

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Kenneth R. King at
Chairperson

9:07 a.m./p./m./on Thursday, March 2, 1989 in room 521-S of the Capitol.

All members were present except:

Committee staff present:

Myrta Anderson, Legislative Research Department
Fred Carman, Revisor of Statutes Office
Ron Thornburgh, Secretary of State's Office
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Craig Grant, KNEA
Karen France, Kansas Association of Realtors

The meeting of the Election Committee was called to order at 9:07 a.m. by Chairman Kenneth R. King with all members present.

Chairman King called for continuation of the hearings on HB 2312. Craig Grant, KNEA and Karen France, Kansas Association of Realtors, presented written testimony in opposition of this bill. (Attachments I and II) There were no other conferees to appear before the committee and the Chair closed hearings on HB 2312.

The Chair acknowledged Ron Thornburgh, Office of the Secretary of State, who explained again briefly HB 2393 to the committee. Fred Carman, Office of the Revisor, stated there were a few technical amendments that needed to be addressed. (Attachment III). Representative Shallenburger moved to amend the bill. Seconded by Representative Lucas. The motion carried.

Following discussion, Representative Cates moved the bill be passed as amended. This was seconded by Representative Lucas. The motion carried.

HB 2428 was next on the agenda. Ron Thornburg, Office of the Secretary of State, explained the bill to the committee. Representative Shallenburger made a motion the bill be passed. Seconded by Representative Lucas.

A substitute motion was made by Representative Helgerson to amend the bill so that the 2,500 remains in the bill but that "in no case to exceed 2,501 at the local level" be inserted. Seconded by Representative Sebelius.

Following discussion a vote was taken on the substitute motion made by Representative Helgerson. The motion failed on a 9-8 vote with the chair casting the deciding vote. Representatives Baker, Helgerson, Sawyer and Sebelius recorded a "yes" vote and requested this be part of the record.

The original motion to accept HB 2428 was put to vote. The motion carried. Representatives Baker, Helgerson Sawyer and Sebelius recorded a "no" vote and wished this to be part of the record.

Fred Carman, Revisor's Office, was called on by Chairman King to explain HB 2129 and whether the intent of the bill was clear. Following discussion a motion was made by Representative Sebelius that this bill be tabled. Seconded by Representative Baker. The motion carried.

The Chair then opened HB 2359 for discussion.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S Statehouse, at 9:07 a.m./p.m./on Thursday, March 2, 1989

Representative Empson made a motion that Section I of the bill be deleted and then passed as amended. Seconded by Representative Foster.

Representative Shallenburger made a substitute motion that the bill be amended with several amendments and deletions. (Attachment IV) Seconded by Representative Lucas. Representative Helgerson asked the chair if the amendments could be divided and the Chair ruled it was not divisible. A vote was called for and the motion carried. A division of vote was requested. Representatives Baker, Empson, Helgerson, Sader, Sawyer and Sebelius recorded a "no" vote and wished this to be made part of the record.

Representative Helgerson then stated there were a few corrections that needed to be made before passing the bill out of committee. He made a motion that these changes be adopted. Seconded by Representative Baker. (Attachment V)

Representative Shallenburger made a substitute motion that since these were rather lengthy amendments, they be included in a substitute bill and when the committee reconvenes, look at the whole bill again. Seconded by Representative Lucas. Fred Carman stated a substitute bill would ordinarily go on General Orders and if the committee wanted it referred back to the committee it would need to ask the speaker to refer it back. Representative Shallenburger then withdrew his motion. Representative Lucas withdrew his second.

Representative Foster made a motion the bill be passed out of committee as amended. Seconded by Representative Shallenburger. The motion carried.

The minutes of the last meeting were presented for approval. Representative Lucas moved they be accepted. Seconded by Representative Cates. The motion carried.

The meeting was adjourned at 10:23 a.m.



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE HOUSE ELECTIONS COMMITTEE
FROM: KAREN MCCLAIN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: FEBRUARY 28, 1989
SUBJECT: HB 2312, CAMPAIGN FINANCE ACT

On behalf of the Kansas Association of REALTORS®, I appear today to oppose HB 2312.

