



Joshua A. Ney  
[josh@knlawgroup.com](mailto:josh@knlawgroup.com)  
Direct Dial: 913.303.0639

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**Testimony Before the House Elections Committee  
In Support of HB 2054  
Thursday, January 30, 2025**

Chairman Proctor, Vice-Chairman Waggoner, Ranking Member Haskins, and Committee:

I support HB 2054, with recommended amendments below, because it would bring Kansas into constitutional compliance regarding minimums constitutional thresholds for candidate campaigns.

In October 2023, national experts, constitutional law practitioners, public interest groups, and I asked the 2023 Special Committee on Governmental Ethics Reform & Campaign Finance Law to recommend substantive reform to several unconstitutionally vague statutes. **The joint interim committee issued a bipartisan, unanimous report finding several laws vague and ambiguous**, including the PAC definition, coordination definition, and giving in the name of another statutes.

In addition, this bipartisan and bicameral interim committee recommended the legislature increase campaign contribution limits and address party committee limits, given that many contribution limits have not been increased in decades.

Ultimately, donations to campaign committees, party committees, and political committees are protected speech. The interim committee heard from several national constitutional experts regarding the need for the legislature to continuously review any limits placed on this type of “speech” to review for constitutional compliance with current case law.

**Increase Candidate Contribution Limits and Adjust for Inflation**

Candidate contribution limits have not been updated in decades. These are the same limits that were placed on candidate committees for statewide, senate, house, district attorney, and local campaigns since 1990. Unconstitutionally low limits have been struck down in federal courts across the country.

*Recommended amendment.* This committee should consider an automatic adjustment for inflation on contribution limits in statute that would allow the KGEC to publish updated contribution limits on a biennial basis.

**Eliminating Party Committee Limits**

The interim committee heard expert constitutional testimony regarding the potentially constitutionally questionable nature of party committee limits. From a public policy standpoint, however, the question is why party committees (state, district, county GOP/Democrat/other party committees) have contribution limits while political committees (PACs) have no limits. If the legitimate public purpose of campaign finance laws under the First Amendment case law is to prevent *quid pro quo* promises or corruption of elected officials, why are party committees limited and political committees not?

There are arguments for unequal treatment: 1) party committees can coordinate with candidates of the same party during a general election cycle while PACs cannot; 2) party committees can give unlimited amounts to candidates of the same party in a general election while PACs cannot.

But it should be no surprise to anyone that Democrat parties exist to get Democrats elected, and Republican parties exist to get Republicans elected. Balancing the interplay between party committees and candidates as well as coordination prohibitions and candidate contribution limits on PACs demands bipartisan deliberation for accomplishing limited regulation to prevent government corruption while maximizing the free exchange of ideas when picking our government each election cycle.

### **Recommended Amendments**

-Automatically adjust contribution limits for inflation on a biennial basis to prevent limits from becoming unconstitutionally low in years to come

-Strike prohibition on use of funds for federal political office in K.S.A. 25-4153(f) (this has been a KGEC recommendation for the last several years)

-Adjust party contribution limitation language during primary elections (current law technically does not prohibit party committees from contributing unlimited amounts to candidates of the **opposite** political party during a primary, while limitations are put on the amount party committees may contribute to candidates of the **same** political party during a primary). There are a few alternative ways to do this:

- 1) Remove all party contribution limits to candidates (primary, general, and any party);
- 2) Place limits on all party contributions to candidates in both general and primary elections while removing limits on contributions to party committees; or
- 3) Adjust current language to clarify that limits apply to all party committee contributions to candidates, regardless of whether the candidate is of the same party.

### **Conclusion**

As this committee thinks about how “free speech” flows through the campaign finance system in the form of money and other contributions, it should focus its inquiries into what ultimate public policy goal is trying to be accomplished. If *quid pro quo* and corruption scenarios (government officials being “bought off”) are the fundamental reason that campaign finance laws exist, are the prohibitions and restrictions put on the flow of money through the political system in the 1970s still relevant in 2025? Courts have determined that “we don’t want candidate or committee X to be able to engage in too much speech” is not a constitutional public policy goal. Rather, “we want to prevent corruption in government” can be constitutional. To the extent there are valid public policy goals underlying contribution limits of various sorts, this committee should be very intentional about articulating what those limited public purposes are within the context of the First Amendment.