

## HOUSE BILL No. 2106

By Committee on Elections

Requested by Representative Waggoner

1-28

1 AN ACT concerning campaign finance; relating to support for or  
2 opposition to proposed amendments to the Kansas constitution;  
3 banning contributions from foreign nationals; amending K.S.A. 25-  
4 4180 and repealing the existing section.  
5

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

7 Section 1. K.S.A. 25-4180 is hereby amended to read as follows: 25-  
8 4180. (a) (1) Every person who engages in any activity promoting or  
9 opposing the adoption or repeal of any provision of the Kansas  
10 constitution and who accepts moneys or property for the purpose of  
11 engaging in such activity shall make an annual report to the secretary of  
12 state of individual contributions or contributions in kind in an aggregate  
13 amount or value in excess of \$50 received during the preceding calendar  
14 year for such purposes. The report shall show the name and address of  
15 each contributor for the activity and the amount or value of the individual  
16 contribution made, together with a total value of all contributions received,  
17 and also shall account for expenditures in an aggregate amount or value in  
18 excess of \$50 from such contributions, by showing the amount or value  
19 expended to each payee and the purpose of each such expenditure,  
20 together with a total value of all expenditures made. The annual report  
21 shall be filed on or before February 15 of each year for the preceding  
22 calendar year.

23 (2) *No contribution may be accepted from a foreign national.*

24 (3) (A) *Every person who accepts moneys or property in excess of*  
25 *\$500 from another person shall require such other person to provide an*  
26 *affidavit that no portion of the money came from a foreign national.*

27 (B) *"Foreign national" means:*

28 (i) *An individual who is not a citizen or lawful permanent resident of*  
29 *the United States;*

30 (ii) *a government or subdivision of a foreign country or municipality*  
31 *thereof;*

32 (iii) *a foreign political party;*

33 (iv) *any entity, such as a partnership, association, corporation,*  
34 *organization or other combination of persons, that is organized under the*  
35 *laws of, or has its principal place of business in, a foreign country; or*

1       (v) *any United States entity, such as a partnership, association,*  
2 *corporation or organization, that is wholly or majority-owned by any*  
3 *foreign national, unless: (1) Any contribution or expenditure that such*  
4 *entity makes is derived entirely from funds generated by such United*  
5 *States entity's United States operations; and (2) all decisions concerning*  
6 *the contribution or expenditure are made by individuals who are United*  
7 *States citizens or permanent residents, except for setting overall budget*  
8 *amounts.*

9       (4) In addition to the annual report, a person engaging in an activity  
10 promoting the adoption or repeal of a provision of the Kansas constitution  
11 who accepts any contributed moneys for such activity shall make a  
12 preliminary report to the secretary of state 15 days prior to each election at  
13 which a proposed constitutional amendment is submitted. Such report shall  
14 show the name and address of each individual contributor, together with  
15 the amount contributed or contributed in kind in an aggregate amount or  
16 value in excess of \$50, ~~and~~ the expenditures in an aggregate amount or  
17 value in excess of \$50 from such contributions, by showing the amount  
18 paid to each payee, and the purpose of the expenditure. A supplemental  
19 report in the same format as the preliminary report shall be filed with the  
20 secretary of state within 15 days after any election on a constitutional  
21 proposition where contributed funds are received and expended in  
22 opposing or promoting such proposition.

23       (5) Any person who engages in any activity promoting or opposing  
24 the adoption or repeal of any provision of the Kansas constitution shall be  
25 considered engaged in such activity upon the date *that* the concurrent  
26 resolution passes the Kansas house of representatives and *the* senate in its  
27 final form. Upon such date, if the person has funds in the constitutional  
28 amendment campaign treasury, such person shall be required to report  
29 such funds as provided by this section.

30       (b) (1) The commission shall send a notice by registered or certified  
31 mail to any person failing to file any report required by subsection (a)  
32 within the time period prescribed therefor. The notice shall state that the  
33 required report has not been filed with the office of the secretary of state.  
34 The notice also shall state that such person shall have 15 days from the  
35 date *that* such notice is deposited in the mail to comply with the reporting  
36 requirements before a civil penalty shall be imposed for each day that the  
37 required documents remain unfiled. If such person fails to comply within  
38 the prescribed period, such person shall pay to the state a civil penalty of  
39 \$10 per day for each day that such report remains unfiled, except that no  
40 such civil penalty shall exceed \$300. The commission may waive, for  
41 good cause, payment of any civil penalty imposed by this section.

42       (2) Civil penalties provided for by this section shall be remitted to the  
43 state treasurer in accordance with the provisions of K.S.A. 75-4215, and

1 amendments thereto. Upon receipt of each such remittance, the state  
2 treasurer shall deposit the entire amount in the state treasury to the credit  
3 of the governmental ethics commission fee fund.

4 (3) If a person fails to pay a civil penalty provided for by this section,  
5 it shall be the duty of the commission to bring an action to recover such  
6 civil penalty in the district court of the county in which such person  
7 resides.

8 (c) The intentional failure to file any report required by subsection (a)  
9 is a class A misdemeanor.

10 (d) This section shall be *a* part of and supplemental to the campaign  
11 finance act.

12 Sec. 2. K.S.A. 25-4180 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its  
14 publication in the statute book.