We understand and support the need for the Public Disclosure Commission to be properly funded in order to carry out its duties under the law. However, we disagree with the methods proposed here.

The 5% surcharge proposed in New Section 1 seems to be, in effect, a tax on the right of free speech. The United States Supreme Court has found political contributions to be a form of protected free speech. It seems that under this proposal, the more you exercise your free speech, i.e., the more political contributions you make, then the more you are taxed. This appears to be an infringement of free speech rights and would appear to be unconstitutional.

In addition, there is a logistical problem of paying the tax "at the time the contribution is made". Does this mean at the time our RPAC Trustees vote to contribute to a particular candidate, at the time we mail a check to our local board for their presentation to the candidate, or at the actual time the candidate receives the check? Then, what happens if a candidate returns the check to the political committee, for whatever reason? Is the tax still "due and payable", or if it has already been paid, will the Public Disclosure Commission have to return it?

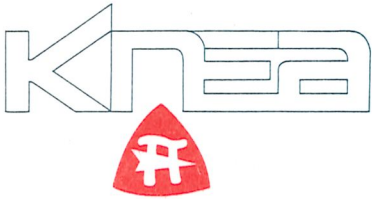
Attachment I

The 10% "drink tax" has no logical relation to the purpose here. While our political committee typically does not have "hospitality expenditures", we question why it was hospitality expenditures rather than say, in kind contributions or on the amount of stationery utilized.

If the purpose is to fund the public disclosure commission, then fund it. Our members pay an original license fee and then renewal fees in order to get and maintain their real estate license. The amount of the fee is based upon the number of licensees and the staff required to perform their functions under the licensing act. Their license fees are not based upon their volume of sales, or the volume of listings. The fees are based upon budgetary demands of the agency.

Perhaps the most logical means of funding the commission is in New Section 3: a direct, up front registration fee. However, before this fee is passed into law, we feel it would be necessary for a budget to be shown by the Commission to determine exactly what the budgetary requirements are and then an appropriate fee structure put in place.

I thank you for this opportunity to testify and I will be glad to answer any questions you might have.



Craig Grant Testimony Before The
House Elections Commission
Tuesday, February 28, 1989

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee about HB 2312.

Kansas-NEA is opposed to HB 2312 as it has been opposed to other bills which single out political action committees versus individual contributors for a special tax. New section one and two treat organizations differently and put us at a disadvantage when compared to the wealthy individuals.

If the public disclosure commission is so desperately in need of money, we could agree to pay a small organizational fee, (say \$25 annually) as long as other groups, specifically corporations who contribute, paid equally.

Finally, we could live with a small increase in lobbyist registration fees, even as high as a 50% increase. However, a 233% increase in fees is not appropriate at this time.

Kansas-NEA basically opposes HB 2312 in its present form. We thank you for listening to our concerns.

PROPOSED AMENDMENTS FOR H.B. 2393

On page 5, in line 176, by striking "intent" and inserting "intention"; in line 187, by striking "intent" and inserting "intention";

On page 6, in line 226, by striking "intent" and inserting "intention"; in line 239, by striking "intent by" and inserting "intention to become";

On page 7, in line 251, by striking "intent by" and inserting "intention to become"; in line 265, by striking "intent" and inserting "intention to become a candidate"; in line 271, by striking "intent" and inserting "intention to become a candidate"; in line 275, by striking "intent" and inserting "intention to become a candidate";

On page 8, in line 294, by striking "intent" and inserting "intention to become a candidate";

On page 9, in line 341, by striking "intent to be" and inserting "intention to become"; in line 347, by striking "intent to be" and inserting "intention to become";

On page 10, in line 362, by striking "intent to be" and inserting "intention to become"; in line 389, by striking "papers" and inserting "petitions"; also in line 389, by striking "intent" and inserting "intention";

In the title, in line 16, by striking "nominating" and inserting "nomination";

