

House Substitute for SENATE BILL No. 451

By Committee on Elections

3-12

1 AN ACT concerning elections; relating to campaign finance; requiring
2 treasurers of candidates and persons who promote or oppose the
3 adoption of constitutional amendments to report lists of small donors to
4 the public disclosure commission; specifying the allocation of
5 contributions between primary and general elections; relating to the use
6 of public assets for campaign finance; prohibiting the use of such assets
7 to advocate for or against state constitutional amendments and any
8 other ballot question submitted to qualified electors; requiring detailed
9 fiscal information to be part of any informational statement concerning
10 a proposed bond issue; requiring treasurer reports to include the
11 products and services provided by vendors that are paid by an
12 advertising agency, public relations firm or political consultant from a
13 campaign account expenditure; amending K.S.A. 25-4148, 25-4149
14 and 25-4169a and K.S.A. 2025 Supp. 25-4180 and repealing the
15 existing sections.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 New Section 1. (a) As used in this section, "public funds" means any
19 state, county, city, school district or other political subdivision funds,
20 including funds derived from taxes, fees or assessments.

21 (b) Any publication, communication, mailing, advertisement,
22 website, social media posting or other informational material concerning a
23 proposed bond issue that is paid for, in whole or in part, with public funds
24 shall include a fiscal disclosure statement or a link to a state or
25 municipality website or a quick response code (QR) that provides neutral,
26 factual information regarding the financial impact of the proposed bond
27 issue.

28 (c) The fiscal disclosure statement shall include, at a minimum, the
29 following information:

- 30 (1) The principal amount of the proposed bond issue;
31 (2) the estimated total cost of the bond issue, including interest,
32 calculated using the expected interest rate at the time that the bond is
33 proposed and clearly identified as an estimate;
34 (3) the duration of the bond, including the number of years over
35 which the bond is to be repaid;
36 (4) a statement identifying any outstanding bonds or bond-related

1 obligations of the issuing entity, including:

2 (A) The remaining principal balance; and

3 (B) the estimated remaining total payments, including interest;

4 (5) the estimated annual debt service payment required to repay the
5 proposed bond issue;

6 (6) the estimated total amount of property tax revenue, in actual
7 dollars, required annually to make the bond payments;

8 (7) an estimate of the annual and total property tax impact expressed
9 in real dollar amounts, including the estimated annual cost per \$100,000 of
10 appraised residential property value; and

11 (8) a clear statement that the estimates provided are projections and
12 actual costs may vary based on interest rates, assessed valuation changes
13 and other economic factors.

14 (d) A publication funded with public funds shall not state or imply
15 that a proposed bond issue will not raise taxes or increase property taxes
16 based solely on mill levy calculations, unless the publication also includes:

17 (1) The estimated actual property tax dollars required annually to
18 make bond payments;

19 (2) the estimated real dollar cost to property owners; and

20 (3) a disclaimer that explains that a mill levy that remains the same
21 equates to a tax increase due to appraised valuations increasing annually.

22 (e) All fiscal disclosure statements required by this section shall be
23 presented in plain language, in a manner that is clearly visible and
24 understandable to the average reader and shall not be minimized, obscured
25 or contradicted by other content in the publication.

26 (f) Nothing in this section shall be construed to permit the use of
27 public funds to advocate for a bond issue. The information required under
28 this section shall be strictly informational and neutral.

29 (g) Any publication concerning a bond issue that is inconsistent with
30 the provisions of this section shall constitute a violation of this act.

31 Sec. 2. K.S.A. 25-4148 is hereby amended to read as follows: 25-
32 4148. (a) Every treasurer shall file a report prescribed by this section.
33 Reports filed by treasurers for candidates for state office, other than
34 officers elected on a ~~state-wide~~ statewide basis, shall be filed ~~in both~~ with
35 the office of the secretary of state. Reports filed by treasurers for
36 candidates for ~~state-wide~~ statewide office shall be filed electronically and
37 only with the secretary of state. Reports filed by treasurers for candidates
38 for local office shall be filed in the office of the county election officer of
39 the county in which the name of the candidate is on the ballot. Except as
40 otherwise provided by subsection (h), all such reports shall be filed in time
41 to be received in the offices required on or before each of the following
42 days:

43 (1) The ~~eight~~ 8th day preceding the primary election, which report

1 shall be for the period beginning on January 1 of the election year for the
2 office the candidate is seeking and ending 12 days before the primary
3 election, ~~inclusive~~;

4 (2) the ~~eight~~^{8th} day preceding a general election, which report shall
5 be for the period beginning 11 days before the primary election and ending
6 12 days before the general election, ~~inclusive~~;

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

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

12 (5) a treasurer shall file only the annual report required by ~~subsection~~
13 *paragraph* (4) for those years ~~when in which~~ the candidate is not
14 participating in a primary or general election.

