

M I N U T E S

SPECIAL INTERIM COMMITTEE ON ELECTIONS

October 26-27, 1977

Room 527-Statehouse

Members Present

Senator Paul Burke, Chairperson
Representative Norman Justice, Vice-Chairperson
Senator William Mulich
Senator Frank Smith
Representative Ward Ferguson
Representative James Gillmore
Representative Francis Gordon
Representative Glee Jones
Representative John Modrcin
Representative Belva Ott
Representative Richard Schmidt

Staff Present

Myrta Anderson, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office

Conferees and Others Present

Jack Pearson, Kansas Association of Commerce and Industry
Betty Paxson, Shawnee County Election Commissioner's Office
Milan Lambertson, Common Cause
Lynn Hellebust, Governmental Ethics Commission
Martha Mangelsdorf, Press
Representative Bill Bunten, State Representative
Debbie Schmidt, Governor's Office
Cindy Scheopner, WREN
Randy Myers, Kansas City Star
Rev. Harold J. Cunard, Common Cause
William Roy, Speaker Carlin's Office
Dean Hinnen, Hutchinson News
Charles D. Lewis, United Telephone of Kansas

October 26, 1977

Chairman Burke called the meeting to order at 10:00 a.m. Representative Justice moved that the minutes of the September 6-7 meeting be approved. Representative Modrcin seconded the motion. Motion carried. The Kansas Legislative Research Department Staff then presented the final Committee report on Proposal No. 17 - Presidential Preferential Primaries. (See Attachment I). Committee discussion followed.

Senator Burke then introduced Representative Bunten, who summarized the main provision of H.B. 2337. Representative Bunten stated that New Section (1) (b) provides that a person other than an individual or party committee may make contributions to a candidate or candidate committee as an agent of individuals who have made contributions to such person, and a candidate or candidate committee may accept such contributions, except that no such contribution shall be lawful unless (1) each individual who makes a contribution designates in writing the candidate who is the intended recipient; (2) the contribution is identified in writing as to the individual contributor; and (3) the records thereof are maintained available for audit. In addition, H.B. 2337 limits the amount to \$500 for the primary and \$500 for the general the amount that can be contributed for the pair of offices of Governor and Lieutenant Governor and limits the amount that can be contributed to \$100 for the primary and \$100 for the general election for the office of state senator, member of the house of representatives, district judge, associate district judge, district magistrate judge, district attorney or member of the state board of education.

Representative Bunten said he believed that interest groups were not in the public interest and his desire in H.B. 2337 was to return the political process to the people. He said that money contributed to candidates implies obligation and political action Committees have had a tremendous impact on the voting records of people. Committee discussion followed.

The point was made that the policy question to be determined is to what extent representatives are influenced by interest groups. It was suggested that perhaps the influence depended upon the size of the group and not the amount of money contributed to the candidate.

Committee discussion then returned to the subject of acceptance of the final report on Proposal No. 17, Presidential Preferential Primaries. Senator Smith moved that the report be approved and that the final sentence of the report read: "After deliberation, the Committee decided to make no recommendation, with regard to the legislation, to the 1978 Legislature." Representative Modrcin seconded the motion. Motion carried. Representative Jones wished to be recorded as voting "no."

Committee discussion then was directed to a further discussion of H.B. 2337. Representative Jones spoke in favor of the bill. Representative Schmidt said it had some merits. It was then suggested that H.B. 2337 might loosen the provisions of the Campaign Finance Act instead of tightening it, since it would remove any limitation on the amount that could be contributed through any political action committee. In addition, the individual members contributing to the political action committee would not be identified. After further Committee discussion, it was decided to hold action on H.B. 2337 until the next day when the full Committee would be present.

Chairman Burke then called on the Revisor's staff to summarize 7 RS 1686, an act amending and supplementing the Campaign Finance Act: prohibiting campaign contributions by certain persons; amending K.S.A. 1977 Supp. 25-4133. (See Attachment II). It was suggested that the request for the legislation had come about because of the Governmental Ethics Commission request for an opinion in this area. The bill would prohibit contributions from corporations, partnerships and union general funds to help nominate or elect a candidate. Committee discussion followed. After further Committee discussion, it was decided to withhold action on 7 RS 1686 until the next day when the full Committee would be present.

Chairman Burke then called on the Revisor's staff to summarize draft legislation, 7 RS 1621, an act amending and supplementing the Campaign Finance Act. (See Attachment III.) The draft legislation includes amendments to the Campaign Finance Act which were recommended by the Governmental Ethics Commission and by the interim Committee. Committee discussion followed. Representative Jones moved that the draft legislation, 7 RS 1621, be recommended favorably. Representative Ott seconded the motion. Motion carried. Senator Smith and Senator Burke wished to be recorded as voting "no." Representative Jones then moved that the draft legislation be introduced as a Senate bill. Representative Modrcin seconded the motion. Motion carried.

Chairman Burke called on the Revisor's staff to review draft legislation 7 RS 1689, an act amending the Campaign Finance Act, relating to election on propositions to amend the Kansas constitution. (See Attachment IV.) The suggestion was made to rework the wording in lines 6-10, page 4. Representative Ferguson moved that draft legislation, 7 RS 1689, be made consistent with 7 RS 1621 with respect to reporting dates, (page 5) etc. Representative Ott seconded the motion. Motion carried.

The decision was made to consider reworking or omitting Sec. 3 of 7 RS 1689 (page 8). Committee discussion followed. It was decided to have the Executive Director of the Governmental Ethics Commission review the draft legislation and get a reaction to the proposed draft legislation from the Governmental Ethics Commission. Final action will be taken at the November meeting on draft legislation 7 RS 1689.

Chairman Burke then read to the Committee a letter from the Elections Committees from Oklahoma considering a proposal concerning regional presidential primaries. (See Attachment V.) Committee discussion followed. Senator Smith stated that the regional presidential primary sounded like a proposal worth considering. Senator Smith then moved that the matter of a regional primary be referred to the Legislative Coordinating Council for consideration. Representative Jones seconded the motion. Motion carried. Representative Ferguson wished to be recorded as voting "no."

Chairman Burke then called on the Revisor's staff to review draft legislation, 7 RS 1591, amendments to the Rules and Regulations of the Governmental Ethics Commission. (See Attachment VI.) Representative Gillmore moved that the language in lines 13-16, page 4, read as follows: "Any person aggrieved by the use of alternate procedures may appeal therefrom to the district court of the judicial district where the defendant resides." Representative Schmidt seconded the motion. Motion carried.

Representative Ferguson moved that the Committee reconsider the action taken on Section 5, lines 15-16, page 6. Representative Modrcin seconded the motion. Motion carried. Representative Ferguson then moved that a period be placed after the word, "date" in line 15, page 6, and that the language on lines 15-16 "unless the commission finds that for good cause an extension of time should be granted." be stricken. Representative Modrcin seconded the motion. Motion carried. Representative Justice moved that 7 RS 1591 be accepted, as amended. Representative Ferguson seconded the motion. Motion carried. Senator Smith wished to be recorded as voting "no." Representative Justice moved that 7 RS 1591 be introduced as a House bill. Representative Schmidt seconded the motion. Motion carried. Meeting adjourned.

October 27, 1977

Chairman Burke called the meeting to order at 9:00 a.m. He stated the first item of business would be further consideration of H.B. 2337. Following Committee discussion Senator Mulich moved that H.B. 2337 be reported unfavorably. Representative Ferguson seconded the motion. Motion carried. Representative Ott and Representative Jones wished to be recorded as voting "no" on the motion.

Chairman Burke then called on the Revisor's staff to review 7 RS 1686 again for the Committee. Committee discussion followed. Representative Justice then moved that the bill be reported unfavorably. Senator Mulich seconded the motion. Motion carried. Representative Gillmore, Smith, Ott and Jones wished to be recorded as voting "no" on the motion.

Representative Ferguson then moved that legislation be drafted to broaden the definition of "person" in K.S.A. 25-4102 and all proposed draft legislation (7 RS 1689, etc.) conform with the definition of "person" in 7 RS 1591, draft legislation on the rules and regulations. Senator Mulich seconded the motion. Motion carried.

Chairman Burke then called on the Revisor's staff to review draft legislation 7 RS 1597, concerning state level conflict of interest legislation. (See Attachment VII.) Committee discussion followed on procedures for filing conflict of interest forms by various court employees. It was suggested that any officers or employees paid on the local level should file on the local level. The Revisor's staff stated that magistrate and district court employees paid on the local level would come under the local conflict of interest provisions.

Committee discussion followed on deletion of language in lines 32-35, page 2, and lines 1-3, page 3. Committee discussion followed on Sections 3, 4, 5, 6, and 7.

Representative Gillmore moved that lines 14-15, page 6, be deleted since the Secretary of State's office does not permit amending of the original filing of disclosure statements. Representative Ott seconded the motion. Motion carried.

Representative Justice moved that the language in line 2, page 6, read as follows: "on a form prescribed and provided by the commission and distributed by the Secretary of State . . ." Senator Mulich seconded the motion. Motion carried. Committee discussion followed. Representative Gillmore then made a motion that the language in lines 34-35, page 6, read as follows: "on a form prescribed and printed by the commission and distributed by the secretary of state." Representative Jones seconded the motion. Motion carried. Committee discussion followed on K.S.A. 1976 Supp. 25-4118, duties of the Secretary of State, regarding commission investigations.

Discussion followed on Section 8.

Discussion followed on Section 9. Senator Mulich moved to include district court judge candidates, court reporters, etc. under employees covered in (c), lines 31-33, page 7. Representative Gillmore seconded the motion. Motion carried. Representative Ott noted that the language "or to employees of the judicial branch", in lines 3-4, page 8, be deleted. Representative Gillmore seconded the motion. Motion carried.

Discussion followed on Sections 10 and 11.

Discussion followed on Section 12. Representative Ott moved that the language in lines 17 and 18, page 10, read as follows: "prescribed and provided by the commission." Representative Jones seconded the motion. Motion carried. Representative Gillmore moved that the language in lines 20-22 be deleted. Representative Ott seconded the motion. Motion carried.

Discussion followed on Sections 13, 14, and 15. Representative Ott moved that the language on lines 28-30, page 11, read as follows: "prescribed and provided by the commission." Representative Jones seconded the motion. Motion carried. Representative Justice moved that the language in lines 9-11, page 12, read as follows "prescribed and provided by the commission." Senator Mulich seconded the motion. Motion carried.

Discussion followed on Section 16. Senator Mulich moved to delete the section. Representative Modrcin seconded the motion. Motion carried.

Discussion followed on Section 17. Representative ott moved that the language in lines 19-20, page 13, read as follows: "prescribed and provided by the commission." Representative Jones seconded the motion. Motion carried.

Discussion followed on Section 18. Representative Jones moved the conceptual motion that the final report on state level conflict of interest reflect the concern of the Committee on the subject of reimbursement of legislative leadership trip expenses. This subject matter needs to be dealt with in future legislation. Representative Justice seconded the motion. Motion carried.

Discussion followed on Section 19. Senator Mulich moved that Section 19 be deleted. Representative Gordon seconded the motion. Motion carried.

Discussion followed on Sections 20-27.

Discussion returned to Section 10 (c), page 9, Representative Justice moved that the language in line 17, page 9, read "within thirty (30) days". Representative Ferguson seconded the motion. Motion carried.

Representative Justice moved that 7 RS 1597 be reported favorably by the Committee. Senator Mulich seconded the motion. Motion carried. Senator Smith, Representatives Ott and Jones wished to be reported as voting "no" on the motion.

Discussion followed on the agenda for the next meeting of November 14 and 15. Chairman Burke stated we would have hearings on Proposal No. 18 - Voter Registration and consideration of draft legislation on Proposal Nos. 15 and 16. Meeting adjourned.

Prepared by Myrta Anderson

Approved by Committee on:

November 15, 1977
(date)

MA/dmb

Attachment 1
10-26-7

COMMITTEE REPORT

TO: Legislative Coordinating Council
FROM: Special Committee on Elections
RE: PROPOSAL NO. 17 - PRESIDENTIAL PREFERENTIAL PRIMARY

Proposal No. 17 called for a study of the desirability of establishing a presidential preferential primary. The proposal referred specifically to H.B. 2144, providing for a presidential preferential primary, which was introduced in the 1977 Session, and S.C.R. 1613, also introduced in the 1977 Session, which called for a study concerning the establishment of a presidential primary election system.

Background - Other States

Wisconsin was the first state to enact a presidential primary law in 1905. Oregon's statute was enacted in 1910. Pennsylvania (1906) and South Dakota (1909) also enacted statutes which gave the electorate a voice in the selection of delegates and their presidential preference. Within a decade 22 more states had enacted statutes providing for a presidential preference primary. (Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Texas, Vermont, and West Virginia.) Of these states, only Alabama and Georgia provided for optional rather than mandatory primaries.

The states of Arkansas (optional) and Nevada enacted statutes in 1939 and 1953 respectively and Minnesota (1949), Montana and Indiana (both in 1953) re-enacted presidential primary provisions. Maryland repealed its statute after the 1964 elections but re-enacted it in 1970. New Mexico and Rhode Island in 1969 and North Carolina and Tennessee in 1971 provided for presidential primaries. In 1971, Arkansas adopted a proviso requiring a primary if a candidate requested it and Florida changed the date of its primary to coincide with New Hampshire.

Attch. I

Federal Legislation Proposed

Since 1911, proposals have been submitted to Congress relative to a uniform nationwide system for nominating presidential and vice-presidential candidates. None of these proposals have been passed.

The early proposals for a nationwide presidential primary fell into three general classes:

- 1) a combination of a primary and convention, the action of the convention to be limited;
- 2) a combination of the convention and direct primary with the convention proposing a party nominee, subject to ratification at the primary; and
- 3) the elimination of the convention with provision for a direct, nationwide primary for nominating presidential candidates.

Since 1944 there appears to have been a renewal of interest in the presidential primary. Many candidates have openly campaigned for and used presidential primaries. Television coverage of the candidates and of the conventions has also made the public more aware of nominating procedures.

Since 1950 measures have been filed in every session of Congress to provide for presidential primaries. In 1952, 1961, and 1969 hearings were held in the Senate. However, none of these proposals have been successful. Perhaps because political parties have since 1968 attempted to correct internally some of the alleged deficiencies with respect to presidential nominations, congressional interest in the issue of presidential primaries appears to have lessened. Recent congressional concern appears to have been focused on encouraging fuller participation in elections through improved voter registration procedures and broader anti-discrimination proposals.

In other action the American Bar Association has in its report on reform of the Electoral College recommended that Congress be authorized to provide by law for presidential primaries in the several states in the event it finds state legislation inadequate. In addition, the Committee for Economic Development has recommended a national presidential primary on a uniform date.

Efforts to establish a regional primary as a method of reducing the number of presidential primaries took place in the South, Pacific Northwest, and in New England during 1976 but consolidation did not take place. New Hampshire has now passed a law providing that it could conduct a primary either on or a week earlier than any other scheduled primary in a New England state.