PROPOSED COMMITTEE REPORT

On page 1, by striking all of lines 23 to 26, inclusive; in line 27, by striking "New Sec. 2" and inserting "New Section 1"; by striking all of lines 38 to 40, inclusive; in lines 41 and 44, by renumbering sections 4 and 5 as sections 2 and 3;

On page 2, by striking all of lines 52 to 81, inclusive;

On page 3, by striking all of lines 82 to 118, inclusive;

On page 4, by striking all of lines 119 to 121, inclusive; in line 122, by renumbering section 7 as section 4;

On page 6, in line 224, by renumbering section 8 as section 5;

On page 9, in line 313, by renumbering section 9 as section 6; also on page 9, by striking all of line 340;

On page 10, by striking all of lines 341 to 344, inclusive; in lines 345 and 357, by renumbering sections 10 and 11 as sections 7 and 8, respectively; also in line 357, by striking "25-4119a,"; in line 359, by renumbering section 12 as section 9;

In the title, in line 20, by striking "25-4119a,";

HOUSE BILL No. 2359

By Representatives Baker, Goossen, Helgerson,
R.H. Miller, O'Neal, Sader, Sawyer and Sebelius

2-9

Attachment V

AN ACT concerning elections; affecting the campaign finance act;
extending the provisions to ~~counties, cities and school districts~~;
making certain acts unlawful and providing penalties for violations;
amending K.S.A. 25-4119a, ~~25-4148~~, 25-4148, 25-4153 and 25-
4173, and repealing the existing sections.

certain local units of government

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

New Section 1. No candidate or candidate committee may re-
ceive total contributions from political committees which exceed the
total of contributions from individuals in any election period.

Violation of this section is a class A misdemeanor.

~~New Sec. 2. (a) Local candidates shall file the same reports on
the same dates as required of state candidates under the campaign
finance act. Reports shall be filed with the county election officer.~~

~~(b) Every treasurer of a candidate or a candidate committee for
other than a statewide election who is required to file a report in
the office of the secretary of state pursuant to this section shall file
a copy thereof at the times prescribed by subsection (a) in the office
of the county election officer of the county or counties in which the
campaign is conducted. The county election officer shall retain all
reports so filed until December 31 of the following year in which
filed.~~

New Sec. 3. When a report is made under this act and the
amount being contributed by an individual is \$200 or more, the
report shall list the occupation of the individual contributor.

2

3

New Sec. 4. Any unexpended balance of any candidate on their
final report shall not be made available for the personal use of the
candidate.

4

New Sec. 5. The Kansas public disclosure commission shall com-

45 pile a list of the full name of all political committees which have
 46 filed statements of organization with the secretary of state. The list
 47 shall contain the registered name of the political committee as well
 48 as the full name of the organization with which the political com-
 49 mittee is connected or affiliated. At times selected by the commis-
 50 sion, a copy of such list shall be sent to each county election officer
 51 and the secretary of state to be publicly posted.

5

52 Sec. 6. K.S.A. 25-4119a is hereby amended to read as follows:

53 25-4119a. (a) ~~The governmental ethics commission created by~~
 54 ~~this section prior to the effective date of this act and in exist-~~
 55 ~~ence in March, 1981 is hereby abolished, and~~ There is hereby
 56 created the Kansas public disclosure commission, ~~which shall be~~
 57 ~~the successor in every respect to the powers, duties and func-~~
 58 ~~tions of the governmental ethics commission so abolished.~~ The
 59 Kansas public disclosure commission shall consist of ~~five~~ seven mem-
 60 bers of whom ~~one~~ three shall be appointed by the governor, one
 61 by the president of the senate, one by the speaker of the house of
 62 representatives, one by the minority leader of the house of repre-
 63 sentatives and one by the minority leader of the senate. The terms
 64 of such members shall be as follows: The members ~~first~~ appointed
 65 by the ~~governor~~, the speaker of the house of representatives and
 66 the president of the senate shall ~~serve until January 31, 1983~~ have
 67 *two year terms ending on January 31 of odd-numbered years*; and
 68 the members ~~first~~ appointed by the minority leader of the house of
 69 representatives and by the minority leader of the senate shall ~~serve~~
 70 ~~until January 31, 1982~~ have *two year terms ending January 31 of*
 71 *even-numbered years*; and *of the members appointed by the governor*
 72 *two shall have two year terms ending January 31 of* ~~even-numbered~~
 73 *years and one shall have two year terms ending in even-numbered*
 74 *years. When making the appointments the governor shall designate*
 75 *which of the appointees is to have which term. Of the governors*
 76 *appointees, no more than two shall be of the same political party.*

