

Approved 4-5-90
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by Senator Don Sallee at
Chairperson

1:30 ~~xxx~~ p.m. on March 27, 1990 in room 529-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Pat Mah, Legislative Research Department
Ardan Ensley, Revisor of Statutes Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Others attending: see attached list

The meeting was called to order by Chairman Sallee at 1:35 p.m.

The chairman announced the committee would take up HB-2725. Senator Yost had previously noted the subcommittee's inability to meet. Therefore the chairman returned HB-2725 to full committee for consideration.

Senator Yost told committee members that due to the fact the subcommittee had not been able to meet further and act on HB-2725, he was presenting a bill balloon containing amendments he, personally, felt were needed and some of which were clean-up from last year's bill.

The first amendment was in Section 1, "Definitions" and it was noted that it appeared the committees set up by legislators to help themselves were really not political action committees to be treated as special interest groups but should be treated as party committees.

Senator Yost moved, with a second from Senator Reilly, to accept the amendment adding to section (g) page 3, as shown in Attachment 1. The motion carried.

Senator Yost moved, with a second from Senator Reilly, to accept amendment (3), page 8, of (Attachment 1). The motion carried. Senator Rock requested his Nay vote be recorded.

Senator Lee moved that lines 6-7 (the candidate or the candidate's spouse [and except by bequest from the estate of a deceased person]) page 8, inserted at line 21, page 10, following "party" and preceding "shall". Senator Yost seconded the motion.

A substitute motion was made by Senator Kerr, seconded by Senator Bond, to strike lines 6 and 7, page 8, attachment 1. The motion carried.

Senator Yost moved, with a second by Senator Rock, to strike lines 26-43 page 8 and lines 1-7 page 9, Attachment 1. The motion carried.

Senator Lee moved to change "and" to "or" line 10, page 8, attachment 1. Senator Bond seconded the motion and the motion carried.

Senator Yost, with a second from Senator Kerr, moved to amend (f) (1), page 10, into the bill as shown in attachment 1.

A substitute motion was made by Senator Bond, seconded by Senator Kerr, to strike lines 18 through 31 as well as amendments proposed to those lines, page 10, attachment 1. Division was called with a vote of 5 Yea and 4 Nay votes. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S, Statehouse, at 1:30 ~~xxx~~ p.m. on March 27, 1990.

Senator Yost moved the technical clean up portions of HB-2725. Senator Bond seconded the motion and the motion carried.

Senator Kerr presented an amendment, (Attachment 2) page 10 (j) concerning a candidate who does not subsequently file for office and contributions limitations.

Senator Kerr moved, with a second from Senator Bond, to accept the amendment as shown in Attachment 2. On a call for Division the vote was 4 Yea and 4 Nay votes. The chair cast a Yea vote and the motion carried.

Senator Johnston requested an explanation of HB-2725 including the changes voted.

A meeting was scheduled "on adjournment" for the briefing.

The meeting adjourned at 2:29 p.m.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE March 27, 1990

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Michael Wolf

Common Cause

Jim Edwards

KCCT

Mike Henry

Rep. Klene

Ray Cook

KNEA

Ellie Luchys

Rep. King's office

Rebecca Bossemeyer TOPEKA

SOS

Jana Atchison

KPDC

Carol Williams

KPDC

Doug Perkins

Sen. Fred Kerr

Jeff Wagoner

Sen. Burt

Mike Lowe

KASB

Jane Rzepke

HOUSE BILL No. 2725

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

1-26

12 AN ACT amending the campaign finance act; amending K.S.A.
13 relating to elections; concerning campaign finance; amending
14 K.S.A. 25-904, 25-4144, 25-4145, 25-4146, 25-4149, 25-4150, 25-
15 4152, 25-4156, 25-4157, 25-4158, ~~25-4159, 25-4172 and 25-4175~~
16 and K.S.A. 1989 Supp. ~~25-4148, 25-4153 and 25-4173 and~~ 25-4143,
17 repealing the existing sections.
18

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

Section 1. K.S.A. 1989 Supp 25-4143 is hereby amended to read as follows:

25-4143. Definitions. As used in the campaign finance act, unless the context otherwise requires:

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

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

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

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

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

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

Senate Elections
March 27, 1990
Attachment 1

1-2

(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 or local office;

(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 \$50 during an allocable election period as provided in K.S.A. 25-4149 and amendments thereto;

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

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

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

(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 or 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;

(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 K.S.A. 25-4149 and amendments thereto;

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

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

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to 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 or local 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 the treasurer's official capacity.