Twenty-three presidential primaries were held in 1972, and the number increased to 29 states, plus the District of Columbia, by 1976. Three-quarters of the two major parties national convention delegates were selected through primaries in 1976. The thirty primaries in 1976 are an increase of seven over 1972 and 13 over 1968.

Following is a chart of the states holding 1976 presidential primaries, indicating the filing deadlines and convention votes.

Advantages and Disadvantages of
Presidential Primaries

There are basically two major types of preference primaries. The first is the presidential preference poll or primary wherein the names of prospective nominees are printed on the ballot and the voter may mark his or her preference. These polls may or may not be binding on the delegates from the state to the national political party conventions. The second kind is the delegate election in which voters choose the delegates to go to the national conventions. In some instances, delegates are elected by slate; sometimes, individually. They may be listed as pledges to certain presidential candidates, or simply "favorable" to one, or unpledged. Some states use combinations and modifications of these two types of systems.

The positions various people take on presidential primaries emphasize either "organization politics" or "participatory politics." The national political parties have features representing both values. Primaries tend to weaken the role of party and increase popular participation. Most decisions as to whether or not to hold a presidential preferential primary are made with consideration of its likely effect on the state's party organization and the electoral process.

Proponents of the presidential primary rest their case on the following propositions:

- 1) If representative government is to be democratic government, there must be the broadest possible popular participation in selecting elected officials.
- 2) Under the present system of nominating our presidential candidates, party organization members, not the people as a whole, choose the candidates.
- 3) Presidential primaries bring issues and candidates before the people of the state at a time when they are interested and informed and when there is a mechanism available for expression.

- 4) Candidates would have to direct their campaigns to the population as a whole, rather than to special interest groups that would be represented in delegates selected through the state convention process.
- 5) It would seem to be political wisdom to give special attention to the feelings of those that believe that the process of electing the President is not sufficiently reflective of the masses.

Opponents to the presidential primary present the following arguments:

- 1) Strong political party organizations are essential to democratic political systems, and their strength is dissipated by nominating primaries. If they no longer play a vital role in nominating the president, they will forfeit a significant amount of their strength.
- 2) A contested primary between national political aspirants is more likely to intensify factionalism within the state party organization.
- 3) Many candidates choose not to enter a particular primary, and consequently, the election does not provide an adequate measure of the electorate's preference.
- 4) The timing of the presidential primary election provides a problem in that, if the primary is not held right before the national convention it creates a dilemma for would-be delegates since they do not know whether they are backing a viable candidate.
- 5) The presence of 30 presidential primaries compressed into a roughly three-month time span, does not permit candidates to engage in a bona fide campaign, either in terms of time available for campaigning or in the allocation of their financial resources.

Kansas Legislation Proposed

H.B. 2144 was introduced during the 1977 Legislative Session and held over in the House Elections Committee. The bill provides for a presidential preference

primary in Kansas to be held on the first Tuesday in June in years when candidates for the office of President of the United States are to be nominated and elected.

Candidates for President will have their names on the ballot either by filing a declaration of intent with the Secretary of State and paying a fee of \$100, or by filing a nominating petition signed by 1,000 registered voters affiliated with the candidate's political party. Voters may vote in the primary for their preferences on the primary ballot or for "none of the names shown." A vote in the latter category would express a preference for an uncommitted delegation from Kansas to the party's national convention.

Proponents of H.B. 2144, 45 state representatives of both political parties, noted that presidential preference primaries were held in 29 states in 1976. The sponsors suggest that the bill would allow the people of Kansas a voice in the selection of their party's candidate for President.

With respect to the fiscal note on H.B. 2144, additional revenues would result from the filing fees in the amount of \$100 each paid by presidential candidates. The total of those revenues would, of course, be affected by the number of candidates filing. Additional workloads would also result from the presidential primary, particularly if a number of candidates filed for the preference primary by petition. Those additional responsibilities could result in a need for more part-time staff in the Secretary of State's Office.

The immediate effect of the change in primary date proposed by H.B. 2144 would be to transfer the state and local expenditures for the 1978 primary from Fiscal Year 1979 (August 1978) to Fiscal Year 1978 (June 1978). Of course, subsequent primaries would also appear in the earlier fiscal year, whether or not they were presidential preference primaries. The following amounts would have been requested by the Secretary of State for Fiscal Year 1979 to support activities related to the primary election and should be included in the Fiscal Year 1978 expenditures of the agency, should H.B. 2144 be enacted: salaries and wages, \$750; other operating expenditures, \$2,100.

Committee Deliberations and Recommendations

The Committee was given background information and a review of presidential primaries by staff. A summary and section by section analysis of H.B. 2144 was presented to the Committee, in addition to fiscal data pertaining to H.B. 2144. Hearings were held and a statement in support of H.B. 2144 was presented to the Committee by one of the bill's sponsors. Other testimony was given to the Committee by conferees and the arguments in favor of and opposed to the presidential primary were discussed. After ~~Committee~~^{deliberation}, the Committee decided to ~~accept the~~^{make no} ~~legislation, H.B. 2144, without a recommendation to the 1978 Legislature.~~

recommendation, with regard to the legislation, to the 1978 Legislature.

Respectfully submitted,

Sen. Paul Burke, Chairperson
Special Committee on Elections

Rep. Norman Justice, Vice-Chairperson
Sen. Bill Mulich
Sen. Frank Smith
Rep. Ward P. Ferguson
Rep. Francis Gordon

Rep. Glee Jones
Rep. John M. Modrcin
Rep. Belva J. Ott
Rep. Richard Schmidt
Rep. Richard B. Walker

James Bellmore

1976 PRESIDENTIAL PRIMARY INFORMATION*

Abbreviations for presidential candidate ballot access:

I - Involuntary; nationally recognized candidates placed on ballot by state officials.
 V - Voluntary; candidate gains place on ballot by own initiative.

State	Pres. Cand. Ballot Access	Primary Date	Filing Deadlines		Pres. Cand. Withdrawal	Write-in Permitted	Convention Votes	
			Pres. Cand.	Del. Cand.			Dem.	Rep.
N.H.	V	Feb. 24	Dec. 26	Jan. 12	May withdraw within 10 days of notification by sec. of state	Yes	17	21
Mass.	I	March 2	Jan. 2	- ¹	Jan. 9	Yes	104	43
Vt.	V	March 2	Feb. 10	- ¹	May withdraw within 10 days of notification by sec. of state	Yes	12	18
Fla.	I	March 9	Feb. 10	- ¹	Feb. 15 ²	No	81	66
Ill.	V	March 16	Dec. 29	Jan. 14	No provision	Yes	169	101
N.C.	V	March 23	Feb. 3	- ¹	Failure to give consent = withdrawal	No	61	54
N.Y.	-	April 6	-	Feb. 19	-	Yes	274	154
Wis.	I	April 6	March 2	- ¹	Feb. 29 ²	Yes	68	45
Pa.	V	April 27	Feb. 17	Feb. 17	Feb. 24	Yes	178	103
Texas	V	May 1	Feb. 2	March 1	April 10	No	130	100
Ala.	-	May 4	-	March 1	-	Yes	35	37
D.C.	V	May 4	March 5	March 5	No provision	No	17	14
Ga.	I	May 4	Feb. 10	March 13 ³	Feb. 20 ²	No	50	48
Ind.	V	May 4	March 15	- ¹	March 15	No	75	54
Tenn. ⁴	I	May 6	March 4	- ¹	- ²	Yes	46	43
Neb.	I	May 11	March 12	March 12	March 12 ²	Yes	23	25
W. Va.	V	May 11	Feb. 7	Feb. 7	No provision	No	33	28
Md.	I	May 18	March 25	March 9	April 2 ²	No	53	43
Mich.	I	May 18	March 19	- ¹	March 19	Yes	133	84
Ark.	V	May 25	April 6	- ¹	No provision	Yes	26	27
Idaho	I	May 25	April 25	- ¹	No provision	Yes	16	21
Ky.	V	May 25	April 9	- ¹	Failure to pay filing fee = withdrawal	No	46	37
Nev.	I	May 25	April 25	- ¹	No provision	No	11	18
Ore.	I	May 25	March 16	- ¹	No provision	Yes	34	30
Mont.	V	June 1	March 23	- ¹	April 22	Yes	17	20
R.I.	I	June 1	Feb. 27	April 12	May 2	No	22	19
S.D.	V	June 1	April 16	April 16	April 16	No	17	20
Calif.	I	June 8	March 25	D: April 16 R: May 9	April 4 ²	Yes ⁵	280	167
N.J.	V	June 8	April 29	April 29	May 4	Yes	108	67
Ohio	V	June 8	-	March 25	April 3 ⁶	Yes	152	97

Delegates chosen outside primary by caucus methods. Ballot filing deadline for national convention delegates does not apply.

Individual must state he is not a presidential candidate and does not intend to become one in California, individual only declares non-candidacy.)

Democrats only. Republicans use caucus method.

Tennessee primary subject to alteration by state legislature.

Write-in campaign must be endorsed by candidate.

Withdrawal deadline for delegate candidates.

Congressional Quarterly, January 31, 1976.

10-26-71

1971

MD

PROPOSED BILL NO. _____

By Special Committee on Elections

AN ACT amending and supplementing the campaign finance act; prohibiting campaign contributions by certain persons; amending K.S.A. 1977 Supp. 25-4133 and repealing the existing section.

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

Section 1. (a) No person other than an individual, candidate committee, party committee or political committee shall make any contribution for the purpose of influencing the nomination or election of any individual to state office.

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

Sec. 2. K.S.A. 1977 Supp. 25-4133 is hereby amended to read as follows: 25-4133. Intentional violation of any provision of section 1 or of K.S.A. ~~1975~~ 1977 Supp. 25-4103, 25-4104, 25-4105, 25-4107, 25-4111, 25-4113 or 25-4126, and amendments thereto, or intentional violation of the confidentiality provision of K.S.A. ~~1975~~ 1977 Supp. 25-4122 is a class A misdemeanor.

Sec. 3. K.S.A. 1977 Supp. 25-4133 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Atch. II

Attachment III
7 RS 1621
accepted -
10-26-77
Senate

PROPOSED BILL NO. _____

By Special Committee on Elections

AN ACT amending and supplementing the campaign finance act; amending K.S.A. 1977 Supp. 25-4102, 25-4105, 25-4106, 25-4108, 25-4110, 25-4119a, 25-4128 to 25-4131, inclusive, 25-4133, 25-4135 and 25-4136 to 25-4140, inclusive, and repealing the existing sections; also repealing K.S.A. 1977 Supp. 25-4141.

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

Section 1. K.S.A. 1977 Supp. 25-4102 is hereby amended to read as follows: 25-4102. As used in this 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 his or her intention to seek nomination or election to state office,

(3) makes any expenditure or accepts any contribution for the purpose of influencing his or her nomination or election to any state office, or

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

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

(c) "Commission" means the governmental ethics commission created by K.S.A. ~~1974--Supp.--25-4119~~ 1977 Supp. 25-4119a and amendments thereto.

(d) (1) "Contribution" means: (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office;

Atch. III

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

(C) 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;

(D) the purchase of ~~tickets--or--admissions--to--or~~ advertisements in journals or programs for testimonial events;

(E) the purchase of tickets or admissions to testimonial events at a cost exceeding five dollars (\$5) per ticket or admission or in a number exceeding a reasonable number for the purchaser's immediate family.

(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 ~~fifty dollars--(\$50)~~ one hundred dollars (\$100) during an allocable election period as provided in K.S.A. ~~1975~~ 1977 Supp. 25-4109;

(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 ~~ten--dollars--(\$10)~~ twenty-five dollars (\$25) per event.

(e) "Election" means: (1) A primary or general election for state office and (2) a convention or caucus of a political party held to nominate a candidate for state office.

(f) (1) "Expenditure" means: (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office;

(B) any contract to make an expenditure;

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

(D) 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 ~~fifty dollars--(\$50)~~ one hundred dollars (\$100) during an allocable election period as provided in K.S.A. ~~1975~~ 1977 Supp. 25-4109;

(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 ~~ten--dollars--(\$10)~~ twenty-five dollars (\$25) per event; or

(E) any communication by an incumbent elected state officer with one or more of such incumbent's constituents unless the primary purpose thereof is to influence the nomination or election of a candidate.

(g) "Party committee" means the state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated or the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated.

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

(i) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to support or oppose any candidate for state

office, but not including any candidate committee or party committee.

(j) "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 his or her official capacity.

(k) "State office" means any state office as defined in K.S.A. ~~1975~~ 1977 Supp. 25-2505.

(l) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise funds for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

(m) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under this 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. ~~1975~~ 1977 Supp. 25-4136 and amendments thereto.

Sec. 2. K.S.A. 1977 Supp. 25-4105 is hereby amended to read as follows: 25-4105. (a) A candidate may remove any treasurer or ~~chairman~~ chairperson that such candidate has appointed, and a party committee or political committee may remove its ~~chairman~~ chairperson or treasurer. In case of a vacancy in the position of treasurer, before all of the obligations of the treasurer have been performed, such committee or candidate shall appoint a successor within ten (10) days of the occurrence of the vacancy and report the name and address of the successor ~~within ten (10) days of the occurrence of the vacancy~~ to the secretary of state not later than ten (10) days after such appointment. An individual who vacates the position of treasurer by reason of removal or resignation shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the accuracy of his or her predecessor's records.

(b) No contribution or other receipt shall be received or

expenditure made, by or on behalf of a candidate, pair of candidates or candidate committee, except receipt or payment of a filing fee:

(1) Until such candidate appoints a treasurer and makes the report required by K.S.A. ~~1975~~ 1977 Supp. 25-4103; and

(2) unless by or through such treasurer.

(c) No contribution or other receipt shall be received or expenditures made by or on behalf of a party committee or political committee:

(1) Until the ~~chairman~~ chairperson of the party committee or a political committee has filed a statement of organization required by K.S.A. ~~1975~~ 1977 Supp. 25-4104; and

(2) unless by or through the treasurer of such committee.

Sec. 3. K.S.A. 1977 Supp. 25-4106 is hereby amended to read as follows: 25-4106. (a) Every treasurer shall keep detailed accounts of all contributions and other receipts received and all expenditures made by or on behalf of ~~his~~ such treasurer's candidate or committee.

(b) Accounts of any treasurer may be inspected under conditions determined by the commission, and shall be preserved for a period to be designated by the commission.

(c) The treasurer of each candidate, candidate committee, party committee or political committee which anticipates making expenditures of five hundred dollars (\$500) or more in a calendar year shall designate one or more national or state banks as campaign depositories of such candidate or committee and shall maintain a checking account for the candidate or committee at each such depository. All receipts received by such candidate or committee shall be deposited in such accounts. No expenditure may be made by such candidate or committee except by check drawn on such accounts, other than petty cash expenditures as provided in subsection (d).