odd-numbered

77 (b) The terms of all ~~subsequently~~ appointed members shall be
 78 two years commencing on February 1 of the appropriate years. Va-
 79 cancies occurring on the commission shall be filled for the unexpired
 term by the same appointing officer as made the original appoint-
 ment. Members shall serve until their successors are appointed and

52 qualified. The member appointed by the governor shall be the chair-
53 person of the commission. A majority vote of ~~three~~ *four* members
54 of the commission shall be required for any action of the commission.
55 The commission may adopt rules to govern its proceedings and may
56 provide for such officers other than the chairperson as it may de-
57 termine. The commission shall meet at least once each quarter, and
58 also shall meet on call of its chairperson or any two members of the
59 commission. Members of the commission attending meetings of such
60 commission, or attending a subcommittee meeting thereof authorized
61 by such commission, shall be paid compensation, subsistence allow-
62 ances, mileage and other expenses as provided in subsections (a) to
63 (d), inclusive, of K.S.A. 75-3223 and amendments thereto. The com-
64 mission ~~may~~ *shall* appoint an executive director who shall be in the
65 unclassified service and receive compensation fixed by the commis-
66 sion, in accordance with appropriation acts of the legislature, subject
67 to approval by the governor. The commission may employ such other
68 staff and attorneys as it determines, within amounts appropriated to
69 the commission, all of whom shall be in the unclassified service and
70 shall receive compensation fixed by the commission and not subject
71 to approval by the governor.

102 (c) The Kansas public disclosure commission may adopt rules and
103 regulations for the administration of the campaign finance act. Subject
104 to K.S.A. 25-4178, rules and regulations adopted by the govern-
105 mental ethics commission created prior to this act shall continue in
106 force and effect and shall be deemed to be the rules and regulations
107 of the commission created by this section of this enactment, until
108 revised, amended, repealed or nullified pursuant to law. All rules
109 and regulations of the commission shall be subject to the provisions
110 of article 4 of chapter 77 of Kansas Statutes Annotated. The Kansas
111 public disclosure commission shall continue to administer all of the
112 acts administered by the governmental ethics commission to which
113 it is successor.

114 (d) The commission shall submit an annual report and recom-
115 mendations in relation to all acts administered by the commission
116 to the governor and to the legislative coordinating council on or
117 before December 1 of each year. The legislative coordinating council
118 shall transmit such report and recommendations to the legislature.

119 (e) The provisions of the Kansas sunset law shall apply to the
120 Kansas public disclosure commission and to the office of the executive
121 director of the commission.

122 Sec. 7. K.S.A. 25-4143 is hereby amended to read as follows/
123 25-4143. As used in the campaign finance act, unless the context
124 otherwise requires:

125 (a) "Candidate" means an individual who: (1) Appoints a treasurer
126 or a candidate committee,

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

129 (3) makes any expenditure or accepts any contribution for the
130 purpose of influencing such person's nomination or election to any
131 state or local office, or

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

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

137 (c) "Commission" means the Kansas public disclosure commission
138 created by K.S.A. 25-4119a, as amended and amendments thereto.