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

, or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives

(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 the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172 and amendments thereto.

(n) "Local office" means an elective office of a city of the first class, or a county or of the board of public utilities.

History: L. 1981, ch. 171, § 2; L. 1989, ch. 111, § 3; July 1.

20 Section ~~Y~~ K.S.A. 25-1144 is hereby amended to read as follows: 2
21 25-1144. Not later than 10 days after becoming a candidate, every
22 candidate shall appoint a treasurer or in lieu thereof shall appoint
23 a candidate committee. ~~A candidate may appoint the person who~~
24 ~~is such candidate as treasurer. The treasurer so appointed may~~
25 ~~be the candidate making such appointment.~~ No candidate shall
26 appoint more than one candidate committee to exist at the same
27 time. If a candidate appoints a candidate committee, such candidate
28 shall appoint a chairperson and a treasurer thereof, and the treasurer
29 so appointed may be the candidate. The name and address of each
30 treasurer and chairperson appointed under this section ~~by a~~
31 ~~candidate for a state office~~ shall be reported to the secretary of state
32 ~~by the candidate not later than 10 days after such appointment. The~~
33 ~~name and address of each treasurer and chairperson appointed under~~
34 ~~this section by a candidate for a local office shall be reported to~~
35 ~~the county election officer by the candidate not later than 10 days~~
36 ~~after such appointment.~~ The candidate for governor shall carry out
37 the requirements and responsibilities of the candidate under the
38 campaign finance act, for the pair of candidates for governor and
39 lieutenant governor, unless another specific provision applies. 3

40 Sec. ~~Z~~ K.S.A. 25-4145 is hereby amended to read as follows:
41 25-4145. (a) Each party committee and each political committee
42 which anticipates receiving contributions or making expenditures
43 shall appoint a chairperson and a treasurer. The chairperson of each

1 such committee party committee and each political committee
 2 which supports or opposes a candidate for state office shall make
 3 a statement of organization and file it with the secretary of state not
 4 later than 10 days after establishment of such committee. *The*
 5 *chairperson of each political committee, the major purpose of which*
 6 *is to support or oppose any candidate for local office, shall make a*
 7 *statement of organization and file it with the county election officer*
 8 *not later than 10 days after establishment of such committee.*

9 (b) Every statement of organization shall include:

10 (1) The name and address of the committee;

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

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

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

21 (c) Any change in information previously reported in a statement
 22 of organization shall be reported on a supplemental statement of
 23 organization and filed not later than 10 days following the change.

24 Sec. 2. K.S.A. 25-4146 is hereby amended to read as follows:

25 25-4146. (a) A candidate may remove any treasurer or chairperson
 26 that such candidate has appointed, and a party committee or political
 27 committee may remove its chairperson or treasurer. In case of a
 28 vacancy in the position of treasurer of a candidate before all of the
 29 obligations of the treasurer have been performed, such candidate
 30 shall be such candidate's own treasurer from the date of such vacancy
 31 until such time as the candidate appoints a successor and reports
 32 the name and address of the treasurer to the secretary of state *if*
 33 *the candidate is a candidate for state office or to the county election*
 34 *officer if the candidate is a candidate for local office.* In case of a
 35 vacancy in the position of treasurer of a candidate committee, the
 36 candidate shall be treasurer from the date of vacancy or removal,
 37 until such time as the candidate appoints a successor and reports
 38 the name and address of the treasurer to the secretary of state *if*
 41 *the candidate is a candidate for state office or to the county election*
 42 *officer if the candidate is a candidate for local office.* In case of a
 43 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

1 a successor and reports the name and address of the treasurer to
2 the secretary of state *if such committee is other than a political*
3 *committee, the major purpose of which is to support or oppose*
4 *a candidate for local office*; if such committee is a party
5 committee or a political committee the major purpose of which is
6 to support or oppose a candidate for state office or to the county
7 election officer if such committee is a political committee the major
8 purpose of which is to support or oppose a candidate for local office.