(d) A candidate, candidate committee, party committee or political committee may maintain a petty cash fund from which it may make expenditures, provided that any such expenditures in

connection with a single purchase or transaction shall not exceed an aggregate amount in excess of fifty dollars (\$50). A record of petty cash disbursements shall be kept in accordance with requirements established by the commission, and such statements and reports thereof shall be furnished to the commission as it may require.

(e) An individual may serve as treasurer for a candidate or a candidate committee, party committee or political committee or of any two or more such committees or candidates.

~~(d)~~ (f) Every person who receives a contribution for a candidate or for a candidate committee, party committee or political committee shall, on demand of the treasurer, or in any event within five (5) days after receipt of such contribution, remit the same and render to the treasurer an account thereof, including the amount, the name and address of the person, if known, making the contribution and the date received.

~~(e)~~ (g) No contribution or other receipt received by a candidate or a candidate committee, party committee or political committee shall be commingled with personal funds of the candidate or the treasurer or other officers or members of such committee.

Sec. 4. K.S.A. 1977 Supp. 25-4108 is hereby amended to read as follows: 25-4108. (a) Every treasurer shall file a report prescribed by this section in the office of the secretary of state so that it is received by such office on or before each of the following days:

(1) The seventh day preceding the primary election, which report shall be for the period beginning on ~~December~~ January 1 ~~of--the--preceeding-year~~ and ending on the tenth day preceding the primary election, inclusive;

(2) the tenth day following the primary election, which report shall be for the period beginning nine (9) days before the primary election and ending the date of the primary election, inclusive;

(3) the seventh day preceding a general election, which

report shall be for the period beginning the day after the primary election and ending ten (10) days before the general election, inclusive;

~~(4) December 3 of an election year~~ the tenth day following the general election, which report shall be for the period beginning nine (9) days before the general election and ending on the date of the general election, inclusive, ~~and~~;

~~(5) January 10 of a year following an election year, which report shall be for the period beginning the day after the general election and ending on November 30 December 31, inclusive, each such period to be reported separately on the same date; and~~

~~(5) December 3 of a year when no election is held~~
(6) January 10 of an election year, which report shall be for the period beginning on ~~December~~ January 1 of the preceding year and ending on ~~November 30~~ December 31 of the same year ~~in which it is filed.~~

(b) Each report required by this section shall state: (1) Cash on hand on the first day of the reporting period;

~~(2) except as provided in subsection (d),~~ the name and address of each person who has made one or more contributions ~~together with~~ in an aggregate amount or value in excess of twenty-five dollars (\$25) during the calendar year and 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 contributions not otherwise reported under this section, but treasurers shall maintain in their own records the information required by paragraph (2) of this subsection for each such contribution;

(4) 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)~~ (5) the aggregate amount of contributions for which the

name and address of the contributor is not known;

~~(5)~~ (6) each contribution, rebate, refund, or other receipt not otherwise listed;

~~(6)~~ (7) the total of all receipts;

~~(7)~~ (8) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of twenty-five dollars (\$25), with the amount, date, and purpose of each and 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)~~ (9) 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 or to or for any candidate committee, party committee or political committee in excess of twenty-five dollars (\$25) and which is not otherwise reported under paragraph ~~(7)~~ (8), including the amount, date, and purpose thereof;

~~(9)~~ (10) the aggregate amount of all expenditures not otherwise reported under this section; and

~~(10)~~ (11) the total of expenditures.

(c) Every report required to be filed on the tenth day following a primary election shall show and identify all receipts and expenditures allocated or required to be allocated to the primary election. Every report required to be filed on the ~~December 3 immediately~~ tenth day following a general election shall show and identify all receipts and expenditures allocated or required to be allocated to the general election.

~~(d) Party committees and political committees shall be required to itemize as provided in paragraph (2) of subsection (b) only contributions received from any person who contributed an aggregate amount or value in excess of ten dollars (\$10) during the calendar year. All other contributions shall be~~

~~reported in an aggregate amount, but such committees shall be required to maintain in their own records the information required by paragraph (2) of subsection (b) for each such contribution.~~

~~(e)~~ (d) 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 such errors or omissions shall be part of the public record. Such amended report shall be filed within thirty (30) days after notice by the commission.

~~(f)~~ (e) 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 (5) days after notice by the commission.

~~(g)~~ (f) 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 such candidate's committee or by the treasurer of any party committee or political committee of which the primary purpose is supporting or opposing the nomination of any such candidate, the date of such convention or caucus shall be considered the date of the primary election.

~~(h)~~ (g) If a report is sent to the office of the filing officer by certified or registered mail on or before the day it is due, such mailing shall constitute receipt by that office, except that reports due on the dates specified by paragraphs (1) and (3) of subsection (a) of this section which are so mailed shall be required to be postmarked no later than midnight of the day before the date due.

Sec. 5. K.S.A. 1977 Supp. 25-4110 is hereby amended to read as follows: 25-4110. Every person, other than a candidate or a candidate committee, party committee or political committee, who makes contributions or expenditures, other than by contribution to a candidate or a candidate committee, party committee or

political committee, in an aggregate amount of one hundred dollars (\$100) or more ~~within a calendar year~~ during an allocable election period as provided in K.S.A. 1977 Supp. 25-4109 shall make statements containing the information required by K.S.A. 1975 1977 Supp. 25-4108 and amendments thereto, and file them in the office of the secretary of state so that each such statement is in such office on the day specified in K.S.A. ~~1975~~ 1977 Supp. 25-4108 and amendments thereto. Reports made under this section need not be cumulative.

Sec. 6. K.S.A. 1977 Supp. 25-4119a is hereby amended to read as follows: 25-4119a. (a) ~~The governmental ethics commission created by K.S.A. 1974 Supp. 25-4119 is hereby abolished, and~~ There is hereby created a governmental ethics commission, which shall be the successor in every respect to the powers, duties and functions of the governmental ethics commission so abolished. ~~Persons serving on the effective date of this act as members of the governmental ethics commission created by K.S.A. 1974 Supp. 25-4119 shall serve as members of the governmental ethics commission created by this section until their successors have been appointed and qualified as members of the new commission. The governmental ethics commission referred to in this act and in the campaign finance act as the commission shall consist of eleven (11) members of whom five (5) shall be appointed by the governor, two (2) by the president of the senate, two (2) by the speaker of the house of representatives, one (1) by the minority leader of the house of representatives and one (1) by the minority leader of the senate. Not more than three (3) of the members appointed by the governor shall be affiliated with the same political party. The members first appointed to the new commission shall have terms commencing as soon as appointments are made after the effective date of this act and ending on January 31, 1977. If any of the appointing officers specified in this section fail to make his or her appointment or appointments herein provided for within thirty (30) days after the effective date of this act, the other~~

~~appointing officers specified in this section shall meet and make such appointment or appointments in lieu of the specified authority.~~

(b) The terms of ~~all~~ members appointed ~~after such first appointments~~ of the commission shall be two (2) years commencing on February 1 of odd-numbered years. Vacancies occurring on the commission shall be filled for the unexpired term by the same appointing officer as made the original appointment. Members shall serve until their successors are appointed and qualified. One of the members appointed by the governor shall be designated by the governor to be the ~~chairman~~ chairperson of the commission. A majority vote of six (6) members of the commission shall be required for any action of the commission. The commission may adopt rules to govern its proceedings and may provide for such officers other than the ~~chairman~~ chairperson as it may determine. The commission shall meet at least once each quarter, and also shall meet on call of its ~~chairman~~ chairperson or any three members of the commission. Members of the governmental ethics commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence, allowances, mileage and other expenses as provided in subsections (a) to (d), inclusive, of K.S.A. ~~1975--Supp.~~ 75-3223 and amendments thereto. The chairperson or other member presiding over the commission or the presiding member of any subcommittee of the commission shall receive as compensation thirty-five dollars (\$35) per day for each day actually spent conducting a prehearing conference authorized by the commission or subcommittee thereof. The commission shall appoint an executive director who shall be in the unclassified service and receive compensation fixed by the commission, in accordance with appropriation acts of the legislature, subject to approval by the state finance council. The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the commission, all of whom shall be in the unclassified service and shall receive

compensation fixed by the commission and not subject to approval by the state finance council.

(c) The commission created by this section may adopt rules and regulations for the administration of the campaign finance act. ~~Rules and regulations adopted by the governmental ethics commission created by K.S.A. 1974 Supp. 25-4119 shall continue in force and effect and shall be deemed to be the rules and regulations of the commission created by this section, until revised, amended, repealed or nullified pursuant to law.~~ All rules and regulations of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated.

(d) The commission shall submit an annual report and recommendations to the governor and to the legislative coordinating council on or before December 1 of each year. The legislative coordinating council shall transmit such report and recommendations to the legislature.

Sec. 7. K.S.A. 1977 Supp. 25-4128 is hereby amended to read as follows: 25-4128. Failure to file a campaign finance report is (a) the intentional failure, of any person required to make any report, amended report or statement by this act, to file the same with the secretary of state at the time specified in this act or (b) the intentional failure, of any person required by K.S.A. 1975 1977 Supp. 25-4136 and amendments thereto to submit a statement to a treasurer, to submit the same.

Failure to file a campaign finance report is a class A B misdemeanor.

Sec. 8. K.S.A. 1977 Supp. 25-4129 is hereby amended to read as follows: 25-4129. Fraudulent campaign finance reporting is intentionally making any false material statement in a report or statement made under this act.

Fraudulent campaign finance reporting is a class A B misdemeanor.

Sec. 9. K.S.A. 1977 Supp. 25-4130 is hereby amended to read as follows: 25-4130. Charging an excessive amount for political

advertising is intentionally charging an amount greater than that authorized by ~~section--16~~ K.S.A. 1977 Supp. 25-4116 and amendments thereto.

Charging an excessive amount for political advertising is a class A B misdemeanor.

Sec. 10. K.S.A. 1977 Supp. 25-4131 is hereby amended to read as follows: 25-4131. Excessive campaign contribution is: (a) Intentionally making any contribution in violation of any provision of ~~section--12~~ K.S.A. 1977 Supp. 25-4112 and amendments thereto, or

(b) intentionally accepting any contribution made in violation of any provision of ~~section--12~~ K.S.A. 1977 Supp. 25-4112 and amendments thereto.

Excessive campaign contribution is a class A B misdemeanor.

Sec. 11. K.S.A. 1977 Supp. 25-4133 is hereby amended to read as follows: 25-4133. Intentional violation of any provision of K.S.A. ~~1975~~ 1977 Supp. 25-4103, 25-4104, 25-4105, 25-4106, 25-4107, 25-4111, 25-4113 or 25-4126, and amendments thereto, or the confidentiality provision of K.S.A. ~~1975~~ 1977 Supp. 25-4122 is a class A B misdemeanor.

Sec. 12. K.S.A. 1977 Supp. 25-4135 is hereby amended to read as follows: 25-4135. (a) Persons required to file statements pursuant to the provisions of K.S.A. 25-901 to 25-905, inclusive, and amendments thereto, shall not ~~apply--to--elections to--which--this--act--applies,~~ by reason thereof, be exempt from filing any statements or reports required to be filed by such persons under the provision of this act.

(b) Persons required to file statements or reports pursuant to the provisions of this act shall not, by reason thereof, be exempt from filing any statements required to be filed by such persons pursuant to the provisions of K.S.A. 25-901 to 25-905, inclusive, and amendments thereto.

Sec. 13. K.S.A. 1977 Supp. 25-4136 is hereby amended to read as follows: 25-4136. (a) Notwithstanding any other provisions of this act, any combination of three (3) or more

individuals or a person other than an individual, not domiciled in this state, which makes or intends to make a contribution or contributions to a candidate, candidate committee, party committee or political committee in this state shall either:

(1) Prepare a verified statement containing (A) the names and addresses of the responsible individuals; (B) the name and address of each person who has made one or more contributions to such out-of-state combination of individuals or person other than an individual in an aggregate amount in excess of ~~ten-dollars~~ ~~(\$10)~~ twenty-five dollars (\$25) within the preceding twelve (12) months, together with the amount and date of such contributions; and (C) the aggregate amount of all other contributions to such out-of-state combination of individuals or person other than an individual within the preceding twelve (12) months. Such statement shall be submitted to each treasurer receiving any contribution from such out-of-state combination of individuals or person other than an individual. Such statement shall be a part of and attached to the report required of such treasurer by K.S.A. ~~1975~~ 1977 Supp. 25-4108 and amendments thereto; or

(2) file a statement of organization as provided by K.S.A. ~~1975~~ 1977 Supp. 25-4104, establish a separate fund for the purpose of receiving contributions and making expenditures relating to any election for state office in this state and file statements and reports involving such fund in the manner provided by K.S.A. ~~1975~~ 1977 Supp. 25-4108, ~~for political committees and party committees~~ and amendments thereto. Any transfer from another fund to the separate fund herein provided for shall be subject to the requirements of subsection (1).

(b) Each combination of individuals or person other than an individual which is subject to this section shall maintain, in its own records, the name and address of any person who has made one or more contributions to such combination of individuals or person other than an individual, together with the amount and date of such contributions, regardless of whether such information is required to be reported.

Sec. 14. K.S.A. 1977 Supp. 25-4137 is hereby amended to read as follows: 25-4137. Every For any calendar year during which a candidate for state office who intends to expend or have expended make or have made in his or her behalf expenditures in an aggregate amount or value of less than five hundred dollars (\$500) and who intends to receive or have received in his or her behalf contributions in an aggregate amount or value of less than five hundred dollars (\$500) in each the primary and the general election shall, upon filing for office, and during which such candidate intends to receive or have received in his or her behalf no contributions in an aggregate amount or value in excess of fifty dollars (\$50) from any one person other than the candidate or the candidate's spouse, such candidate may file an affidavit of such intent with the secretary of state within twenty (20) days of the deadline for filing to become a candidate. Except as provided in K.S.A. 1977 Supp. 25-4138 and amendments thereto, no report required by K.S.A. 1975 1977 Supp. 25-4108 and amendments thereto, shall be required to be filed by or for such a candidate for the year for which such candidate files such affidavit.

Sec. 15. K.S.A. 1977 Supp. 25-4138 is hereby amended to read as follows: 25-4138. Any candidate who has signed an affidavit pursuant to K.S.A. 1975 1977 Supp. 25-4137 and amendments thereto and who ~~incurs expenses in excess of,~~ in the year for which such affidavit is filed, makes or has made expenditures or receives or has received contributions in an aggregate amount or value in excess of five hundred dollars (\$500) for either the primary or the general election or receives contributions from any one person in an aggregate amount or value in excess of fifty dollars (\$50) shall file, within three (3) days of the date when expenditures or contributions exceed five hundred dollars (\$500) such amount, file all past due reports and shall be required to file all future reports on the dates required by K.S.A. 1975 1977 Supp. 25-4108 and amendments thereto.