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

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

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

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

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

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

29 (6) the total of all receipts;

30 (7) the name and address of each person to whom expenditures have
31 been made in an aggregate amount or value in excess of \$50, with the
32 amount, date, and purpose of each *such expenditure*;

33 (8) the names and addresses of all persons to whom any loan or
34 advance has been made;

35 (9) when an expenditure is made by payment to an advertising
36 agency, public relations firm or political consultants for disbursement to
37 vendors, the report of such expenditure shall show ~~in detail the name of~~
38 ~~each such vendor and the amount, date and purpose of the payments to~~
39 ~~each products and services provided by each such vendor, including the~~
40 ~~date and purpose of each such expenditure~~;

41 ~~(8)~~(10) the name and address of each person from whom an in-kind
42 contribution was received or who has paid for personal services provided
43 without charge to or for any candidate, candidate committee, party

1 committee or political committee, if the contribution is in excess of \$100
2 and is not otherwise reported under subsection (b)(7), (b)(8) or (b)(9), and
3 the amount, date and purpose of the contribution;

4 ~~(9)(11)~~ the aggregate of all expenditures not otherwise reported under
5 this section; and

6 ~~(10)(12)~~ the total of expenditures.

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

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

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

16 (i) Is made without the cooperation or consent of a candidate or
17 candidate committee;

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

20 (iii) is an aggregate amount or having a fair market value in excess of
21 \$300.

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

27 (d) Treasurers of candidates and of candidate committees shall
28 itemize the purchase of tickets or admissions to testimonial events by a
29 person who purchases such tickets or admissions in an aggregate amount
30 or value in excess of \$50 per event, or who purchases such a ticket or
31 admission at a cost exceeding \$25 per ticket or admission. All other
32 purchases of tickets or admissions to testimonial events shall be reported
33 in an aggregate amount and shall not be subject to the limitations specified
34 in K.S.A. 25-4154, and amendments thereto.

35 (e) If a contribution or other receipt from a political committee is
36 required to be reported under subsection (b), the report shall include the
37 full name of the organization with which the political committee is
38 connected or affiliated or, a description of the connection to or affiliation
39 with such organization. If, the committee is not connected or affiliated
40 with any one organization, the report shall state the trade, profession or
41 primary interest of the political committee as reflected by the statement of
42 purpose of such organization.

43 (f) The commission may require any treasurer to file an amended

1 report for any period for which the original report filed by such treasurer
2 contains material errors or omissions. The notice of the errors or omissions
3 shall be part of the public record. The amended report shall be filed within
4 30 days after notice by the commission.

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

9 (h) For the purpose of any report required to be filed pursuant to
10 subsection (a) by the treasurer of any candidate seeking nomination by
11 convention or caucus or by the treasurer of the candidate's committee or by
12 the treasurer of any party committee or political committee, the date of the
13 convention or caucus shall be considered the date of the primary election.

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

16 (j) Any report required by this section may be signed by the candidate
17 in lieu of the candidate's treasurer or the treasurer of the candidate's
18 committee.

19 (k) *The treasurer shall maintain a record of the name and address of*
20 *each person who has made one or more contributions in an aggregate*
21 *amount or value of \$50 or less, or who has made an in-kind contribution*
22 *of \$100 or less, or who has provided personal services without charge if*
23 *the services were valued at \$100 or less. Such name and address shall not*
24 *be included in any report required to be filed with the secretary of state or*
25 *the county election officer. Such information shall be submitted to the*
26 *public disclosure commission but shall not be included in any report that*
27 *is required to be made public. The provisions of this paragraph providing*
28 *for confidentiality of certain public records shall expire on July 1, 2031,*
29 *unless the legislature reviews and reenacts such provisions in accordance*
30 *with K.S.A. 45-2291, and amendments thereto.*

31 Sec. 3. K.S.A. 25-4149 is hereby amended to read as follows: 25-
32 4149. (a) All contributions and other receipts received and expenditures
33 made from and including the January 1 following one general election date
34 until and including the next ensuing primary election date shall be
35 allocated to the primary election ~~on such date, except as provided in K.S.A.~~
36 ~~25-4153, and amendments thereto.~~ All contributions and other receipts
37 received and expenditures made from ~~midnight 12:00 a.m. on the date of a~~
38 primary election through and including the December 31 following the
39 date of the next ensuing general election shall be allocated to the general
40 election on such date.