9 An individual who vacates the position of treasurer by reason of
10 removal or resignation shall substantiate the accuracy of such person's
11 records to the succeeding treasurer. No resignation of a treasurer
12 shall be effective until a written statement of resignation of such
13 treasurer has been filed with the secretary of state *if the treasurer*
14 *is that of a candidate or committee involving a candidate for state*
15 *office or with the county election officer if the treasurer is that of*
16 *a candidate or committee involving a candidate for local office*. No
17 removal of a treasurer of a candidate or candidate committee shall
18 be effective until a written statement of such removal from the
19 candidate has been filed with the secretary of state *if the candidate*
20 *is a candidate for state office or with the county election officer if*
21 *the candidate is a candidate for local office*. No removal of a treasurer
22 of a party committee or political committee shall be effective until
23 a written statement of such removal from the party committee or
24 political committee has been filed with the secretary of state *if such*
25 *committee is other than a political committee, the major*
26 *purpose of which is to support or oppose a candidate for local*
27 *office*; if such committee is a party committee or a political
28 committee the major purpose of which is to support or oppose a
29 candidate for state office or with the county election officer if such
30 committee is a political committee the major purpose of which is to
31 support or oppose a candidate for local office. The succeeding
32 treasurer shall not be held responsible for the accuracy of the
33 predecessor treasurer's records.

34 (b) No contribution or other receipt shall be received or
35 expenditure made, by or on behalf of a candidate, pair of candidates
36 or candidate committee, except receipt or payment of a filing fee:

37 (1) Until such candidate appoints a treasurer and makes the
38 report required by K.S.A. 25-4144 and amendments thereto; and

39 (2) unless by or through such treasurer.

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

43 (1) Until the chairperson of the party committee or a political

1 committee has filed a statement of organization required by K.S.A.
 2 25-4145 and amendments thereto; and

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

5

4 Section ~~4~~ K.S.A. 1989 Supp. 25-4148 is hereby amended to read
 5 as follows: 25-4148. (a) Every treasurer shall file a report prescribed
 6 by this section in the office of the secretary of state and in the
 7 office of the county clerk in the county in which the candidate
 8 is a resident so that it is received by such offices for candidates
 9 for state offices, and in the office of the county election officer
 10 for local offices. Reports filed by treasurers for candidates for
 11 state office, other than officers elected on a state-wide basis, shall
 12 be filed in both the office of the secretary of state and in the office
 13 of the county election officer of the county in which the candidate
 14 is a resident. Reports filed by treasurers for candidates for state-
 15 wide office shall be filed only with the secretary of state. Reports
 16 filed by treasurers for candidates for local office shall be filed in
 17 the office of the county election officer of the county in which the
 18 candidate is a resident. Except as otherwise provided by subsection
 19 (b), all such reports shall be filed in time to be received in the
 20 offices required on or before each of the following days:

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

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

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

31 (4) for any calendar year when no election is held, a report shall
 32 be filed on the next January 10 for the preceding calendar year;
 33 except that the report filed January 10, 1990, shall include in addition
 34 to calendar year 1989 the month of December 1988;

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

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

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

40 (2) the name and address of each person who has made one or
 41 more contributions in an aggregate amount or value in excess of \$50
 42 during the election period together with the amount and date of
 43 such contributions, including the name and address of every lender,

1 guarantor and endorser when a contribution is in the form of an
2 advance or loan;

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

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

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

10 (6) the total of all receipts;

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

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

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

29 (10) the total of expenditures.