Sec. 16. K.S.A. 1977 Supp. 25-4139 is hereby amended to read as follows: 25-4139. For any calendar year during which a political committee or party committee intends to ~~expend~~ make expenditures in an aggregate amount or value of less than five hundred dollars (\$500) and intends to receive contributions in an aggregate amount or value of less than five hundred dollars (\$500) and during which such political committee or party committee intends to receive no contributions in an aggregate amount or value in excess of ~~ten dollars-(\$10)~~ fifty dollars (50) from any one ~~contributor~~ person, the treasurer of such political committee ~~shall~~ or party committee may file an affidavit of such intent with the secretary of state. Such ~~Except as provided by~~ Except as provided by K.S.A. 1977 Supp. 25-4140 and amendments thereto, a treasurer of a political committee or party committee shall not be required to file the reports required by K.S.A. ~~1975~~ 1977 Supp. 25-4108 and amendments thereto, for the year for which such treasurer files such affidavit ~~is-filed~~. Such affidavit may be filed at any time prior to the date that the first report for such year is required to be filed by K.S.A. ~~1975~~ 1977 Supp. 25-4108 and amendments thereto.

Sec. 17. K.S.A. 1977 Supp. 25-4140 is hereby amended to read as follows: 25-4140. The treasurer of any political committee or party committee for which an affidavit has been filed pursuant to K.S.A. ~~1975~~ 1977 Supp. 25-4139 and amendments thereto and which, in the year for which such affidavit is filed, makes expenditures or receives contributions in an aggregate amount or value in excess of five hundred dollars (\$500) or receives contributions from any one ~~contributor~~ person in an aggregate amount or value in excess of ~~ten dollars-(\$10)~~ fifty dollars (\$50) shall file, within three (3) days of the date when such expenditures or contributions exceed such amount, ~~file~~ all past due reports and shall be required to file all future reports on the dates required by K.S.A. ~~1975~~ 1977 Supp. 25-4108 and amendments thereto.

New Sec. 18. Aiding and abetting a campaign finance

violation is intentionally aiding, abetting, advising, hiring, counseling or procuring another to commit a violation of this act, regardless of whether the person so aided, abetted, advised, hired, counseled or procured intentionally committed the violation.

Aiding and abetting a campaign finance violation is a class B misdemeanor.

New Sec. 19. Gross and wanton violation of any provision of this act is a misdemeanor punishable by a fine not to exceed two hundred and fifty dollars (\$250).

New Sec. 20. Expenditures by a party committee for obtaining time, space or services of a communications media or for providing a forum for the purpose of jointly promoting three or more candidates in a substantially equal manner need not be reported by the treasurer of a candidate or candidate committee as a contribution or expenditure under the campaign finance act, but a party committee shall include any such expenditure in reports required by the campaign finance act.

Sec. 21. K.S.A. 1977 Supp. 25-4136 to 25-4140, inclusive, and amendments thereto, and sections 18, 19 and 20 shall be a part of and supplemental to the campaign finance act.

Sec. 22. K.S.A. 1977 Supp. 25-4102, 25-4105, 25-4106, 25-4108, 25-4110, 25-4119a, 25-4128 to 25-4131, inclusive, 25-4133, 25-4135 and 25-4136 to 25-4141, inclusive, are hereby repealed.

Sec. 23. This act shall take effect and be in force from and after its publication in the official state paper.

Attachment 14
10-26-77
7 RS 1689

Ased un-1
not meeting for
6 EC amendments

PROPOSED BILL NO. _____

By Special Committee on Elections

AN ACT amending the campaign finance act; relating to elections on propositions to amend the Kansas constitution; amending K.S.A. 1977 Supp. 25-4102, 25-4108 and 25-4109 and repealing the existing sections; also repealing K.S.A. 1977 Supp. 25-4201.

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

Section 1. K.S.A. 1977 Supp. 25-4102 is hereby amended to read as follows: 25-4102. As used in this 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 his or her intention to seek nomination or election to state office,

(3) makes any expenditure or accepts any contribution for the purpose of influencing his or her nomination or election to any state office, or

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

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

(c) "Commission" means the governmental ethics commission created by K.S.A. ~~1974-Supp. 25-4119~~ 1977 Supp. 25-4119a.

(d) (1) "Contribution" means: (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office or for the purpose of promoting or opposing a proposition for amendment of the Kansas constitution;

Atch. IV

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

(C) 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;

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

(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 fifty dollars (\$50) during an allocable election period as provided in K.S.A. 1975 1977 Supp. 25-4109;

(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 ten dollars (\$10) per event.

(e) ~~"Election" means: (1) A primary or general election for state office and (2) a convention or caucus of a political party held to nominate a candidate for state office.~~

~~(f)~~ (1) "Expenditure" means: (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state office or for the purpose of promoting or opposing a proposition for amendment of the Kansas constitution;

(B) any contract to make an expenditure;

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

(D) 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 fifty dollars (\$50) during an allocable election period as provided in K.S.A. ~~1975~~ 1977 Supp. 25-4109;

(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 ten dollars (\$10) per event; or

(E) any communication by an incumbent elected state officer with one or more of such incumbent's constituents unless the primary purpose thereof is to influence the nomination or election of a candidate or to promote or oppose a proposition for amendment of the Kansas constitution.

(f) "General election" means a general election for state office.

(g) "Party committee" means the state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated or the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated.

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

(i) "Political committee" means any combination of two or more individuals or any person other than an individual, a major

purpose of which is to support or oppose any candidate for state office or to promote or oppose a proposition for amendment of the Kansas constitution, but not including any candidate committee or party committee.

(j) "Primary election" means:

(1) With respect to a candidate seeking nomination by convention or caucus, ^{and} such candidate's committee and any party committee or political committee of which the primary purpose is supporting or opposing the nomination of such candidate, such convention or caucus; or

*newly
inserted*

(2) with respect to all other candidates and committees, the primary election for state office.

←j→ (k) "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 his or her official capacity.

←k→ (l) "State office" means any state office as defined in K.S.A. ~~1975~~ 1977 Supp. 25-2505.

←l→ (m) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise funds for such candidate's campaign or an event held to raise funds for a campaign promoting or opposing a proposition for amendment of the Kansas constitution. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

←m→ (n) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under this 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. ~~1975~~ 1977 Supp. 25-4136.

Sec. 2. K.S.A. 1977 Supp. 25-4108 is hereby amended to read as follows: 25-4108. (a) Every treasurer of a candidate, candidate committee or party committee or of a political committee of which a major purpose is to support or oppose a candidate for state office shall file a report prescribed by this

section in the office of the secretary of state so that it is received by such office on or before each of the following days:

(1) The seventh day preceding the primary election, which report shall be for the period beginning on December 1 of the preceding year and ending on the tenth day preceding the primary election, inclusive;

(2) the tenth day following the primary election, which report shall be for the period beginning nine (9) days before the primary election and ending the date of the primary election, inclusive;

(3) the seventh day preceding a general election, which report shall be for the period beginning the day after the primary election and ending ten (10) days before the general election, inclusive;

(4) December 3 of an election year, which report shall be for the period beginning nine (9) days before the general election and ending on the date of the general election, inclusive, and for the period beginning the day after the general election and ending on November 30, inclusive, each such period to be reported separately on the same date; and

(5) December 3 of a year when no primary or general election is held, which report shall be for the period beginning on December 1 of the preceding year and ending on November 30 of the year in which it is filed.

(b) Every treasurer of a political committee of which a major purpose is to promote or oppose a proposition for amendment of the Kansas constitution shall file a report prescribed by this section in the office of the secretary of state so that it is received by such office on or before each of the following days:

(1) The seventh day preceding election at which the proposition is submitted, which report shall be for the period beginning on December 1 of the preceding year and ending on the tenth day preceding such election, inclusive;

(2) the tenth day following any election at which the proposition is submitted, which report shall be for the period

Handwritten notes:
The treasurer of a political committee of which a major purpose is to promote or oppose a proposition for amendment of the Kansas constitution shall file a report prescribed by this section in the office of the secretary of state so that it is received by such office on or before each of the following days:

beginning nine (9) days before such election and ending the date of the election, inclusive;

(3) December 3 of the year of any election at which the proposition is submitted, which report shall be for the period beginning the day after such election and ending on November 30, inclusive; and

(4) December 3 of a year when such proposition is not submitted at an election, which report shall be for the period beginning on December 1 of the preceding year and ending on November 30 of the year in which it is filed.

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

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

(2) except as provided in subsection ~~(d)~~ (e), the name and address of each person who has made one or more contributions 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 twenty-five dollars (\$25), with the amount, date, and purpose of each and 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 or to or for any candidate committee, party committee or political committee in excess of twenty-five dollars (\$25) and which is not otherwise reported under paragraph (7), including the amount, date, and purpose thereof;

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

(10) the total of expenditures.

~~(e)~~ (d) Every report required to be filed ~~on-the-tenth-day following-a-primary-election~~ pursuant to subsection (a)(2) shall show and identify all receipts and expenditures allocated or required to be allocated to the primary election. Every report required to be filed ~~on-the-December-3--immediately--following--a-general--election~~ pursuant to subsection (a)(4) shall show and identify all receipts and expenditures allocated or required to be allocated to the general election.

~~(d)~~ (e) Party committees and political committees shall be required to itemize, as provided in paragraph (2) of subsection ~~(b)~~ (c), only contributions received from any person who contributed an aggregate amount or value in excess of ten dollars (\$10) during the calendar year. All other contributions shall be reported in an aggregate amount, but such committees shall be required to maintain, in their own records, the information required by paragraph (2) of subsection ~~(b)~~ (c) for each such contribution.

~~(e)~~ (f) 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 such errors or omissions shall be part of the public record. Such amended report shall be filed within thirty (30) days after notice by the commission.

~~(f)~~ (g) 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 (5) 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 such candidate's committee or by the treasurer of any party committee or political committee of which the primary purpose is supporting or opposing the nomination of any such candidate, the date of such convention or caucus shall be considered the date of the primary election.~~

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

Sec. 3. K.S.A. 1977 Supp. 25-4109 is hereby amended to read as follows: 25-4109. (a) With respect to candidates, candidate committees, party committees and political committees a major purpose of which is to support or oppose a candidate for state office:

(1) All contributions and other receipts received and expenditures made from midnight on one general election date until the next ensuing primary election date at midnight shall be allocated to the primary election on such date.

(2) All contributions and other receipts received and expenditures made from midnight on the date of a primary election until midnight on the date of the next ensuing general election shall be allocated to the general election on such date.

~~(b) For the purposes of allocating, pursuant to subsection (a), contributions to or expenditures by a candidate seeking nomination by convention or caucus or such candidate's candidate committee, the date of such convention or caucus shall be considered the primary election date.~~

(b) With respect to political committees a major purpose of which is to promote or oppose a proposition for amendment of the

Kansas constitution, all contributions and other receipts received and expenditures made from midnight on the date that such proposition is approved for submission to the voters until midnight on the date of the election at which such proposition is submitted to the voters shall be allocated to such election.

Sec. 4. K.S.A. 1977 Supp. 25-4102, 25-4108, 25-4109 and 25-4201 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the official state paper.

CHAIRMAN
SENATOR GENE C. HOWARD, Tulsa
President Pro Tempore of the Senate



VICE CHAIRMAN
REPRESENTATIVE WILLIAM P. WILLIS, Tahlequah
Speaker of the House of Representatives

STATE LEGISLATIVE COUNCIL

305 STATE CAPITOL
OKLAHOMA CITY 73105
405/521-3201

September 28, 1977

TO: Chairmen of Elections Committees in Regional States

The Committee on Elections and Privileges of the State Legislative Council is considering a proposal concerning regional presidential primaries. The proposal calls for primary elections to be held on the same day in an eight-state region to include: Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico and Texas. Each participating state would retain exclusive control over its primary and delegates. In effect, the states which elect to participate would simply coordinate the date for their primary, so that each state primary would be held on the same day. It is anticipated that the regional concept would generate greater interest in our states for presidential candidates. Such interest should result in more extensive exposure of candidates to our voters.

The committee has recommended a meeting of representatives of interested regional states to examine the feasibility of regional primaries. If you would like to pursue consideration of this concept, either by correspondence or at a regional meeting, please let us hear from you. Address correspondence to: Mr. Billy Rowsey, Committee Staff, 305 State Capitol, Oklahoma City, Oklahoma 73105.

Sincerely,

Senator Bob R. Shatwell, Chairman
Elections and Privileges Committee

Representative Ross Duckett
Vice Chairman
Elections and Privileges Committee

yes
House

PROPOSED BILL NO. _____

By Special Committee on Elections

AN ACT amending Kansas administrative regulations 19-1-1, 19-1-10, 19-1-13, 19-4-1, 19-5-2, 19-5-5, 19-7-3, 19-7-8, 19-7-10, 19-7-16, 19-21-3, 19-23-1, 19-24-6, 19-27-2, 19-27-4, 19-51-1, 19-60-3, 19-61-1, relating to governmental ethics and campaign financing.

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

Section 1. Kansas administrative regulation 19-1-1, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-1-1. Definitions. Incorporated by reference are the definitions express or apparent in the relevant law. In addition, the following words mean:

(a) "Advisory opinion" means a formal opinion issued by the commission as provided by relevant law.

(b) "Chairman" means the chairman of the governmental ethics commission duly designated by the governor or, in the event of his absence, the vice-chairman or such other commissioner as may be designated by the remaining members of the commission.

(c) "Commission" means the governmental ethics commission created by relevant law, or as the context indicates, any lesser number of members.

(d) "Commissioner" means one of the duly appointed and qualified members of the commission.

(e) "Commission's attorney" means an attorney designated to assist the commission to carry out the provisions of relevant law.

(f) "Complainant" means any person filing a complaint alleging a violation of relevant law with the commission.

(g) "Complaint" means a written statement made under oath

Atch. VI

and filed with the commission alleging any violation of relevant law.

(h) "Executive director" means the executive director employed by the commission.

(i) "Formal record" means all the filings and submittals in a matter or proceeding, any notice or agency order initiating the matter or proceeding, and if a hearing is held, the following: the designation of the presiding member, transcript of hearing if one is kept, all exhibits received in evidence, all exhibits offered but not received in evidence, offers of proof, motions, stipulations, subpoenas, proofs of service, and determinations made by the commission thereon, certifications to the commission, and anything else upon which action of the presiding member or commission may be based; but not including any proposed testimony or exhibits or the work product of the commission or its staff not offered or received in evidence.

(j) "Hearing commissioners" means the commissioners designated by the chairman to conduct a pre-hearing, hearing or rehearing, or to proceed with any matter before the commission.

(k) "Party" means the complainant, respondent, and any other person authorized by the commission to intervene in any proceeding.

(l) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency unit, or subdivision.

~~(l)~~ (m) "Petitioner" means a person seeking relief, including advisory opinion, and not otherwise designated in this section.

~~(m)~~ (n) "Pleading" means any application, complaint, petition, answer, reply or other similar document filed with the commission.

~~(n)~~ (o) "Presiding member" means the chairman or any member of the commission, duly designated to preside at hearings or conferences or other proceedings.