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

143 (B) a transfer of funds between any two or more candidate com-
144 mittees, party committees or political committees;

145 (C) the payment, by any person other than a candidate, candidate
146 committee, party committee or political committee, of compensation
147 to an individual for the personal services rendered without charge
148 to or for a candidate's campaign or to or for any such committee;

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

151 (2) "Contribution" does not include:

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

154 (B) costs to a volunteer related to the rendering of volunteer
155 services not exceeding a fair market value of \$50 during an allocable

156 election period as provided in K.S.A. 25-4149 *and amendments*
157 *thereto*;

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

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

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

167 (f) (1) "Expenditure" means: (A) Any purchase, payment, distri-
168 bution, loan, advance, deposit or gift of money or any other thing
169 of value made for the purpose of influencing the nomination or
170 election of any individual to state *or local* office;

171 (B) any contract to make an expenditure;

172 (C) a transfer of funds between any two or more candidate com-
173 mittees, party committees or political committees;

174 (D) payment of a candidate's filing fees.

175 (2) "Expenditure" does not include:

176 (A) the value of volunteer services provided without
177 compensation;

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

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

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

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

192 (g) "Party committee" means the state committee of a political

193 party regulated by article 3 of chapter 25 of the Kansas Statutes
 194 Annotated, or the county central committee or the state committee
 195 of a political party regulated under article 38 of chapter 25 of the
 196 Kansas Statutes Annotated or the bona fide national organization or
 197 committee of those political parties regulated by the Kansas Statutes
 198 Annotated.

199 (h) "Person" means any individual, committee, corporation, part-
 200 nership, trust, organization or association.

201 (i) "Political committee" means any combination of two or more
 202 individuals or any person other than an individual, a major purpose
 203 of which is to support or oppose any candidate for state or local
 204 office, but not including any candidate committee or party
 205 committee.

206 (j) "Receipt" means a contribution or any other money or thing
 207 of value, but not including volunteer services provided without com-
 208 pensation, received by a treasurer in the treasurer's official capacity.

209 (k) "State office" means any state office as defined in K.S.A. 25-
 210 2505 and amendments thereto.

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

215 (m) "Treasurer" means a treasurer of a candidate or of a candidate
 216 committee, a party committee or a political committee appointed
 217 under the campaign finance act or a treasurer of a combination of
 218 individuals or a person other than an individual which is subject to
 219 paragraph (2) of subsection (a) of K.S.A. 25-4172 and amendments
 220 thereto.

221 (n) "Local office" means an elective office of a city, county, com-
 222 munity college district or school district and any locally elective
 223 judicial office.

224 Sec. 8. K.S.A. 25-4148 is hereby amended to read as follows:
 225 25-4148. (a) Every treasurer shall file a report prescribed by this
 226 section in the office of the secretary of state so that it is received
 by that office on or before each of the following days:

228 (1) The ~~sixth~~ eighth day preceding the primary election, which
 229 report shall be for the period beginning on ~~December~~ January 1

230 of the ~~preceding~~ election year for the office the candidate is seeking
231 and ending ~~11~~ 12 days before the primary election, inclusive;

232 (2) the ~~sixth~~ eighth day preceding a general election, which re- [11]
233 port shall be for the period beginning ~~10~~ days before the primary
234 election and ending ~~11~~ 12 days before the general election, inclusive;
235 and

236 (3) ~~December~~ January 10 after an election year, which report [11]
237 shall be for the period beginning ~~10~~ days before the general election
238 and ending on ~~November 30~~ December 31, inclusive;

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

[11], except that the report filed January 10, 1990, shall include
in addition to calendar year 1989 the month of December 1988

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

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

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

246 (2) the name and address of each person who has made one or
247 more contributions in an aggregate amount or value in excess of \$50
248 during the election period together with the amount and date of
249 such contributions, including the name and address of every lender,
250 guarantor and endorser when a contribution is in the form of an
251 advance or loan;

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

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

257 (5) each contribution, rebate, refund or other receipt not oth-
258 erwise listed;

259 (6) the total of all receipts;

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

267 name of each such vendor and the amount, date and purpose of the
268 payments to each;

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

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

277 (10) the total of expenditures.

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

287 (d) If a contribution or other receipt from a political committee
288 is required to be reported under subsection (b), the report shall
289 include the full name of the organization with which the political
290 committee is connected or affiliated or, name or description suffi-
291 ciently describing the affiliation or, if the committee is not connected
292 or affiliated with any one organization, the trade, profession or pri-
293 mary interest of contributors of the political committee.