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

39 (d) If a contribution or other receipt from a political committee
40 is required to be reported under subsection (b), the report shall
41 include the full name of the organization with which the political
42 committee is connected or affiliated or, name or description
43 sufficiently describing the affiliation or, if the committee is not

1 connected or affiliated with any one organization, the trade,
2 profession or primary interest of contributors of the political
3 committee.

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

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

13 (g) For the purpose of any report required to be filed pursuant
14 to subsection (a) by the treasurer of any candidate seeking nomination
15 by convention or caucus or by the treasurer of the candidate's
16 committee or by the treasurer of any party committee or political
17 committee of which the primary purpose is supporting or opposing
18 the nomination of any such candidate, the date of the convention
19 or caucus shall be considered the date of the primary election.

20 (h) If a report is sent to the office of the secretary of state
21 for state offices, or for local offices in the office of the county
22 election officer, by certified or registered mail on or before the
23 day it is due, the mailing shall constitute receipt by that office.

24 Sec. ~~7~~. K.S.A. 25-4149 is hereby amended to read as follows:
25 25-4149. (a) All contributions and other receipts received and
26 expenditures made from and including the ~~December~~ *January 1*
27 following one general election date until and including the next
28 ensuing primary election date shall be allocated to the primary
29 election on such date. All contributions and other receipts received
30 and expenditures made from midnight on the date of a primary
31 election through and including the ~~November 30~~ *December 31*
32 following the date of the next ensuing general election shall be
33 allocated to the general election on such date.

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

39 Sec. ~~8~~. K.S.A. 25-4150 is hereby amended to read as follows:
40 25-4150. Every person, other than a candidate or a candidate
41 committee, party committee or political committee, who makes
42 contributions or expenditures, other than by contribution to a
43 candidate or a candidate committee, party committee or political

6

7

1 committee, in an aggregate amount of \$100 or more within a calendar
 2 year shall make statements containing the information required by
 3 K.S.A. 25-4148 and amendments thereto, and file them in the office
 4 of the secretary of state or offices required so that each such
 5 statement is in such office or offices on the day specified in K.S.A.
 6 25-4148 and amendments thereto. If such contributions or
 7 expenditures are made to support or oppose a candidate for state
 8 office, other than that of an officer elected on a state-wide basis
 9 such statement shall be filed in both the office of the secretary of
 10 state and in the office of the county election officer of the county
 11 in which the candidate is a resident. If such contributions or
 12 expenditures are made to support or oppose a candidate for
 13 statewide office such statement shall be filed only in the office of
 14 the secretary of state. If such contributions or expenditures are
 15 made to support or oppose a candidate for local office such
 16 statement shall be filed in the office of the county election officer
 17 of the county in which the candidate is a resident. Reports made
 18 under this section need not be cumulative.

19 Sec. 7. K.S.A. 25-4152 is hereby amended to read as follows:
 20 25-4152. (a) The Kansas public disclosure commission shall send a
 21 notice by registered or certified mail to any person failing to file
 22 any report or statement required by K.S.A. 25-4144, 25-4145 or 25-
 23 4148, and amendments thereto, within the time period prescribed
 24 therefor. The notice shall state that the required report or statement
 25 has not been filed with *either* the office of secretary of state *or*
 26 *county election officer or both*. The notice shall also state that such
 27 person shall have 15 days from the date such notice is deposited in
 28 the mail to comply with the registration and reporting requirements
 29 before a civil penalty shall be imposed for each day that the required
 30 documents remain unfiled. If such person fails to comply within the
 31 prescribed period, such person shall pay to the state a civil penalty
 32 of \$10 per day for each day that such report or statement remains
 33 unfiled, except that no such civil penalty shall exceed \$300. The
 34 Kansas public disclosure commission may waive, for good cause,
 35 payment of any civil penalty imposed by this section.

