

HOUSE BILL No. 2312

By Committee on Elections

2-7

1 AN ACT concerning elections; relating to the campaign finance act;
2 exempting certain political party committee treasurers from liability for
3 certain violations of the act; amending K.S.A. 25-4148, 25-4148c and
4 25-4181 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 25-4148 is hereby amended to read as follows: 25-
8 4148. (a) Every treasurer shall file a report prescribed by this section.
9 Reports filed by treasurers for candidates for state office, other than
10 officers elected on a state-wide basis, shall be filed ~~in both~~ with the office
11 of the secretary of state. Reports filed by treasurers for candidates for
12 state-wide office shall be filed electronically and only with the secretary of
13 state. Reports filed by treasurers for candidates for local office shall be
14 filed in the office of the county election officer of the county in which the
15 name of the candidate is on the ballot. Except as otherwise provided by
16 subsection (h), all such reports shall be filed in time to be received in the
17 offices required on or before each of the following days:

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

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

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

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

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

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

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

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

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

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

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

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

11 (6) the total of all receipts;

12 (7) the name and address of each person to whom expenditures have
13 been made in an aggregate amount or value in excess of \$50, with the
14 amount, date, and purpose of each; the names and addresses of all persons
15 to whom any loan or advance has been made; when an expenditure is
16 made by payment to an advertising agency, public relations firm or
17 political consultants for disbursement to vendors, the report of such
18 expenditure shall show in detail the name of each such vendor and the
19 amount, date and purpose of the 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 provided
22 without charge to or for any candidate, candidate committee, party
23 committee or political committee, if the contribution is in excess of \$100
24 and is not otherwise reported under subsection (b)(7), and the amount, date
25 and purpose of the contribution;

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

28 (10) the total of expenditures.

29 (c) In addition to the requirements of subsection (b), every treasurer
30 for any political committee and party committee shall report the following:

31 (1) (A) The name and address of each candidate for state or local
32 office for whom an expenditure in the form of an in-kind contribution has
33 been made in an aggregate amount or having a fair market value in excess
34 of \$300, with the amount, date and purpose of each. The report shall show
35 in detail the specific service or product provided; and

36 (B) the name and address of each candidate for state or local office
37 who is the subject of an expenditure ~~which~~ that:

38 (i) Is made without the cooperation or consent of a candidate or
39 candidate committee;

40 (ii) expressly advocates the nomination, election or defeat of such
41 candidate; and

42 (iii) is an aggregate amount or having a fair market value in excess of
43 \$300.

1 (2) The report shall state the amount, date and purpose of the
2 expenditure in the form of an in-kind contribution. The report shall show
3 in detail the specific service or product provided. The reporting
4 requirements imposed by this subsection shall be in addition to all other
5 requirements required by this section.

6 (d) Treasurers of candidates and of candidate committees shall
7 itemize the purchase of tickets or admissions to testimonial events by a
8 person who purchases such tickets or admissions in an aggregate amount
9 or value in excess of \$50 per event, or who purchases such a ticket or
10 admission at a cost exceeding \$25 per ticket or admission. All other
11 purchases of tickets or admissions to testimonial events shall be reported
12 in an aggregate amount and shall not be subject to the limitations specified
13 in K.S.A. 25-4154, and amendments thereto.

14 (e) If a contribution or other receipt from a political committee is
15 required to be reported under subsection (b), the report shall include the
16 full name of the organization with which the political committee is
17 connected or affiliated or, a description of the connection to or affiliation
18 with such organization. If, the committee is not connected or affiliated
19 with any one organization, the report shall state the trade, profession or
20 primary interest of the political committee as reflected by the statement of
21 purpose of such organization.

22 (f) The commission may require any treasurer to file an amended
23 report for any period for which the original report filed by such treasurer
24 contains material errors or omissions. The notice of the errors or omissions
25 shall be part of the public record. The amended report shall be filed within
26 30 days after notice by the commission.

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

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

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

38 (j) Any report required by this section may be signed by the candidate
39 in lieu of the candidate's treasurer or the treasurer of the candidate's
40 committee.

41 (k) *Any party committee that does not employ a treasurer and require*
42 *such treasurer to file a surety bond shall be liable for all reporting*
43 *requirements of such party committee under this section.*

1 Sec. 2. K.S.A. 25-4148c is hereby amended to read as follows: 25-
2 4148c. (a) Every treasurer for a party committee or political committee
3 shall file reports of independent expenditures as prescribed by this act.
4 Reports shall be filed with the secretary of state. Reports required by this
5 section shall be in addition to any other reports required by law.