~~(e)~~ (p) "Probable cause" means the presence of a reasonable ground for belief in the existence of the alleged facts of a violation of relevant law.

~~(p)~~ (q) "Relevant law" means K.S.A. ~~1975~~ 1977 Supp. 25-4101 et seq. and K.S.A. ~~1975~~ 1977 Supp. 46-215 et seq., including amendments and related supplemental legislation and rules and regulations relating thereto. In addition, in the context of requests for advisory opinions and related matters, "relevant law" shall include K.S.A. ~~1975 Supp.~~ 75-4301 et seq., including amendments and related supplemental legislation and rules and regulations relating thereto.

~~(q)~~ (r) "Respondent" means any person against whom a complaint has been filed alleging an unlawful practice within the meaning of relevant law.

~~(r)~~ (s) "Treasurer" means an acting treasurer duly appointed under relevant law, and the treasurer of record at any particular point in time irrespective of whether the individual still serves as such. Only individuals, as opposed to non-natural persons, may serve as treasurers.

Sec. 2. Kansas administrative regulation 19-1-10, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-1-10. Representation. (a) Appearance in person or by attorney. An individual may appear in the individual's own behalf. A member of a partnership may represent the partnership, a bona fide officer of a corporation, trust or association may represent the corporation, trust or association in presenting any matter to the commission. A person may be represented by an attorney who is a resident of Kansas and regularly admitted to practice before the supreme court of Kansas or may be represented by an attorney from another state, subject to the provisions of K.S.A. 1977 Supp. 7-104, and any amendments thereto.

(b) Contemptuous conduct: Contemptuous conduct at any hearing shall be ground for exclusion from such hearing.

Sec. 3. Kansas administrative regulation 19-1-13, as

adopted by the governmental ethics commission, is hereby amended to read as follows: 19-1-13. Alternative procedures. Upon finding in a specific proceeding that the just and expeditious determination of a matter requires simplification, alteration, or non-application of any or all of K.A.R. 19-1 to K.A.R. 19-8, inclusive, or the adoption of supplemental rules, the hearing commissioners may utilize such alternative procedures as are reasonable and necessary and consistent with the relevant law and which do not jeopardize the rights of any party. Except when alternative procedures are adopted at a prehearing conference, hearing or rehearing with all parties or their representatives present, notice of the adoption of alternative procedures shall be served on the parties. Any person aggrieved by the use of alternate procedures may appeal therefrom to the district court pursuant to K.S.A. 60-2101.

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resides

Sec. 4. Kansas administrative regulation 19-4-1, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-4-1. Campaign finance receipts and expenditures reports. (a) Failure to file. The executive director shall as soon as practicable serve notice on any treasurer who has failed to file a Receipts and Expenditures Report on the date the report was required to be filed by K.S.A. ~~1975~~ 1977 Supp. 25-4108. A copy of the notice shall be promptly transferred to the office of the secretary of state for inclusion in the public record of the person whom the treasurer represents. Any treasurer shall within five (5) days of the date of service file the required report with the office of the secretary of state.

(b) Material errors or omissions. (1) Notice. The executive director shall as soon as practicable serve notice on any treasurer whose Receipts and Expenditures Report required by K.S.A. ~~1975~~ 1977 Supp. 25-4108 contains material errors or omissions. A copy of the notice shall be promptly transferred to the office of the secretary of state for inclusion in the public record of the person whom the treasurer represents. Any treasurer shall within thirty (30) days of the date of service

file an amended report correcting the material errors or omissions with the office of the secretary of state. The executive director may serve additional notices on any treasurer concerning such reports, or amendments thereto. The procedures set out herein for original notices shall control the process in regard to additional notices.

(2) Request for hearing. Upon service of such notice, the treasurer may contact the executive director for guidance or clarification concerning the material error or omission. If substantial issues remain unresolved after any such conference, the treasurer may within ten (10) days of the date of service request a hearing before the commission concerning the material errors or omissions. Any such hearing shall be conducted pursuant to K.A.R. 19-7 to the extent that section is applicable and within the thirty (30) day period for filing the amended report unless a continuance is granted by the hearing commissioners or presiding member. Notice of the date of hearing shall be served on the treasurer. ~~The determination of the hearing commissioners shall be final.~~ Failure ~~to request such hearing or failure~~ to attend the hearing without just cause shall constitute an admission of the validity of the determination of material errors or omissions.

(c) Compliance. The executive director may, upon the filing by a treasurer of a report as required by this article, notify the office of the secretary of state that the treasurer has complied with the requirements of any notice served upon the treasurer. Such notice shall be included in the public record of the person whom the treasurer represents. This notice shall not be construed as affecting any matter other than the matter to which it is addressed.

Sec. 5. Kansas administrative regulation 19-5-2, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-5-2. Forms, contents and time. The complaint shall be in writing on a form obtained at the commission office. The original complaint must be signed and verified before a

notary public or other person duly authorized by law to take acknowledgments. A complaint shall contain the full name and address of the complainant and the full name and address of the respondent. The complaint shall also contain simple and concise statements of the facts or information and belief on which the allegation of a violation is based, including where known the date and place of occurrences that are described and names of the participants and the section or sections of law which are alleged to have been violated. Except for complaints filed by any member or employee of the commission, a complaint must be filed within ~~two--years~~ one year after the date of occurrence of the alleged, unlawful action, ~~unless the commission finds that for good--cause an extension of time should be granted;~~ complaints filed by any member or employee of the commission must be filed within two years of such date, (unless the commission finds that for good cause an extension of time should be granted.) 15
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Sec. 6. Kansas administrative regulation 19-5-5, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-5-5. Respondent's review of evidence. After a verified complaint has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint, including the transcript of the probable cause determination, if any; ~~provided however, that those matters which do not constitute evidence, including the work product of the commission or its staff,~~ except that matters which are privileged under law need not be provided to the respondent.

Sec. 7. Kansas administrative regulation 19-7-3, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-7-3. Pre-hearing conference. (a) General. In order to facilitate the hearing procedure, conferences may be held between the parties with the approval or at the direction of and before the presiding member as time and the nature of the proceeding permit. At any such conference, the following may be considered:

(1) The simplification of the issues.

(2) The exchange and acceptance of service of exhibits proposed to be offered into evidence.

(3) The obtaining of admission as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.

~~(4) -- The limitation of the number of witnesses.~~

~~(5)~~ (4) The discovery or production of evidence.

~~(6)~~ (5) Such other matters as may properly be dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

Failure, without just cause, of a participant to attend such conference, after being served with due notice of the time and place thereof, shall constitute a waiver of all objections to the agreements reached, if any, and any order or ruling made at the pre-hearing conference.

(b) Authority of presiding member. The presiding member at any conference may dispose of by ruling, irrespective of the consent of the parties, any procedural matters which the presiding member is authorized to rule upon during the course of the proceeding, and which it appears may appropriately and usefully be disposed of at that stage. The rulings of the presiding member made at such conference shall control the subsequent course of the hearing, unless modified by the hearing commissioners.

(c) Refusal to make admissions or stipulate. If a party attending a conference convened pursuant to these rules refuses to admit or stipulate to the genuineness of any documents or the truth of any matters of fact and if the party requesting the admissions or stipulations thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the commission for an order requiring the other party to pay the reasonable expenses incurred in making such proof, including reasonable attorney's fees. Unless the hearing commissioners find that there were good reasons for the refusal

to admit or stipulate or that the admissions or stipulations sought were not of substantial importance, the order shall be made.

Sec. 8. Kansas administrative regulation 19-7-8, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-7-8. Evidence. In any proceeding before the hearing commissioners or a presiding member, relevant and material evidence shall be admissible, but there shall be excluded such evidence as is unduly repetitious or cumulative, or such evidence as is not of any probative value. The presiding member shall rule on the admissibility of all evidence, and shall otherwise control the reception of evidence so as to confine it to the issues in the proceeding. The production of further evidence upon any issue may be ordered. Direct testimony of any witness may be offered as an exhibit, or as prepared written testimony to be copied into the transcript. Cross examination of the witness presenting such written testimony or exhibit shall proceed at the hearing at which such testimony or exhibit is authenticated. ~~Whenever--in--the--circumstances--of--a--particular case--it--is--deemed--necessary--or--desirable,---the---hearing commissioners--or--the--presiding member may direct that testimony to be given upon direct examination shall be reduced to exhibit form or to the form of prepared written testimony.~~

Sec. 9. Kansas administrative regulation 19-7-10, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-7-10. Recording and transcript. (a) Recording of proceedings. Public hearings and executive sessions shall be recorded as directed by the commission. Such record shall be the sole official record of the hearing. Such recording and any transcripts therefrom shall include a verbatim report of the hearings and nothing shall be omitted therefrom, except ~~as is directed by the presiding member or hearing commissioners or by the commission~~ that the commission may omit extraneous matters not relevant to the hearing.

(b) Copies. Parties desiring copies of a public portion of

the record or such portion of the record from an executive session as the commission may specifically allow to a party relative to that party's participation in the executive session or consistent with K.A.R. 19-5-5, and consistent with the confidentiality requirement of relevant law, may obtain such copies from the official reporter upon payment of the reporter's fees or as allowed by the commission upon payment of the appropriate fee.

Sec. 10. Kansas administrative regulation 19-7-16, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-7-16. Rehearing. (a) General. Any party alleging any error in the original proceedings or report ~~shall~~ may request a rehearing. An application for rehearing shall be filed with the commission at its office within ten (10) days after service of a commission report. Such application shall be made by motion, stating specifically the grounds relied on. A copy of such application shall be served on all parties in conformity with the service provisions of these rules, by the party making such application. An application for rehearing shall contain: (1) the docket number of the case for which such application is being made; (2) the name of the party making such application; and (3) such application shall state concisely and specifically the alleged errors in the report or proceedings of the commission. If a report is sought to be vacated, reversed, or modified by reason of matters which have arisen since the hearing and decision, the matters relied upon shall be identified in the application.

(b) Granting an application for rehearing. ~~If~~ When the commission grants or denies an application for rehearing, it shall so notify the parties in writing. The date an application for rehearing is granted shall be the date on which the commission makes such decision. The rehearing shall follow the same procedural rules as a hearing, except to the extent otherwise directed by the commission or a presiding member.

(c) Effect of failure to allege specific error. Failure to

request a rehearing on specific allegation of error and provide the reasons therefore shall constitute a waiver of all objection to any matters not specifically alleged as error.

Sec. 11. Kansas administrative regulation 19-21-3, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-21-3. Political committees. (a) General. A "political committee" is any combination of two or more individuals or any person other than an individual, a major purpose of which is to support or oppose the nomination or election of any candidate for state office, but not including any candidate committee or party committee. A major purpose of any such combination or person other than an individual is to support or oppose the nomination or election of any candidate for state office if any one of its purposes, or by cumulative effect more than one of its purposes, is considerable in degree and is directed at attaining that end. The following factors among others will be considered in determining whether such combination or person other than an individual constitutes a political committee:

(1) The intent of the combination or person;

(2) The amount of time devoted to the support or opposition of one or more candidates for state office;

(3) The amount of time devoted to the support or opposition of any other political committee or party committee;

(4) The amount of contributions (as that term is defined by the Act) made to any candidate, candidate committee, party committee or political committee;

(5) The amount of expenditures (as that term is defined by the Act) made on behalf of any candidate, candidate committee, party committee or political committee; or

(6) The importance to any candidate, candidate committee, party committee or political committee of the activities in which the combination or person engage.

(b) Structure and filing statement of organization. Each political committee which anticipates receiving contributions or

making expenditures must appoint one chairperson and one treasurer for the purposes of the Act. A political committee structured similar to a payroll deduction plan will be presumed not to be anticipating receiving contributions or making expenditures if it meets all of the following tests:

(1) The decision to make contributions to the fund by the individual employee is strictly voluntary;

(2) The employee alone determines to whom his or her portion of the fund shall be distributed;

(3) Any contribution made by the employee is made and transferred in his or her name only; and

(4) The recipient candidate or committee is not made aware by the employer or his agents that the contribution was made as a part of any such fund or employer related activity.

A political committee may appoint such other officers as it desires including co-chairpersons. The chairperson designated as such for the purpose of the Act shall make and file with the secretary of state on forms prescribed and provided by the commission a statement of organization not later than ten (10) days after establishment of such committee. In addition, any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than ten (10) days following the change.

(c) Content of statement of organization. (1) General.

The statement of organization shall include: (i) the name and address of the committee; (ii) the names and addresses of the chairperson and the treasurer of the committee; and (iii) the names and addresses of affiliated or connected organizations.

(2) Affiliated or connected organizations. An organization is affiliated or connected with a reporting political committee if it is: (i) an organization or group which founded or maintains the reporting committee with a major purpose of influencing the nomination or election of a candidate or candidates to state office; (ii) an organization or group which

has as a major purpose the supporting of a reporting committee or committees; (iii) an organization or group whose membership is generally composed of the same individuals as the reporting committee where the reporting committee advances the political goals of the organization either directly or indirectly on behalf of the organization; or (iv) an organization or group, whether or not a reporting committee, which is substantially controlled directly or indirectly by a reporting committee or committees or the controlling persons thereof. In addition, an organization or group controlling an affiliated or connected organization is likewise an affiliated or connected organization of the group or organization which it controls.

(3) Exceptions. In the situation where a state-wide union or professional or trade association is considered to be an affiliated or connected organization of a particular political committee under any of the above tests, local units of such unions or associations shall be presumed not to be affiliated or connected organizations of the political committee so long as the state-wide entity is reported as such.

~~Example 1: A union or corporation or the officers thereof have formed a political action committee. The union or corporation constitutes an affiliated or connected organization and must be listed as such.~~

~~Example 2: A group of individuals have formed political committee A. The same persons indirectly control political committee B by means of employment of the officers thereof in a business or otherwise. A must list B as an affiliated or connected organization. In addition, B must list A as an affiliated or connected organization.~~

Sec. 12. Kansas administrative regulation 19-23-1, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-23-1. Expenditures. (a) General. An "expenditure" is any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value or

contract therefore made for the purpose of influencing the nomination or election of any individual to state office. The carryover of funds or inventory by a candidate, candidate committee, party committee or political committee from one election period to another or the transfer thereof to a bona fide successor's committee or candidacy does not constitute an expenditure. In addition, expenditure does not include costs which are directly related to any communication by an incumbent elected state officer with one or more of the incumbent's constituents unless the primary purpose of such direct costs is to influence the nomination or election of the candidate. In addition, those indirect costs which facilitate such communications and are insubstantial in value per person are within the exclusion unless the primary purpose of such indirect costs is to influence the nomination or election of the candidate. Costs which relate to communications occurring 45 days or more after adjournment sine die of the legislature in an election year when the elected state officer is seeking office are presumed to be for the primary purpose of influencing the candidate's election. Costs related to a response by an incumbent official to inquiries from the public concerning any official matter before the incumbent do not fall within this presumption.