36 (b) Civil penalties provided for by this section shall be paid to
 37 the state treasurer, who shall deposit the same in the state treasury
 38 to the credit of the state general fund.

39 (c) If a person fails to pay a civil penalty provided for by this
 40 section, it shall be the duty of the attorney general or county or
 41 district attorney to bring an action to recover such civil penalty in
 42 the district court of the county in which such person resides.

43 Sec. 8. K.S.A. 1989 Supp. 25-4153 is hereby amended to read

as follows: 25-4153. (a) ~~[Except as otherwise provided in subsection~~ (f) (E)

~~(f) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any person, except a party committee and its recognized political committees, the candidate or the candidate's spouse [and except by bequest from the estate of a deceased person], shall not exceed the following:~~

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

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

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

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

~~(c) For purposes of the contribution limitations, the following apply:~~

(1) All payments made by a person, organization, or political action committee whose contribution or expenditure activity is financed, ~~maintained~~, or controlled by a corporation, labor organization, association, or any other person or committee, including a parent, subsidiary, branch, division, department, or local unit of the corporation, labor organization, association, or any other person, or by a group of such persons are considered made by the same person or committee.

(2) Two or more entities are treated as a single entity if the entities:

(A) Share the majority of members on their boards of directors; or

(B) are owned or controlled by the same majority shareholder or shareholders; or

(C) are local units or divisions of a political committee. An entity will be deemed a local unit or division if membership in the political

1 ~~committee is a condition of membership in the local unit or division~~
 2 ~~or the local unit or division is required to pay membership dues to~~
 3 ~~the political committee or members of the local unit or division are~~
 4 ~~required to pay membership dues to the political committee.~~

5 ~~(d) Each state party committee may designate one recognized~~
 6 ~~political committee for the house of representatives and one~~
 7 ~~recognized political committee for the senate.~~

8 (c) The aggregate amount contributed to a party committee
 9 other than from a national party committee shall not exceed
 10 \$1,500 for each primary election and an equal amount for each
 11 general election when contributed by a person other than a
 12 political committee. The aggregate amount contributed to a
 13 state party committee shall not exceed \$25,000 each calendar
 14 year when contributed by a national party committee, and the
 15 aggregate amount contributed to any other party committee
 16 shall not exceed \$1,500 for each primary election and an equal
 17 amount for each general election when contributed by a
 18 national party committee. The aggregate amount contributed to
 19 a party committee shall not exceed \$500 for each primary
 20 election and a like amount for each general election when
 21 contributed by a political committee. [The aggregate amount
 22 contributed to a state party committee, other than from a national
 23 party committee or a political committee, shall not exceed \$20,000
 24 in each calendar year; and the aggregate amount contributed to
 25 any other party committee, other than from a national party
 26 committee or a political committee, shall not exceed \$5,000 in each
 27 calendar year.

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

33 [The aggregate amount contributed to a party committee by a
 34 political committee shall not exceed \$3,000 in any calendar year.]
 35 ~~The [Except as otherwise provided in subsection (i), the] aggregate~~
 36 ~~amount contributed to a candidate for member of the house of~~
 37 ~~representatives shall not exceed \$750 for each primary election and~~
 38 ~~an equal amount for each general election when contributed by a~~
 39 ~~recognized political committee of the house of representatives.~~
 40 ~~[Except as otherwise provided in subsection (i),] the aggregate~~
 41 ~~amount contributed to a candidate for the senate shall not exceed~~
 42 ~~\$5,000 for each primary election and an equal amount for each~~
 43 ~~general election when contributed by a recognized political~~

~~committee of the senate. A recognized political party of one house of the legislature may contribute only to candidates for a member of its own house of the legislature.~~

~~(f) The aggregate amount contributed to a recognized political committee shall not exceed \$1,000 for each primary election and a like amount for each general election when contributed by a person other than a political committee. The aggregate amount contributed to a recognized political committee shall not exceed \$500 for each primary election and a like amount for each general election when contributed by a political committee.~~

