate committee or
26 a party committee.
- 27 (l) “Receipt” means a contribution or any other money or thing of
28 value, but not including volunteer services provided without compensa-
29 tion, received by a treasurer in the treasurer’s official capacity.
- 30 (m) “State office” means any state office as defined in K.S.A. 25-2505,
31 and amendments thereto.
- 32 (n) “Testimonial event” means an event held for the benefit of an
33 individual who is a candidate to raise contributions for such candidate’s
34 campaign. Testimonial events include but are not limited to dinners,
35 luncheons, rallies, barbecues and picnics.
- 36 (o) “Treasurer” means a treasurer of a candidate or of a candidate
37 committee, a party committee or a political committee appointed under
38 the campaign finance act or a treasurer of a combination of individuals
39 or a person other than an individual which is subject to paragraph (2) of
40 subsection (a) of K.S.A. 25-4172, and amendments thereto.
- 41 (p) “Local office” means a member of the governing body of a city
42 of the first class, any elected office of a unified school district having
43 35,000 or more pupils regularly enrolled in the preceding school year, a

1 county or of the board of public utilities.

2 Sec. 3. K.S.A. 25-2505 and K.S.A. 2009 Supp. 25-4143 are hereby
3 repealed.

4 Sec. 4. This act shall take effect and be in force from and after its
5 publication in the Kansas register.