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

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

303 (g) For the purpose of any report required to be filed pursuant

304 to subsection (a) by the treasurer of any candidate seeking nomination
305 by convention or caucus or by the treasurer of the candidate's com-
306 mittee or by the treasurer of any party committee or political com-
307 mittee of which the primary purpose is supporting or opposing the
308 nomination of any such candidate, the date of the convention or
309 caucus shall be considered the date of the primary election.

310 (h) If a report is sent to the office of the secretary of state by
311 certified or registered mail on or before the day it is due, the mailing
312 shall constitute receipt by that office.

(i) Every treasurer of a candidate or a candidate committee for
other than a statewide election who is required to file a report in
the office of the secretary of state pursuant to this section shall file
a copy thereof at the times prescribed by subsection (a) in the office
of the county election officer of the county or counties in which the
campaign is conducted. The county election officer shall retain all
reports so filed until December 31 of the following year in which
filed.

7

313 Sec. ~~9~~ K.S.A. 25-4153 is hereby amended to read as follows:

314 25-4153. (a) The aggregate amount contributed to a candidate and
315 such candidate's candidate committee and to all party committees
316 and political committees and dedicated to such candidate's campaign,
317 by any person, except a party committee, the candidate or the
318 candidate's spouse, shall not exceed the following:

319 (1) For the pair of offices of governor and lieutenant governor
320 and for other state officers elected from the state as a whole, \$3,000
321 for each primary election (or in lieu thereof a caucus or convention
322 of a political party) and an equal amount for each general election;

323 (2) for the office of state senator, member of the house of rep-
324 resentatives, district judge, district magistrate judge, district attorney
325 or member of the state board of education, \$750 for each primary
326 election (or in lieu thereof a caucus or convention of a political party)
327 and an equal amount for each general election *except as provided*
328 *in subsection (c) and (d).*

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

336 (c) *The aggregate amount contributed to a candidate and such*
337 *candidate's candidate committee under subsection (a)(2) shall not*
exceed \$500 for each primary election and an equal amount for each
general election when contributed by a political committee.

340 (d) *The aggregate amount contributed to a candidate and such*

341 candidate's candidate committee by a party committee shall not ex-
342 ceed \$1,000 for each primary election (or in lieu thereof a caucus
343 or convention of a political party) and an equal amount for each
344 general election.

8

345 Sec. 10. K.S.A. 25-4173 is hereby amended to read as follows:
346 25-4173. Every candidate for state ~~or local~~ office who intends to
347 expend or have expended on such person's behalf an aggregate
348 amount or value of less than \$500, exclusive of such candidate's filing
349 fee, and who intends to receive or have received on such person's
350 behalf contributions in an aggregate amount or value of less than
351 \$500 in each the primary and the general election shall file, prior
352 to the date that the first report for such year is required to be filed,
353 an affidavit of such intent with the secretary of state ~~for state offices~~
354 ~~and the county election officer of the home county for local offices.~~
355 No report required by K.S.A. 25-4148, and amendments thereto,
356 shall be required to be filed by or for such candidate.

and with the local county election officer in the county or
counties in which the campaign is conducted

New sections 9 to 24, attached.

357 Sec. 11. K.S.A. 25-4119a, ~~25-4143~~, 25-4148, 25-4153 and 25-4173
358 are hereby repealed.

25

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

26

Kansas register

New Sec. 9. Sections 9 to 24, inclusive, may be cited as the local campaign finance act. Sections 1 to 8 are a part of the campaign finance act.

New Sec. 10. As used in sections 9 to 24 inclusive, unless the context otherwise requires:

(a) "Candidate" means an individual who:

(1) Appoints a treasurer or a candidate committee;
(2) makes a public announcement of intention to seek nomination or election to local office;

(3) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election to any local office; or

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

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

(c) "Commission" means the Kansas public disclosure commission created by K.S.A. 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 local office;

(B) a transfer of funds between 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 such committee; or

(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 \$50

during an allocable election period as provided in section 16;

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

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

(e) "Local office" means an elective office of a city, county, community college district or school district and board of public utilities.