~~Example-1:--Incumbent-legislator-A-holds-a-meeting-during--a legislative-session;--the-primary-purpose-of-which-is-to-report-to A's--constituents--on--the-progress-of-bills-of-interest-to-them. At-the-meeting-A--incurs--costs--of--producing--and--distributing written--material--concerning--the--issues--to--be-discussed.--In addition;--A-provides-coffee-at-the-meeting.--The-costs--associated with--producing--and--distributing--the-written-material-are-direct costs-which-are-excluded-from-the-definition-of-expenditure.--The provision-of-coffee-is-an-indirect-cost-which-is-insubstantial-in value-per-person-and-therefore-also-excluded-from-the-definition of-expenditure.~~

~~Example-2:--Incumbent-legislator-B-sends-a-newsletter-to-his~~

~~or her constituents 60 days after adjournment sine die of the legislature in a year when B is seeking reelection. The costs associated with the newsletter are presumed to be expenditures under the Act.~~

(b) Transfer of funds. Except as provided in subsection (a), the transfer of funds between any two or more candidates, candidate committees, party ~~committee~~ committees or political committees constitutes an expenditure made by the transferor, provided however that a transfer from one candidate or candidate committee to another and different candidate or candidate committee, or political committee or party committee, does not constitute an expenditure by the transferor when the funds thus transferred are not used for the transferor's benefit.

~~Example: Candidate A directs his or her treasurer to transfer \$200 to candidate B. The funds thus transferred are to be used entirely for B's campaign. A's treasurer has not made an expenditure. B has, however, received a contribution. (See K.A.R. 19-22-1(b) on the contribution issue; also see K.A.R. 19-23-2 concerning the treatment of the transfer as an other disbursement.)~~

(c) Filing fees. The payment of a candidate's filing fee constitutes an expenditure.

(d) Meeting the requirements of the Act. Costs associated with attending informational meetings of the commission or otherwise obtaining information from the commission do not constitute expenditures. In addition, costs associated with defending actions brought pursuant to the Act do not constitute expenditures. Costs associated with employing accountants, attorneys or other persons for advice concerning the requirements of the Act or to keep accounts and records do, however, constitute expenditures.

(e) Treasurer's payment of certain costs. The payment by the treasurer of a candidate or a candidate committee of costs incurred for the personal meals, lodging and travel by personal automobile of the candidate or the candidate's spouse does not

constitute an expenditure.

~~Example:---Candidate-A's-treasurer-pays-from-the-campaign funds-for-the-cost-of-A's-campaign-trip.---The-costs-include-those associated-with-the-use-by-A-of-his-or-her-personal-automobile and-meals---and-lodging.---The-treasurer's-payments-do-not constitute-expenditures.---(See-K.A.R.-19-23-2-for-the-treatment of-such-payments-as-other-disbursements.)~~

(f) In-kind contributions. An in-kind contribution constitutes an expenditure. Those transactions which are excluded from the definitions of in-kind contributions are likewise excluded from the definition of expenditure. (See K.A.R. 19-24 for the definition of in-kind contribution.)

Sec. 13. Kansas administrative regulation 19-24-6, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-24-6. General overhead and other costs.

(a) Party committees. Expenditures by a party committee for its own general overhead, salaries and supplies do not constitute reportable in-kind contributions to the candidates of the party. Other expenditures by a party committee which are intended to accrue to the equal benefit of its candidates do not constitute reportable in-kind contributions. In addition, costs associated with the provision of campaign materials and general advice by a party committee to its candidates do not constitute reportable in-kind contributions to the recipient except to the extent the materials are prepared for a specific candidate or the advice is of a specialized nature and the value thereof exceeds fifty dollars--(~~\$50~~) one hundred dollars (\$100) in any allocable election period.

~~Example:---Party-committee-A-employs-a-political-consulting firm--to-draft-and-produce-a-pamphlet-concerning-campaign techniques-to-be-distributed-to-all-of-its-candidates.---In addition,--the-party-committee-directs-the-firm-to-provide-special assistance-to-candidate-B-and-pays-for-these-services.---The-costs of--the--pamphlet--do-not-constitute-in-kind-contributions-to-the party's-candidates.---The-specialized-advice-to-candidate--B--does~~

~~constitute a reportable in-kind contribution to B to the extent it exceeds \$50 in value in any allocable election period.~~

(b) Affiliated or connected organizations of political committees. Expenditures by an affiliated organization of a political committee for the provision of office space to a political committee do not constitute reportable in-kind contributions to the political committee. The treasurer of a political committee shall, however, briefly describe on the committee's receipts and expenditures reports the nature and location of such office space. Costs associated with the provision of supervisory personnel, clerical or secretarial assistance do constitute reportable in-kind contributions to the extent the costs exceed a value of ~~fifty dollars (\$50)~~ one hundred dollars (\$100) during an allocable election period. Where the supervisory personnel, clerks or secretaries volunteer their time and are not reimbursed therefore, no in-kind contribution exists. In addition, the provision of office supplies and telephone services by an affiliated organization to its political committee do constitute reportable in-kind contributions but only to the extent the value thereof exceeds ~~fifty dollars (\$50)~~ one hundred dollars (\$100) during an allocable election period.

Sec. 14. Kansas administrative regulation 19-27-2, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-27-2. Contributions and other receipts.

(a) Detailed record of contributions. Each treasurer shall keep an account of all contributions, including in-kind contributions, by individual contributors in alphabetical order, and shall keep a record of:

(1) The full name of an individual making the contribution and the full address of his or her principal place of residence, unless the contribution comes under the provisions of K.S.A. 1975 1977 Supp. 25-4113;

(2) The full name and mailing address of a person, other than an individual;

(3) A description indicating whether the contribution was "cash" or "check" and whether it is a loan including information on the rate of interest and the guarantor and endorser, if any, or an in-kind contribution with a description thereof;

(4) The date received;

(5) The amount of the individual contribution; and

(6) The cumulative amount given by the individual contributor which is allocable to a particular primary election period or general election period as set out in K.A.R. 19-28.

(b) Detailed record of other receipts. Each treasurer shall keep an account of all other receipts, and, except in the case of receipts from the bona fide sale of political material, or the sale of tickets or admissions to fund raising events other than testimonial events in the amount of ~~\$3~~ \$5 or less, shall keep a record of:

(1) The full name of an individual making the payment and the full address of his or her principal place of residence;

(2) The full name and mailing address of a person, other than an individual;

(3) A description of the receipt reflecting whether it is a rebate, refund, or other miscellaneous receipt with a description thereof;

(4) The date received; and

(5) The amount of the receipt.

~~(c) Photocopies of checks. Each treasurer shall photocopy each contribution (or "other receipt") check, money order, or similar instrument in an amount of \$25 or more and shall keep all deposit slips with the photocopies of the checks to which they relate. In the alternative, each treasurer shall, at the request of the commission, arrange with a depository or other person to provide the commission with such photocopies at the treasurer's expense. In addition, when necessary each treasurer shall arrange with his or her depository to permit the commission access to the depository's records of any contribution (or "other receipt") check, money order or similar instrument at the~~

~~treasurer's expense.~~

~~(d)~~ (c) Receipts for cash and in-kind contributions. Cash contributions and other cash receipts in an amount of \$25 or more and all in-kind contributions shall be accounted for by written receipt, the original of which shall be kept by the treasurer. Such receipts shall include the full name and address as required in subsections (a) and (b) of this section of the person making the contribution or payment, the date and the amount. Each receipt shall be signed by the contributor or payer and the treasurer or the treasurer's agent. If the contribution is an in-kind contribution, a complete description shall be attached to the receipt.

~~(e)~~ (d) Payroll and dues plans. All treasurers of committees that maintain a payroll deduction, dues checkoff or comparable system for political contributions shall keep sufficient supporting documentation to fully substantiate each contribution or transfer to the committee.

Sec. 15. Kansas administrative regulation 19-27-4, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-27-4. Maintenance, preservation and inspection. (a) Maintenance. All accounts and records shall be kept current within a reasonable time of the receipt of a contribution or other receipt or the making of an expenditure of other disbursement by the treasurer except that all accounts and records shall be current as of the end of a reporting period. In addition, upon written notice by the commission, all accounts and records shall be made current up to and including the date set out therein.

(b) Preservation. All accounts and records required to be made and kept by this article (and all other accounts and records as a treasurer makes in the course of his or her official duties as a treasurer) shall be preserved for a period of six (6) years from the date the account or record is first kept by the treasurer in the case of party committees, political committees and candidates for offices with four year terms and shall be

preserved for a period of four (4) years from the date the account or record is first kept by the treasurer in the case of candidates for offices with two (2) year terms. An individual who vacates the position of treasurer by reason of removal or resignation shall verify the accuracy of his or her accounts and records to the succeeding treasurer on forms prescribed and provided by the commission. Upon the dissolution of a committee or the position of a candidate's treasurer, the last treasurer of record is responsible for the preservation of the required accounts and records.

(c) Inspection. The commission may inspect a treasurer's accounts and records at any reasonable time and place.

Sec. 16. Kansas administrative regulation 19-51-1, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-51-1. Who must file, when and where. Except as provided in subsection (e), whenever any one of the following provisions is applicable, the public officer or employee or candidate therefore, shall file a disclosure of substantial interests statement by the time and at the place set out below on forms prescribed by the commission and provided by the secretary of state.

(a) Every candidate for elective public office, except candidates for state office as defined by K.S.A. ~~1975~~ 1977 Supp. 25-2505, shall file this statement at the time and place of filing his or her declaration of candidacy or at the time of his or her appointment as a candidate.

(b) Every person appointed to fill a vacancy in any elected public office as described above shall file this statement within thirty (30) days after taking office in the office where his or her predecessor filed his or her declaration of candidacy.

(c) Every public officer or employee who has not filed this statement and who, while acting in such capacity, shall pass upon any matter which will affect any business in which he or she holds a substantial interest, shall file this statement or one of a similar nature before acting upon such matter. In such cases

the statement is filed with the county clerk of the county in which all or the largest geographical part of the municipal or quasi-municipal entity on which he or she serves is located. Any person filing under this requirement need only disclose the nature of the particular substantial interest held in the business which will be affected by the contemplated official act and the manner in which it will or might be affected, but need not disclose unrelated substantial interests. Additionally, note that K.S.A. ~~1975-Supp.~~ 75-4304 prohibits participating in one's official capacity in the making of contracts with any business in which one holds a substantial interest or by which one is employed regardless of whether this statement is filed.

(d) Whenever any change shall occur in the substantial interest of any person required to file this form, a supplemental report disclosing such change must be filed within ten (10) days of the change in the same office as the initial filing.

(e) Exceptions. The following individuals are not required to file the disclosure of substantial interests statement required by this section:

(1) any individual who is a state officer or employee by definition of K.S.A. ~~1975~~ 1977 Supp. 46-221 and is not otherwise a public officer or public employee;

(2) any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch;

(3) any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch; or

(4) any appointed member of a state advisory council, commission or board who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. ~~1975-Supp.~~ 75-3223 and amendments thereto, when such member is engaged in performing a

function or duty for such council, commission or board.

Sec. 17. Kansas administrative regulation 19-60-3, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-60-3. Definitions. Incorporated herein by reference are the definitions express or apparent contained in the Act. In addition, the following words and phrases mean: (a) Bona fide personal or business entertaining or gifts. "Bona fide personal or business entertaining or gifts" means entertainment or gifts provided to state officers or employees or their spouses which are based solely on a business or personal relationship totally unrelated to the state officer or employee's duties as such. The following factors, among others, will be taken into consideration in determining whether a specific entertainment or gift falls within this definition:

(1) The intent of the parties.

(2) The length of time a business or personal relationship has existed.

(3) The topics of discussion.

(4) The setting.

(5) The persons attending.

(6) Whether the person providing the entertainment or gift is reimbursed by an organization which engages in lobbying.

(7) Whether the person providing the entertainment or gift, or his or her principal, deducts or could deduct the expenditures as lobbying expenditures.

~~Example-1:-Individual-A-is-a-member-of-a-special-interest association.-A-takes-state-officer-B-to-dinner-and-is-reimbursed by-the-special-interest-association.-Even-if-A-and-B-are long-time-personal-friends,-the-provision-of-dinner-in-this manner-does-not-constitute-bona-fide-personal-or-business entertaining.~~

~~Example-2:-Individual-A-is-a-member-of-a-special-interest association-and-has-been-a-lifetime-friend-of-state-officer-B.-A and-B-and-their-families-have-exchanged-birthday-gifts-of-minimal value-for-several-years.-A-purchases-a-gift-from-A's-own-funds~~

~~and transfers the gift to B at a birthday party held by the two families. A's gift constitutes a bona fide personal gift.~~

~~Example 3. Individual A is a member of a special interest association and owns business B. State officer C owns business D which contracts with business B in the ordinary course of business. A sends C a small gift which is the same type of gift given to all of business B's customers. A's gift constitutes a bona fide business gift.~~

(b) Employer. "Employer" means a person who employs another person in considerable degree for lobbying, or who formally appoints a person as the primary representative of an organization or other persons to lobby in person on state-owned or leased property, or on whose behalf a person otherwise registers or is required to register as a lobbyist. If a lobbyist has more than one employer those provisions of K.A.R. 19-60 to 19-63, inclusive, which relate to employers shall apply independently to each of the lobbyist's employers.

(c) Expenditure. (1) Defined. "Expenditure" means the payment or contract therefore (i) for the provision of hospitality in the form of food and beverage to any state officer and employee or spouse, except bona fide personal or business entertaining; (ii) for the giving of any gift, honoraria or payment to any state officer or employee or spouse, except bona fide personal or business gifts, honoraria or payments; (iii) ~~directly related to the production and communication of lobbying information to any state officer or employee by any person other than an individual~~ or (iv) directly related to the production and communication of mass media communications, ~~letter writing campaigns and similar transactions~~ which explicitly promote or oppose a clearly identified legislative matter, rule and regulation or case and urges or requests the recipient to communicate directly with state officers or employees in regard thereto.

(2) Allocation. A person makes an expenditure if the person does so directly or if another person does so on the

person's behalf. In addition, in the case of membership organizations, associations, or similar entities, the entity is deemed to make any "expenditure" associated with membership events when the entity plays an integral role in initiating, planning, or operating such membership events.

(3) Exceptions. "Expenditure" does not include a payment or contract therefore (i) for the preparation of proposals, position papers and similar documents, (ii) to employ another to lobby on one's behalf, (iii) for personal travel and subsistence of an individual engaged in lobbying, (iv) which is reported in compliance with the campaign finance act, (v) associated with any news story, commentary, or editorial distributed in the ordinary course of business by a broadcasting station, newspaper or other periodical publication, or (vi) of contributions to membership organizations, associations or similar entities where the funds are used to make expenditures attributable to the entity or its representatives or (vii) of costs associated with internal organizational communications of business, labor or professional organizations.