6 (b) (1) The report shall contain the name and address of each party
7 committee or political committee ~~which~~ *that* has made or contracted to be
8 made independent expenditures in an aggregate amount or value in excess
9 of \$300 or more during the period commencing 11 days before a primary
10 or general election at which a state or local officer is to be elected and
11 ending at 11:59 p.m. on the Wednesday preceding the date of the election.
12 Such report shall contain the amount, date and purpose of each such
13 independent expenditure, as well as the name of the candidate whose
14 nomination, election or defeat is expressly advocated. When an
15 independent expenditure is made by payment to an advertising agency,
16 public relations firm or political consultant for disbursement to vendors,
17 the report of such independent expenditure shall show in detail the name
18 of each such vendor and the amount, date and purpose of the payments to
19 each, as well as the name of the candidate whose nomination, election or
20 defeat is expressly advocated. The report shall be made on or before the
21 close of business on the Thursday preceding the date of the election.

22 (2) In addition, a separate report shall be made on a daily basis for the
23 Thursday, Friday, Saturday and Sunday immediately preceding the
24 election. Each daily report shall contain the information required in
25 paragraph (1) of this section. Each report shall be filed by 5:00 p.m. on the
26 next day respectively.

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

30 (d) *Any party committee that does not employ a treasurer and require*
31 *such treasurer to file a surety bond shall be liable for all reporting*
32 *requirements of such party committee under this section.*

33 (e) (1) "Expenditure" shall have the meaning ascribed to it in K.S.A.
34 25-4143, and amendments thereto.

35 (2) "Independent expenditure" means an expenditure that is made
36 without the cooperation or consent of the candidate or agent of such
37 candidate intended to be benefited and ~~which~~ expressly advocates the
38 election or defeat of a clearly identified candidate.

39 (3) "Party committee" shall have the meaning ascribed to it in K.S.A.
40 25-4143, and amendments thereto.

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

43 ~~(e)~~(f) The provisions of this section shall be part of and supplemental

1 to the campaign finance act.

2 Sec. 3. K.S.A. 25-4181 is hereby amended to read as follows: 25-
3 4181. (a) *(1) Except as otherwise provided, the commission, in addition to*
4 *any other penalty prescribed under the campaign finance act, may assess a*
5 *civil fine, after proper notice and an opportunity to be heard, against any*
6 *person for a violation of the campaign finance act in an amount not to*
7 *exceed \$5,000 for the first violation, \$10,000 for the second violation and*
8 *\$15,000 for the third violation and for each subsequent violation.*
9 *Whenever any civil fine or penalty is proposed to be assessed against the*
10 *treasurer of any candidate who is not also the candidate, such notice shall*
11 *be given to both the treasurer and the candidate prior to the assessment of*
12 *such fine or penalty.*

13 *(2) For any violation of the campaign finance act committed by the*
14 *treasurer of a party committee who provides treasurer services to the party*
15 *committee on a voluntary basis, the commission may assess a civil fine,*
16 *after property notice and an opportunity to be heard, in an amount not to*
17 *exceed \$1,000.*

18 *(3) All fines assessed and collected under this section shall be*
19 *remitted to the state treasurer in accordance with the provisions of K.S.A.*
20 *75-4215, and amendments thereto. Upon receipt of each such remittance,*
21 *the state treasurer shall deposit the entire amount in the state treasury to*
22 *the credit of the governmental ethics commission fee fund.*

23 *(b) No individual who has failed to pay any civil penalty or civil fine*
24 *assessed, or failed to file any report required to be filed under the*
25 *campaign finance act, unless such penalty or fine has been waived or is*
26 *under appeal, shall be eligible to become a candidate for state office or*
27 *local office until such penalty or fine has been paid or such report has been*
28 *filed or both such penalty or fine has been paid and such report filed.*

29 *(c) (1) No treasurer of any party committee shall be held individually*
30 *liable for violations of the campaign finance act committed by the party*
31 *committee of which the treasurer is an officer. All civil fines assessed for*
32 *such violations shall be assessed against the party committee that*
33 *committed the violation.*

34 *(2) Nothing in this subsection shall be construed to exempt a*
35 *treasurer of any party committee from individual liability for any unlawful*
36 *conduct that is intentionally committed by such treasurer.*

37 *(3) The provisions of this subsection shall not apply to a treasurer of*
38 *a party committee who is employed by the party committee in such*
39 *capacity and who has filed a surety bond.*

40 Sec. 4. K.S.A. 25-4148, 25-4148c and 25-4181 are hereby repealed.

41 Sec. 5. This act shall take effect and be in force from and after its
42 publication in the statute book.