(f) "Election" means a primary or general election for local office.

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

(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 \$50 during an allocable election period as provided in section 16;

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

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

(E) any communication by an incumbent elected local officer

with one or more individuals unless the primary purpose thereof is to influence the nomination or election of a candidate.

(h) "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.

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

(j) "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 local office, but not including any candidate committee or party committee.

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

(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, party committee or political committee.

New Sec. 11. Not later than 10 days after becoming a candidate, every candidate shall appoint a treasurer or in lieu thereof shall appoint a candidate committee. A candidate may appoint the candidate's self as treasurer. No candidate shall appoint more than one candidate committee to exist at the same time. If a candidate appoints a candidate committee, such candidate shall appoint a chairperson and a treasurer thereof, and the treasurer so appointed may be the candidate. The name and

address of each treasurer and chairperson appointed under this section shall be reported to the county election officer by the candidate not later than 10 days after appointment.

New Sec. 12. (a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each such committee shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee;

(2) the names and addresses of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

(c) 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 10 days following the change.

New Sec. 13. (a) A candidate may remove any treasurer or chairperson that such candidate has appointed, and a party committee or political committee may remove its chairperson or treasurer. In case of a vacancy in the position of treasurer of a candidate before all of the obligations of the treasurer have been performed, such candidate shall be such candidate's own treasurer from the date of such vacancy until such time as the candidate appoints a successor and reports the name and address of the treasurer to the county election officer. In case of a vacancy in the position of treasurer of a candidate committee,

the candidate shall be treasurer from the date of vacancy or removal, until such time as the candidate appoints a successor and reports the name and address of the treasurer to the county election officer. In case of a vacancy in the position of treasurer of a party committee or political committee, such committee chairperson shall be treasurer from the date of vacancy or removal, until such time as the committee appoints a successor and reports the name and address of the treasurer to the county election officer. An individual who vacates the position of treasurer by reason of removal or resignation shall substantiate the accuracy of such person's records to the succeeding treasurer. No resignation of a treasurer shall be effective until a written statement of resignation of such treasurer has been filed with the county election officer. No removal of a treasurer of a candidate or candidate committee shall be effective until a written statement of such removal from the candidate has been filed with the county election officer. No removal of a treasurer of a party committee or political committee shall be effective until a written statement of such removal from the party committee or political committee has been filed with the county election officer. The succeeding treasurer shall not be held responsible for the accuracy of the predecessor treasurer'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 section 11; and

(2) unless by or through such treasurer.

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

(1) Until the chairperson of the party committee or a political committee has filed a statement of organization

required by section 12; and

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

New Sec. 14. (a) Every treasurer shall keep detailed accounts of all contributions and other receipts received and all expenditures made by or on behalf of the 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) An individual may serve as treasurer for a candidate, candidate committee, party committee or political committee or of any two or more such committees or candidates.

(d) Every person who receives a contribution for a candidate, candidate committee, party committee or political committee more than five days prior to the ending date of any period for which a report is required by section 15, on demand of the treasurer, or in any event on or before the ending date of the reporting period, shall 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) No contribution or other receipt received by a candidate, 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.

(f) No candidate, candidate committee, party committee or political committee shall receive any contribution or other receipt from a political committee unless accompanied by the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the political committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

New Sec. 15. (a) Every treasurer shall file a report prescribed by this section in the office of the county election officer so that it is received by that office on or before each of the following days:

(1) The sixth day preceding the primary election, which report shall be for the period beginning on December 1 of the preceding election year for the office the candidate is seeking and ending 11 days before the primary election, inclusive;

(2) the sixth day preceding a general election, which report shall be for the period beginning 10 days before the primary election and ending 11 days before the general election, inclusive; and

(3) December 10 of an election year, which report shall be for the period beginning 10 days before the general election and ending on November 30, inclusive.

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

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

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

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

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

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

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, 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, candidate committee, party committee or political committee, if the contribution is in excess of \$50 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

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

(10) the total of expenditures.