~~Example 1: Lobbyist A and his spouse take state officer B and his or her spouse to dinner as part of A's lobbying program. Only that portion of the total bill for the food and beverage which is associated with the meals of B and his or her spouse constitute expenditures. In other words, the costs of A's meal and that of A's spouse do not constitute expenditures.~~

~~Example 2: Members of a special interest association held a banquet and invite selected state officers and employees to attend as guests. Each member pays for his or her own meal as well as a state officer or employee for whom they are serving as host. The association initiates the planning for the event, sets the date the event is to be held and its authorized agents attend the event. The "expenditures" associated with the event are deemed to be made by the special interest association and are not attributable to each member.~~

~~Example 3: An organization wishing to convey its views on a~~

legislative matter to legislators incurs several costs for research, compilation of data, and drafting of a legislative proposal. These costs do not constitute "expenditures" since they involve the preparation of proposals. When the preparation is completed the organization incurs the costs for mass production and distribution of the proposal. These costs do constitute "expenditures".

(d) Gift. (1) Defined: "Gift" means the transfer of money or anything of value unless legal consideration of a reasonably equal or greater value is received in return. The value of a gift shall be the fair market value or a reasonable estimate thereof. Where a transfer is made for less than reasonable consideration, the amount by which the value of the transfer exceeds the value of the consideration shall be deemed a gift.

(2) Exceptions. "Gift" does not include (i) the provision of hospitality in the form of food and beverage, (ii) any bona fide personal or business gift or entertainment, or (iii) any contribution reported in compliance with the campaign finance act.

Example 1: Lobbyist A, as part of A's employer's lobbying program, takes state officer B to dinner and to a football game. The value of the ticket to the football game constitutes a gift. The value of the food and beverage does not constitute a gift. (See, however, K.A.R. 12-60-3(e) for the inclusion of the costs of the state officer or employee's meals as an expenditure.)

Example 2: Lobbyist A, as part of A's employer's lobbying program, provides state officer B with hotel accommodations and travel to a seminar held by the employer. B does not provide a bona fide service at the seminar. A has made a gift in the value of the accommodations and travel.

(e) Hospitality. "Hospitality in the form of food and beverage" means the provision and consummation of food and beverage in the company of the donor or the donor's authorized agent. The provision of food and beverage in any other manner constitutes a gift. In addition, the provision of food and

beverage which is conditioned on a course of official action constitutes a gift for the purposes of these rules and regulations.

Sec. 18. Kansas administrative regulation 19-61-1, as adopted by the governmental ethics commission, is hereby amended to read as follows: 19-61-1. Legislative matters. (a) General. Promoting or opposing in any manner action or non-action by the legislature on any legislative matter constitutes lobbying. Legislative matters include any bills, resolutions, nominations, or other issues or proposals pending before the legislature or any committee, subcommittee, or council thereof. An issue or proposal is pending before any such body if it is being directly considered by such body, if it has been communicated to such body or a member thereof even if not directly considered by it, or if it is an issue subject to continuing review by any such body. ~~Any communication which is intended to advocate action or non-action by the legislature on a legislative matter, including communications with other persons with the intent that such persons communicate with legislators in regard thereto constitutes lobbying.~~ The provision of entertainment or gifts to any state officer or employee involved in the action or non-action by the legislature on any legislative matter, except those provided as bona fide personal or business entertainment or gifts, constitutes lobbying. (The fact that a particular activity constitutes "lobbying" does not necessarily mean that an individual must register as a lobbyist. See K.A.R. 19-62 on the issue of registration.)

~~Example: Individual A represents a special interest association which is concerned with maintaining in their present form certain laws which relate to the association. The laws are subject to continuing review by a committee of the legislature, although the committee is not currently considering the laws of interest to the association. Individual A communicates to a legislator on the committee the association's concern that the laws in question remain unchanged. A has engaged in lobbying.~~

~~Example 2:-- Individual A is employed by a special interest association and wishes to make the association's viewpoint known to the legislature in regard to a bill pending before the legislature. In the form of a newsletter, A sends to several private citizens the association's views and requests the recipients to contact their legislators to express those views. A has engaged in lobbying.~~

(b) Exceptions. The communication of factual material which is not intended to promote or oppose action or non-action on a legislative matter and which is not accompanied by active advocacy does not constitute lobbying. In addition, the preparation of legislative proposals or recommendations or merely monitoring the legislative process does not constitute lobbying.

~~Example 1:-- Individual A is an expert in a technical field which is being studied by a legislative committee. A is asked by the committee to provide it technical information and A provides the information not intending to promote or oppose any particular view. A has not engaged in lobbying.~~

~~Example 2:-- A special interest association has one of its employees monitor the activities of a legislative committee. The employee merely takes notes and reports back to the employer. Neither the employer or employee have engaged in lobbying.~~

Sec. 19. Kansas administrative regulations 19-1-1, 19-1-10, 19-1-13, 19-4-1, 19-5-2, 19-5-5, 19-7-3, 19-7-8, 19-7-10, 19-7-16, 19-21-3, 19-23-1, 19-24-6, 19-27-2, 19-27-4, 19-51-1, 19-60-3 and 19-61-1 are hereby revoked.

Sec. 20. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSED BILL NO. _____

By Special Committee on Elections

AN ACT concerning ethical conduct of certain persons in relation to state government; amending K.S.A. 1977 Supp. 46-221, 46-222, 46-229, 46-230, 46-233, 46-234, 46-239, 46-240, 46-247 to 46-251, inclusive, 46-259, 46-265, 46-266, 46-268, 46-269, 46-270, 46-272, 46-273 and 46-275 and repealing the existing sections.

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

Section 1. K.S.A. 1977 Supp. 46-221 is hereby amended to read as follows: 46-221. (a) "State officer or employee" means (1) any individual who is an elected or appointed state officer, (2) any individual who is in the classified service, unclassified service or classified exempt service of the Kansas civil service act, (3) all officers and employees of the legislative branch and of the governor's office, irrespective of how compensated or period of employment, and (4) any individual who receives monthly or semimonthly compensation for services from the state or any state agency, (5) any attorney who serves as counsel for any state agency and (6) any justice or commissioner of the supreme court or any judge, officer or employee of the judicial branch all or any part of whose salary is payable by the state. State officer or employee does not include any ~~justice or commissioner of the supreme court or~~ judge, ~~officer or employee of the~~ judicial branch ~~or employee or officer of the judicial branch or any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch when such person is engaged in performing a function or duty for the~~ judicial branch whose total salary is payable by one or more counties. Also, state officer or employee does not include any

appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. ~~1975--Supp.~~ 75-3223 and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

(b) "Candidate for state office" means a candidate for nomination or election to any state office as defined in K.S.A. ~~1975~~ 1977 Supp. 25-2505 and amendments thereto, except district magistrate judges.

Sec. 2. K.S.A. 1977 Supp. 46-222 is hereby amended to read as follows: 46-222. (a) "Lobbyist" means (1) any person employed in considerable degree for lobbying; (2) any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property; or (3) any person who makes expenditures in an aggregate amount of ~~one--hundred--dollars--(\$100)~~ two hundred dollars (\$200) or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying.

(b) Lobbyist shall not include: (1) any state officer or employee engaged in carrying out the duties of his or her office; (2) the employer of a lobbyist, if such lobbyist has registered the name and address of such employer under K.S.A. ~~1975~~ 1977 Supp. 46-265; (3) any nonprofit organization which has qualified under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1954, as amended, which is interstate in its operations and of which a primary purpose is the non-partisan analysis, study or research of legislative procedures or practices and the dissemination of the results thereof to the public, irrespective of whether such organization may recommend a course of action as a result of such analysis, study or research; ~~(4) any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise~~

~~duties-pertaining-to-functions-of-the-judicial-branch,-when--such~~
~~person--is--engaged--in--performing--a--function--or--duty--for--the~~
~~judicial-branch;~~ or ~~(5)~~ (4) any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. ~~1975-Supp.~~ 75-3223 and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

Sec. 3. K.S.A. 1977 Supp. 46-229 is hereby amended to read as follows: 46-229. "Substantial interest" means any of the following: (a) The ownership by an individual or spouse, either individually or collectively of a legal or equitable interest exceeding five thousand dollars (\$5,000) or five percent (5%) of any business, whichever is less.

(b) The receipt in the preceding ~~calendar-year~~ twelve-month period by an individual or spouse individually or collectively of compensation which is or will be required to be included as taxable income on Kansas income tax returns of such individual and spouse in an aggregate amount of one thousand dollars (\$1,000) from any business or combination of businesses.

(c) The receipt in the preceding ~~calendar-year~~ twelve-month period by an individual of gifts or honoraria having an aggregate value of five hundred dollars (\$500) or more from any person other than a relative of such individual.

(d) The holding of the position of officer or director of any business, irrespective of the amount of compensation received by the individual holding any such position.

(e) If an individual's compensation is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, such individual has a substantial interest in any client or customer who pays fees or commissions to such business or combination of businesses from which fees or commissions such individual received an aggregate of one thousand dollars (\$1,000) or more in the preceding ~~calendar--year~~

twelve-month period.

Sec. 4. K.S.A. 1977 Supp. 46-230 is hereby amended to read as follows: 46-230. "Business" means:

(a) Any corporation, association, partnership, proprietorship, trust, joint venture, ~~and every~~ or other business interest, including ownership or use of land for income; or

(b) the state or any political subdivision of the state, or any agency or authority thereof.

Sec. 5. K.S.A. 1977 Supp. 46-233 is hereby amended to read as follows: 46-233. (a) No state officer or employee shall in his or her capacity as such officer or employee participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contract and is employed by or has a substantial interest in such person or business.

Whenever any individual has, within the preceding two (2) years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one (1) year following termination of employment as a state officer or employee.

~~(b) No individual shall, while a legislator or within one (1) year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 1975 Supp. 46-239.~~

~~(b)~~ (b) No individual, while a legislator or within one (1) year after the expiration of a term as a legislator, shall as a

litigant or by representing any person in a court proceeding attack any legislative action taken or enactment made during any term such individual served as a legislator as being unconstitutional because of error in the legislative process with respect to such action or enactment.

~~(d)~~ (c) ~~Subsections~~ Subsection (a) ~~and (b)~~ shall not pply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) Contracts for property or services for which the price or rate is fixed by law.

Sec. 6. K.S.A. 1977 Supp. 46-234 is hereby amended to read as follows: 46-234. (a) No elected state officer shall receive, within one (1) year after the expiration of his such officer's last term receive, any civil appointment to a state office which was created by law during the--last such term for which such person had been elected, and all such appointments and for which compensation, other than amounts provided for by K.S.A. 75-3223 and amendments thereto, is provided. Any such appointment shall be void.

(b) Upon resignation by an elected state officer, such person may be appointed to any elective state office to fill a vacancy.

Sec. 7. K.S.A. 1977 Supp. 46-239 is hereby amended to read as follows: 46-239. (a) Except for representation of a client involving a claim pursuant to the workmen's compensation act or employment security law by an attorney other than an employee of the department of human resources, no state officer or employee shall accept employment in any representation case, unless such officer or employee has properly filed the disclosure statement prescribed by this section.

(b) Any state officer or employee who is employed in any representation case for which a disclosure statement is required to be filed pursuant to subsection (a) shall file, not later than ten (10) days after the acceptance of employment for such case or

on the first appearance before the state agency involved. (whichever occurs first), ^{by the Commission} file on a form prescribed and provided ^{and distributed by said State} ~~by the commission,~~ a disclosure statement as provided in this section. Any individual, while a legislator or within one (1) year after the expiration of a term as a legislator, who ~~contracts--to--perform--any--service--for--a--state--agency--other--than--the--legislature~~ is interested pecuniarily, either directly or indirectly, in any contract with the state, shall file not later than ten (10) days after ~~the--acceptance--of--such--contract,~~ formal negotiations for such contract commence, a disclosure statement as provided in this section.

(c) The disclosure statement required by this section shall be filed with the secretary of state in all cases. Any individual who files a statement may file an amended statement ~~for, if permitted by the secretary of state, amend the original filing~~ at any time after the statement is originally filed. Copies of each such statement shall forthwith upon filing be transmitted by the secretary of state to (1) in the case of members of the house of representatives, the chief clerk of the house of representatives, or (2) in the case of senators, the secretary of the senate. In addition to the foregoing, a copy of every disclosure statement shall be transmitted by the secretary of state to the state agency involved, if the state agency is other than a part of the legislative branch.

(d) The disclosure statement provided for by this section shall be signed by the person making the same and shall state (1) the name of the employer, (2) the purpose of the employment and (3) the method of determining and computing the compensation for the employment in the representation case.

(e) Any person who is employed in a representation case and who is required to file a disclosure statement pursuant to this section may file, upon termination of such person's employment in such representation case, a termination statement with the secretary of state. Such statement shall be on a form prescribed ~~and provided by the commission~~ and provided by the secretary of

state and shall state (1) the name of the employer, (2) the state agency involved in the case, and (3) the date of the termination of employment. The secretary of state shall transmit a copy of such statement to the state agency involved.

(f) Failure to file a true disclosure statement is intentionally (1) failing to file a disclosure statement when and where required by this section, or

(2) filing a disclosure statement under this section which contains any material misrepresentation or false or fraudulent statement.

Failure to file a true disclosure statement is a class B misdemeanor.

Sec. 8. K.S.A. 1977 Supp. 46-240 is hereby amended to read as follows: 46-240. Except for cases involving claims pursuant to the workmen's compensation act or employment security law, no state officer or employee shall accept or agree to accept any compensation ~~or any part thereof~~ for employment in a any representation case ~~of any kind~~ before a state agency ~~except workmen's compensation cases~~ which is contingent upon the result achieved ~~or~~ attained.

Sec. 9. K.S.A. 1977 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 ~~sections 34 to 38~~ K.S.A. 1977 Supp. 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) justices and commissioners of the supreme court and judges of the judicial branch who receive compensation from the state; *include court reporter*

~~(e)~~ (d) state officers and employees receiving compensation from the state of fifteen thousand dollars (\$15,000) per year or

Handwritten notes:
include court reporter
include court reporter
include court reporter

more, except that this ~~section~~ subsection shall not apply to ~~unclassified~~ state officers and employees of ~~institutions~~ under ~~the state board regents~~ whose principal duties are teaching ~~or to~~ employees of the judicial branch;

(d) (e) individuals whose appointment to office is subject to confirmation by the senate, except that this subsection shall not apply to members of advisory councils, commissions or boards who serve without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. 75-3223 and amendments thereto.

Sec. 10. K.S.A. 1977 Supp. 46-248 is hereby amended to read as follows: 46-248. The statement of substantial interests required by K.S.A. ~~1975~~ 1977 Supp. 46-247 to 46-252, inclusive, and amendments thereto, shall include the substantial interests of the individual making the statement as provided in this section. Campaign contributions reported in compliance with the campaign finance act shall not be included in this statement.