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

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

~~(i) The aggregate amount contributed by all party committees and recognized political committees of the same political party to any candidate for office, for any primary election at which two or more candidates are seeking the nomination of such party shall not exceed the following:~~

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

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

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

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

(b) (1) Corrupt political advertising of a state or local office is: Publishing or causing to be published in a newspaper or other periodical any paid matter which is designed or tends to aid, injure

(d)

(e)

(f) (1) From the date of the deadline for filing for office until the date of the primary election,

(A)

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

(2) An expenditure made for the benefit of a particular candidate shall be included toward the contribution limitation;

(3) any lists or materials which are made available by any party committee to any candidate for any primary election at which two or more candidates are seeking the nomination of such party, from the date of the deadline for filing for such office until the date of the primary election, shall be made available to all other candidates seeking such nomination.

1 office, unless such matter is followed by the word "advertisement"
 2 or the abbreviation "adv." in a separate line together with the name
 3 of the chairperson of the political or other organization inserting the
 4 same or the name of the person who is responsible therefor; or
 5 broadcasting or causing to be broadcast by any radio or television
 6 station any paid matter which is designed or tends to aid, injure or
 7 defeat any candidate for nomination or election to a state or local
 8 office, unless such matter is followed by a statement that the
 9 preceding was an advertisement together with the name of the
 10 chairperson of the political or other organization sponsoring the same
 11 or the name of the person who is responsible therefor.

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

14 ~~Sec. 10~~ K.S.A. 25-4157 is hereby amended to read as follows: 11
 15 25-4157. Before any candidate committee, party committee or
 16 political committee may be dissolved or the position of a candidate's
 17 treasurer terminated, the treasurer of the candidate or such
 18 committee shall file a termination report with the secretary of state
 19 which shall include full information as to the disposition of residual
 20 funds. Any report required by K.S.A. 25-4148 and amendments
 21 thereto may be a termination report. *Reports of the dissolution of*
 22 *candidate committees of candidates for state office, the termination*
 23 *of the treasurer of a candidate for state office, the dissolution of a*
 24 *political committee the major purpose of which is to support or*
 25 *oppose any candidate for state office and the dissolution of party*
 26 *committees shall be filed in the office of the secretary of state.*
 27 *Reports of the dissolution of candidate committees of candidates for*
 28 *local office, the termination of the treasurer of a candidate for local*
 29 *office and the dissolution of a political committee the major purpose*
 30 *of which is to support or oppose any candidate for local office shall*
 31 *be filed in the office of the county election officer of the county.*

32 ~~Sec. 11~~ K.S.A. 25-4158 is hereby amended to read as follows: 12
 33 25-4158. (a) The secretary of state shall: (1) Furnish forms prescribed
 34 and provided by the commission for making reports and statements
 35 required to be filed in the office of the secretary of state by the
 36 campaign finance act; and

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

39 (b) The county election officer shall: (1) Furnish forms prescribed
 40 and provided by the commission for making reports and statements
 41 required to be filed in the office of the county election officer by
 42 the campaign finance act; and

43 (2) make such reports and statements available for public

1 *inspection and copying during regular office hours.*

2 (b) (c) The commission may investigate, or cause to be
3 investigated, any matter required to be reported upon by any person
4 under the provisions of the campaign finance act, or any matter to
5 which the campaign finance act applies irrespective of whether a
6 complaint has been filed in relation thereto.