(c) Treasurers of candidates and of candidate committees shall be required to itemize, as provided in provision (2) of this subsection, only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount.

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

(e) If a report is sent to the office of the county election officer by certified or registered mail on or before the

day it is due, the mailing shall constitute receipt by that office.

New Sec. 16. All contributions and other receipts received and expenditures made from and including the December 1 following one general election date until and including the next ensuing primary election date shall be allocated to the primary election on such date. All contributions and other receipts received and expenditures made from midnight on the date of a primary election through and including the November 30 following the date of the next ensuing general election shall be allocated to the general election on such date.

New Sec. 17. Each candidate shall file a termination report with the county election officer which shall include full information as to the disposition of residual funds. Any report required by section 15 may be a termination report.

New Sec. 18. 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 \$100 or more within a calendar year shall make statements containing the information required by section 15, 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 section 15. Reports made under this section need not be cumulative.

New Sec. 19. (a) Every report or statement made under sections 9 to 24 inclusive, contain substantially the following: "I declare that this (report) (statement), including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor."

(Date)

(Signature)

Every report or statement shall be dated and signed by: (1) The treasurer for any report required by section 15; (2) the candidate, for any report required by section 11; or (3) the chairperson of the committee, for any statement required by section 12.

(b) Records in support of every report or statement filed under sections 9 to 24 inclusive, shall be maintained and preserved by the person who files it for a period of time to be designated by the commission.

(c) Delay in filing a report or statement beyond the time required by law shall not prevent the acceptance of the report or statement.

(d) No treasurer shall accept or permit to be accepted any contributions or make or permit to be made any expenditures unless all reports or statements required of such treasurer prior to the time of such contributions or expenditures have been filed.

New Sec. 20. (a) The county election officer shall:

(1) Furnish forms prescribed and provided by the commission for making reports required to be filed under sections 9 to 24, inclusive; and

(2) make such reports and statements available for public inspection and copying during regular office hours.

(b) The commission shall prescribe and provide to each county election officer forms for making reports required to be filed under sections 9 to 24, inclusive.

New Sec. 21. (a) No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another.

(b) No person shall give or accept any contribution in excess of \$10 unless the name and address of the contributor is made known to the individual receiving the contribution.

(c) The aggregate of contributions for which the name and address of the contributor is not reported under section 15 shall not exceed \$375.

(d) No person shall copy any name of a contributor from any report or statement filed under sections 9 to 24, inclusive and use such name for any commercial purpose, and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report or statement filed under sections 9 to 24, inclusive.

New Sec. 22. (a) Every candidate who intends to expend or have expended on such candidate's behalf an aggregate amount or value of less than \$500, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than \$500 in each the primary and the general election shall file, prior to the date that the first report for such year is required to be filed, an affidavit of such intent with the county election officer. No report required by section 15 shall be required to be filed by or for such candidate.

(b) Any candidate who has signed an affidavit pursuant to subsection (a) and who incurs expenses in excess of or receives contributions in excess of \$500, exclusive of such candidate's filing fee, for either the primary or the general election shall, within three days of the date when 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 section 15.

New Sec. 23. It is a class A misdemeanor to:

(a) Intentionally fail to file a report in the manner and at the time provided by section 15;

(b) intentionally make any false material statement in a report filed under section 15 or 22; or

(c) violate the provisions of section 21.

New Sec. 24. The commission upon its own initiative may, and upon the request of any individual to which sections 9 to 24 inclusive, applies shall, render an opinion in writing on questions concerning the interpretation of sections 9 to 24,

inclusive. Any person who acts in accordance with the provisions of such an opinion, shall be presumed to have complied with the provisions of sections 9 to 24, inclusive. A copy of every opinion rendered by the commission shall be filed with the secretary of state, and any opinion so filed shall be open to public inspection. The secretary of state shall publish all opinions rendered under this section monthly and each such publication shall be cumulative. The secretary of state shall cause adequate copies of all filings under this section to be supplied to the state library.

Repealer and effective date follow this insert on page 10 of balloon.