(a) The following shall be disclosed by all individuals required to file:

(1) The name, address and type of business of any corporation or the name, address and type of practice of any professional organization or individual professional practice in which the individual making the statement was an officer, director, associate, partner or proprietor at the time of filing.

(2) Each substantial interest of the individual making the statement in such detail and form as is required by the commission.

(b) The statements required by this section to be filed shall be filed at the following times:

(1) For individuals who are state officers or employees, annually on January 31, so long as the act applies to the individual.

(2) For individuals who become candidates, on the date of filing declaration to become a candidate, or if the individual becomes a candidate by another means, then within ten (10) days

of becoming a candidate, unless within such period the candidacy is officially declined or rejected.

(3) For individuals to which paragraphs (1), (2) and (4) of this subsection (b) do not apply, at the time of appointment to state office or employment and annually thereafter commencing on the next succeeding January 31, so long as this act applies to such individual.

(4) For individuals whose appointment to state office or employment is subject to confirmation by the senate, ~~on the date when the appointment is submitted to the senate~~ within thirty (30) days after appointment and annually thereafter commencing on the next succeeding January 31, so long as this act applies to such individual.

(c) Whenever any individual who is required to file a statement of substantial interests acquires a substantial interest after the date when such statement is required to be filed, such individual shall file, within ^{thirty (30) days} ~~ten (10)~~ days of acquisition of such substantial interest, a supplemental statement disclosing the substantial interest acquired.

~~(e)~~ (d) The statements required by this section to be filed shall be filed with the secretary of state in all cases. The secretary of state shall promptly transmit copies of all filings by legislators, candidates for the legislature and individuals subject to confirmation by the senate to the secretary of the senate and the chief clerk of the house of representatives.

Sec. 11. K.S.A. 1977 Supp. 46-249 is hereby amended to read as follows: 46-249. The statement of substantial interests required by ~~sections 33 to 38~~ K.S.A. 1977 Supp. 46-247 to 46-252 inclusive, and amendments thereto, shall be dated and signed by the individual making the statement and shall contain substantially the following:

STATEMENT OF SUBSTANTIAL INTERESTS

(name)

(office or position of employment for which this statement is filed)

(address)

(body of statement in form prescribed by commission)

"I declare that this statement of substantial interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that intentional failure to file this statement as required by law or intentionally filing a false statement is a class A B misdemeanor."

(date of filing)

(signature of person making the statement)

Sec. 12. K.S.A. 1977 Supp. 46-250 is hereby amended to read as follows: 46-250. ~~The commission shall prescribe and provide~~ The forms provided for by K.S.A. 1975 1977 Supp. 46-249 shall be prescribed by the commission and provided by the secretary of

Commission

state. Any person required to file a statement of substantial interests, may file an amended statement of substantial interests [for, if permitted by the secretary of state, amend the statement originally filed] at any time after the date when such statement is required to be filed.]

Sec. 13. K.S.A. 1977 Supp. 46-251 is hereby amended to read as follows: 46-251. Failure to file a true statement of substantial interests is intentionally (a) failing to file a statement or supplemental statement of substantial interests as required by this act, or

(b) filing a statement, amended statement or supplemental statement of substantial interests that contains any false statement.

Failure to file a true statement of substantial interests is a class B misdemeanor.

Sec. 14. K.S.A. 1977 Supp. 46-259 is hereby amended to read

as follows: 46-259. The commission shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the commission, and all records and transcripts of any investigations, inquiries or hearings of the commission under this act shall be confidential and shall not be open to inspection by any individual other than a member of the commission, an employee of the commission, or a state officer or employee designated to assist the commission, except as otherwise specifically provided in this act. The commission may authorize, by adoption of a resolution, ~~authorize~~ the release to the attorney general ~~or to~~, the county or district attorney of the appropriate county or the appropriate state or federal enforcement agency of any information, records, complaints, documents, reports, and transcripts in its possession ~~material to any matter pending before the attorney general or any county or district attorney~~ pertaining to the violation of this act or of any other state or federal law. All matters presented at a public hearing of the commission and all reports of the commission stating a final finding of fact pursuant to K.S.A. 1975 1977 Supp. 46-262 shall be public records and open to public inspection.

Violation of any provision of this section or the confidentiality provision of K.S.A. 1975 1977 Supp. 46-256 is a class B misdemeanor.

Sec. 15. K.S.A. 1977 Supp. 46-265 is hereby amended to read as follows: 46-265. (a) Every lobbyist shall register with the secretary of state by completing a registration form prescribed ~~and provided by the commission~~ ^{Commission} ~~and provided by the secretary of state~~, and by signing and verifying the same. Such registration shall show the name and address of the lobbyist, the name and address of the person ~~compensating whom~~ whom the lobbyist ~~for-lobbying~~ represents, the purpose of the ~~employment~~ representation and, when the lobbyist receives compensation for lobbying, the method of determining and computing the such compensation ~~of--the~~

lobbyist. If the lobbyist ~~is compensated or to be compensated~~ represents more than one person for lobbying ~~by more than one employer or is to be engaged in more than one employment,~~ the relevant facts listed above shall be separately stated for each ~~employer and each employment~~ person represented, but only one registration fee each year shall be required of one lobbyist. Whenever any new lobbying ~~employment or lobbying position~~ representation is accepted by a lobbyist already registered hereunder, he or she shall report the same on forms prescribed ~~and provided by the commission~~ ^{Commission} and provided by the secretary of state before engaging in any lobbying activity related to such new ~~employment or position~~ representation, and such report shall be filed, when made, with the secretary of state. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state shall promptly transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

(b) Any person may register as a lobbyist under this section. Such registration shall expire annually on December 31. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration hereunder. Every person registering or renewing his or her registration shall pay to the secretary of state a fee of ten dollars (\$10). The secretary of state shall remit all moneys received under this section to the state treasurer, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund.

(c) Any person who has registered as a lobbyist pursuant to this act may file, upon termination of such person's lobbying activities, a statement terminating such person's registration as a lobbyist. Such statement shall be on a form prescribed ~~by the commission~~ ^{Commission} and provided by the secretary of state and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the

termination of the lobbyist's lobbying activities.

Sec. 16. K.S.A. 1977 Supp. 46-266 is hereby amended to read as follows: 46-266. The secretary of state shall maintain alphabetical listings of all lobbyists showing their employers and appointing authorities and the purpose of their employment or position. Such listing shall be supplemented by indices showing employers and the appointing authorities and relevant information as to each. All registration papers and reports made under ~~section-5+~~ K.S.A. 1977 Supp. 46-265, as amended, shall be open to public inspection at all reasonable times. The listings and supplemental indices provided for by this section shall be maintained current at all times and from time to time each year shall be printed, published and distributed by the secretary of state. *delete*

Sec. 17. K.S.A. 1977 Supp. 46-268 is hereby amended to read as follows: 46-268. (a) Except as provided in subsection (b), every lobbyist shall file with the secretary of state a verified report of ~~employment~~ lobbying representation and expenditures on a form prescribed ~~and provided by the commission and provided by the secretary of state.~~ Such reports shall be filed for each of the months of January, February, March and April and for each of the periods from May 1 to June 30, inclusive, from July 1 to September 30, inclusive, and from October 1 to December 31, inclusive. Such reports shall be filed by the tenth-(10th) twentieth (20th) of the month immediately following the reporting period. Reports shall only be required for reporting periods during which expenditures are made or gifts, payments or honoraria are given which are required to be reported under K.S.A. 1975 Supp. 46-269. *20*

(b) Whenever more than one lobbyist represents a person, one such lobbyist shall be designated as the reporting lobbyist, who shall report all reportable expenditures, gifts, honoraria or payments made by or on behalf of the person represented. The amount or value of expenditures, gifts, honoraria or payments made by or on behalf of the person represented shall be cumulated

for the purpose of any reporting requirements. Each lobbyist for a person represented by more than one lobbyist and the person so represented shall report to the reporting lobbyist designated by such person all expenditures, gifts, honoraria and payments made by or on behalf of the person represented prior to the date of the report to which such transactions are allocated. Every lobbyist for a person represented by more than one lobbyist, other than the reporting lobbyist designated by such person, shall file, upon registering as required by K.S.A. 1977 Supp. 46-265 and amendments thereto, an affidavit of that fact with the secretary of state and shall not be required to file the reports required by subsection (a) of this section.

Sec. 18. K.S.A. 1977 Supp. 46-269 is hereby amended to read as follows: 46-269. (a) Each report under K.S.A. ~~1975~~ 1977 Supp. 46-268, as amended, shall disclose the following: ~~(a)~~ (1) The full name and address of each person ~~who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying~~ represented by the lobbyist.

~~(b)~~ (2) the aggregate amount or value of ~~all~~ expenditures made (except for expenses of general office overhead and individual expenditures of less than one dollar) by ~~the lobbyist or by his or her employer for or in direct relation to lobbying~~ by or on behalf of the person represented during the reporting period, if such expenditures to any one vendor exceed ~~fifty dollars~~ one hundred dollars (\$100). ~~Individual expenditures of less than one dollar (\$1) shall not be required to be reported under this subsection (b).~~ Such expenditures shall be reported according to ~~the categories of expenditures established by rules and regulations of the governmental ethics commission~~ contained in the definition of "expenditure" in section 23. With regard to expenditures for entertainment or hospitality which is primarily food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this ~~subsection~~ paragraph and

~~subsection (e)~~ paragraph (3), no lobbyist shall be responsible to report any expenditure by his or her employer of which he or she has no knowledge;

~~(e)~~ (3) all gifts, honoraria or payments, if made by the lobbyist or by or on behalf of the person represented, to an individual state officer or employee, or to the spouse of such officer or employee, in an aggregate amount or value in excess of ten dollars (\$10) by the lobbyist to any state officer or employee twenty-five dollars (\$25) during the reporting period, including the type of gift or purpose of the honoraria or payment and the amount or value thereof.

~~Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.~~

(b) Expenditures required to be reported hereunder shall be allocated (1) to the reporting period when the debt is incurred if the amount is then known or ascertainable or (2) to the reporting period when the amount becomes known or ascertainable if the amount is not initially known or ascertainable, whichever occurs first.

(c) Gifts, honoraria and payments required to be reported hereunder shall be allocated to the reporting period when accepted by the state officer or employee. When a gift, honoraria or payment is composed of separate transfers deferred over more than one reporting period, the total value thereof shall be allocated to the reporting period in which the state officer or employee accepts the initial transfer.

(d) For the purposes of this section, "gift" includes hospitality in the form of food and beverages to any state officer or employee in an aggregate amount or value in excess of fifty dollars (\$50) during the reporting period.

Sec. 19. K.S.A. 1977 Supp. 46-270 is hereby amended to read as follows: 46-270. The secretary of state shall obtain suitable name tags in two colors, of a size not smaller than two inches by three inches, to be fastened on the outside of the wearer's garment with lettering adequate in size and clarity to be readable at a distance of three feet by individuals of normal vision, bearing the name of the lobbyist, the names of the persons compensating or appointing the lobbyist and the year. The secretary of state shall present to each individual registering under ~~sections 50 and 51~~ K.S.A. 1977 Supp. 46-264 and 46-265, and amendments thereto, one such tag, and such tag shall be worn by the lobbyist when lobbying in the state capitol building.

Sec. 20. K.S.A. 1977 Supp. 46-272 is hereby amended to read as follows: 46-272. No lobbyist person having a special interest, and no person on behalf of such a person, shall pay or offer or agree to pay to any state officer or employee, candidate for state office or an association associated person thereof a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

Sec. 21. K.S.A. 1977 Supp. 46-273 is hereby amended to read as follows: 46-273. (a) No lobbyist person having a special interest, and no person on behalf of such a person, shall offer employment or employ any state officer or employee or associated person thereof for a representation case, with intent to obtain improper influence over a state agency.

(b) No lobbyist person having a special interest, and no person on behalf of such a person, shall offer employment or employ any state officer or employee or associated person to use or attempt to use threat or promise of official action in an attempt to influence a state agency in any representation case.

Sec. 22. K.S.A. 1977 Supp. 46-275 is hereby amended to read as follows: 46-275. Giving false lobbying information is

knowingly and intentionally (1) making a false or incomplete statement on any registration paper under K.S.A. ~~1975~~ 1977 Supp. 46-265, or

(2) making or causing to be made a false or incomplete report under K.S.A. ~~1975~~ 1977 Supp. 46-268 and 46-269.

Giving false lobbying information is a class B misdemeanor.

New Sec. 23. (a) "Expenditure" means the payment or contract for payment:

(1) For the provision of hospitality in the form of food and beverage to any state officer or employee or his or her spouse, except bona fide personal or business entertaining;

(2) for the giving of any gift, honoraria or payment to any state officer or employee or his or her spouse, except bona fide personal or business gifts, honoraria or payments; or

(3) directly related to the production and communication of mass media communications which explicitly promote or oppose a clearly identified legislative matter, rule and regulation or representation case and urges or requests the recipient to communicate directly with state officers or employees in regard thereto.

(b) "Expenditure" does not include the payment or contract for payment:

(1) For the preparation of proposals, position papers and similar documents;

(2) to employ another to lobby on one's behalf;

(3) for personal travel and subsistence of an individual engaged in lobbying;

(4) which is reported in compliance with the campaign finance act;

(5) associated with any news story, commentary, or editorial distributed in the ordinary course of business by a broadcasting station, newspaper or other periodical publication;

(6) of contributions to membership organizations, associations or similar entities where the funds are used to make expenditures attributable to the entity or its representatives or

(7) of costs associated with internal organizational communications of business, labor or professional organizations.

New Sec. 24. (a) "Gift" means the transfer of money or anything of value unless legal consideration of a reasonably equal or greater value is received in return.

(b) "Gift" does not mean:

(1) The provision of hospitality in the form of food and beverage;

(2) any bona fide personal or business gift or entertainment; or

(3) any contribution reported in compliance with the campaign finance act.

New Sec. 25. (a) The commission may require any person to file a report or statement for any period for which such person has failed to file a report or statement required to be filed by such person pursuant to this act. Such report or statement shall be filed within ten (10) days after receipt of notice from the commission, and a copy of the notice of the failure to file shall be part of the public record.

(b) The commission may require any person to file an amended report or statement for any period for which the report or statement filed by such person pursuant to this act contains material errors or omissions. Such amended report or statement shall be filed within thirty (30) days after receipt of notice from the commission, and a copy of the notice of the errors and omissions shall be part of the public record.

(c) Intentional failure to file any report, statement or amended report or statement as required by this section or intentionally filing any such report, statement or amended report or statement which contains any false statement is a class B misdemeanor.

Sec. 26. K.S.A. 1977 Supp. 46-221, 46-222, 46-229, 46-230, 46-233, 46-234, 46-239, 46-240, 46-247 to 46-251, inclusive, 46-259, 46-265, 46-266, 46-268, 46-269, 46-270, 46-272, 46-273 and 46-275 are hereby repealed.

Sec. 27. This act shall take effect and be in force from and after its publication in the statute book.