7 ~~Sec. 12. K.S.A. 25-4150 is hereby amended to read as~~
8 ~~follows: 25-4150. The commission upon its own initiative may,~~
9 ~~and upon the request of any individual to which the campaign~~
10 ~~finance act applies shall, render an opinion in writing on~~
11 ~~questions concerning the interpretation of the campaign finance~~
12 ~~act. Any person who acts in accordance with the provisions of~~
13 ~~such an opinion, shall be presumed to have complied with the~~
14 ~~provisions of the campaign finance act. A copy of every opinion~~
15 ~~rendered by the commission shall be filed with the secretary~~
16 ~~of state, and any opinion so filed shall be open to public~~
17 ~~inspection. The secretary of state shall publish all opinions~~
18 ~~rendered under this section monthly and each such publication~~
19 ~~shall be cumulative. Copies of each opinion shall be filed with~~
20 ~~the secretary of the senate and the chief clerk of the house on~~
21 ~~the same date as the same are filed with the secretary of state.~~
22 ~~The secretary of state shall cause adequate copies of all filings~~
23 ~~under this section to be supplied to the state library.~~

13

24 ~~Sec. 13-12~~ K.S.A. 25-4172 is hereby amended to read as follows:
25 25-4172. (a) Except as provided by subsection (b), any combination
26 of three or more individuals or a person other than an individual,
27 not domiciled in this state, which makes or intends to make a
28 contribution or contributions to a candidate, candidate committee,
29 party committee or political committee in this state shall either:

30 (1) Prepare a verified statement containing: (A) The names and
31 addresses of the responsible individuals; (B) the name and address
32 of each person who has made one or more contributions to such
33 out-of-state combination of individuals or person other than an
34 individual in an aggregate amount in excess of \$50 within the
35 preceding 12 months, together with the amount and date of such
36 contributions; and (C) the aggregate amount of all other contributions
37 to such out-of-state combination of individuals or person other than
38 an individual within the preceding 12 months. Such statement shall
39 be submitted to each treasurer receiving any contribution from
40 such out-of-state combination of individuals or person other
41 than an individual. Such statement shall be a part of and
42 attached to the report required of such treasurer filed in the
43 office of the secretary of state at the times prescribed for the filing

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1 of reports of treasurers by K.S.A. 25-4148, and amendments thereto;
 2 or

3 (2) file a statement of organization as provided by K.S.A. 25-
 4 4145, and amendments thereto, establish a separate fund for the
 5 purpose of receiving contributions and making expenditures relating
 6 to any election for state office in this state and file statements and
 7 reports involving such fund in the manner provided by K.S.A. 25-
 8 4148, and amendments thereto, for political committees and party
 9 committees. Any transfer from another fund to the separate fund
 10 herein provided for shall be subject to the requirements of provision
 11 (1).

12 (b) The provisions of subsection (a) shall not apply to: (1) Any
 13 political party having a national organization *which reports under*
 14 *federal law*; (2) a bona fide corporation organized under the laws of
 15 another state; or (3) a union, if the contribution is made from union
 16 funds.

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

24 ~~Sec. 14 13.~~ K.S.A. 1989 Supp. 25-4173 is hereby amended to
 25 read as follows: 25-4173. Every candidate for state or local office
 26 who intends to expend or have expended on such person's behalf
 27 an aggregate amount or value of less than \$500, exclusive of such
 28 candidate's filing fee, and who intends to receive or have received
 29 on such person's behalf contributions in an aggregate amount or
 30 value of less than \$500 in each the primary and the general election
 31 shall file, ~~prior to the date that the first report for such year~~
 32 ~~next following the filing deadline~~ is required to be filed
 33 ~~pursuant to K.S.A. 25-4148 and amendments thereto~~ not later
 34 than the ninth day preceding the primary election, an affidavit of
 35 such intent with the secretary of state for state offices and the county
 36 election officer of the county of residence of the candidate for local
 37 offices. No report required by K.S.A. 25-4148, and amendments
 38 thereto, shall be required to be filed by or for such candidate.

14

39 ~~Sec. 15 14.~~ K.S.A. 25-4175 is hereby amended to read as follows:
 40 25-4175. For any calendar year during which a party or political
 41 committee intends to expend an aggregate amount or value of less
 42 than \$500 and intends to receive contributions in an aggregate
 43 amount or value of less than \$500 and during which such party or

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1 political committee intends to receive no contributions in excess of
 2 \$50 from any one contributor, the treasurer of such party or political
 3 committee shall file an affidavit of such intent with the secretary of
 4 state if such committee is a party committee or a political committee
 5 which supports or opposes a candidate for state office and with the
 6 county election officer if the committee is a political committee
 7 which supports or opposes a candidate for local office. Such
 8 treasurer shall not be required to file the reports required by K.S.A.
 9 25-4148 and amendments thereto for the year for which such affidavit
 10 is filed. Such affidavit may be filed at any time prior to the date
 11 that the first report for such year ~~next following the filing~~
 12 ~~deadline~~ is required to be filed by K.S.A. 25-4148 and
 13 ~~amendments thereto~~ not later than the ninth day preceding the
 14 primary election.

15 ~~Sec. 16. K.S.A. 25-904 is hereby amended to read as follows:~~ 16
 16 25-904. (a) Every candidate for election to any city, unified school
 17 district, community college or township office subject to this act who
 18 intends to expend or have expended on such person's behalf an
 19 aggregate amount or value of less than \$500, exclusive of such
 20 candidate's filing fee, and who intends to receive or have received
 21 on such person's behalf contributions in an aggregate amount or
 22 value of less than \$500 in each the primary and the general election
 23 shall file, not later than the ninth day preceding the primary election,
 24 an affidavit of such intent with the county election officer of the
 25 county of residence of the candidate. No report required by
 26 subsection (b) shall be required to be filed by or for such candidate.

27 (b) Except as provided in subsection (a) it shall be the duty of
 28 every candidate for nomination or for election to any city, unified
 29 school district, community junior college, or township or county
 30 office subject to this act, within thirty (30) 30 days after each
 31 primary, general or special election, to file with the county election
 32 officer an itemized statement under oath of all expenditures made
 33 by such candidate or obligations contracted or incurred by him or
 34 her such candidate in connection with each primary, general or
 35 special election. If no expenditures are made and no obligations
 36 are contracted or incurred by a candidate, the candidate shall
 37 file with the county election officer a statement to that effect.

38 (c) No candidate which is subject to the provisions of the
 39 campaign finance act (K.S.A. 25-4142 et seq., and amendments
 40 thereto) shall be required to file any report required by this section.

41 (d) Any candidate who has signed an affidavit pursuant to
 42 subsection (a) and who incurs expenses in excess of or receives
 43 contributions in excess of \$500, exclusive of such candidate's filing

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*fee for either the primary or the general election, shall file the report
required by subsection (b).*

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~~Sec. 16. K.S.A. 25-904, 25-4144, 25-4145, 25-4146, 25-4149, 25-
4150, 25-4152, 25-4156, 25-4157, 25-4158, 25-4159, 25-4172 and 25-
4175 and K.S.A. 1989 Supp./25-4148, 25-4153 and 25-4173 are
hereby repealed.~~

25-4143,

18

~~Sec. 17. This act shall take effect and be in force from and after
its publication in the Kansas register.~~

committee of the senate. A recognized political party of one house of the legislature may contribute only to candidates for a member of its own house of the legislature.

(f) The aggregate amount contributed to a recognized political committee shall not exceed \$1,000 for each primary election and a like amount for each general election when contributed by a person other than a political committee. The aggregate amount contributed to a recognized political committee shall not exceed \$500 for each primary election and a like amount for each general election when contributed by a political committee.

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

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

((i) The aggregate amount contributed by all party committees and recognized political committees of the same political party to any candidate for office, for any primary election at which two or more candidates are seeking the nomination of such party shall not exceed the following:

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

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

Sec. 9. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

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

(b) (1) Corrupt political advertising of a state or local office is: Publishing or causing to be published in a newspaper or other periodical any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to a state or local

(j) When a person becomes a candidate for office but does not subsequently file as a candidate for office, all contributions and other receipts attributable to the primary and general elections for which such person did not file shall be attributed to any ensuing primary election for which such person files as a candidate and, together with any other contributions, shall not exceed the contribution limitations imposed by this section.

Senate Elections
March 27, 1990
Attachment 2