41 (b) For the purposes of allocating, pursuant to subsection (a),
42 contributions to or expenditures by a candidate seeking nomination by
43 convention or caucus or such candidate's candidate committee, the date of

1 such convention or caucus shall be considered the primary election date.

2 Sec. 4. K.S.A. 25-4169a is hereby amended to read as follows: 25-
3 4169a. (a) ~~(1)~~ No officer or employee of the state of Kansas, or any
4 municipality, shall use or authorize the use of public funds or public
5 vehicles, machinery, equipment or supplies of any such governmental
6 agency or the time of any officer or employee of any such governmental
7 agency, for which the officer or employee is compensated by such
8 governmental agency, to expressly advocate the nomination, election or
9 defeat of a clearly identified candidate to state office or local office, *to*
10 *promote or oppose the adoption or repeal of any provisions of the*
11 *constitution of the state of Kansas or to promote or oppose any ballot*
12 *question submitted to the qualified electors of this state or any political*
13 *subdivision thereof.*

14 (b) The provisions of this section prohibiting the use of time of any
15 officer or employee for such purposes shall not apply to an incumbent
16 officer campaigning for nomination or reelection to a succeeding term to
17 such office or to members of the personal staff of any elected officer.

18 (c) The provisions of this section shall not apply to the statutory
19 duties of the commission on judicial performance pursuant to article 32 of
20 chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

21 ~~(2)(d)~~ The provisions of this ~~subsection~~ *section* shall not apply to the
22 use of internet connectivity provided by the state of Kansas or any
23 municipality to any candidate or elected official.

24 ~~(3)(e)~~ Except as otherwise provided in this section, no municipality
25 shall permit or allow any person to distribute, or cause to be distributed,
26 within any building or other structure owned, leased or rented by such
27 municipality any brochure, flier, political fact sheet or other document
28 ~~which~~ *that* expressly advocates the nomination, election or defeat of a
29 clearly identified candidate for state or local office *or ballot issue* unless
30 each candidate *or ballot issue committee* for such state or local office is
31 permitted or allowed to do so in the same manner.

32 ~~(4)(f)~~ *It shall be a violation of this section for any officer or employee*
33 *of the state or any municipality to conduct or authorize directed mass*
34 *communications regarding such ballot questions, such as mailers, flyers,*
35 *radio advertisements, television advertisements, physical signage and*
36 *statements posted on social media.*

37 (g) *Nothing in this section shall be interpreted to limit the freedom of*
38 *speech of any officer or employee of the state of Kansas or any*
39 *municipality who is speaking in the officer's or employee's personal*
40 *capacity. This section does not prohibit the state, state agencies or the*
41 *governing body of any municipality from presenting factual information*
42 *solely for the purpose of educating voters on a ballot question.*

43 (h) For the purposes of this ~~subsection~~ *section*, the term municipality

1 ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A.
2 12-105a, and amendments thereto.

3 ~~(b)(i)~~ Any person violating the provisions of this section *including*
4 *failure to provide the disclosure regarding a bond issue* shall be guilty of a
5 class C misdemeanor.

6 Sec. 5. K.S.A. 2025 Supp. 25-4180 is hereby amended to read as
7 follows: 25-4180. (a) Every person who engages in any activity promoting
8 or opposing the adoption or repeal of any provision of the constitution of
9 the state of Kansas and who accepts moneys or property for the purpose of
10 engaging in such activity shall make an annual report to the secretary of
11 state of individual contributions or contributions in kind in an aggregate
12 amount or value in excess of \$50 received during the preceding calendar
13 year for such purposes. The report shall show the name and address of
14 each contributor for the activity and the amount or value of the individual
15 contribution made, together with a total value of all contributions received,
16 and also shall account for expenditures in an aggregate amount or value in
17 excess of \$50 from such contributions, by showing the amount or value
18 expended to each payee and the purpose of each such expenditure,
19 together with a total value of all expenditures made. Each person who
20 submits a report shall certify that:

21 (1) Such person has not knowingly accepted contributions or
22 expenditures either directly or indirectly from a foreign national; and

23 (2) each donor named in such report is not a foreign national and has
24 not knowingly accepted contributions or expenditures either directly or
25 indirectly from any foreign national that in the aggregate exceed \$100,000
26 within the four-year period immediately preceding the date of such donor's
27 contribution or expenditure. The annual report shall be filed on or before
28 February 15 of each year for the preceding calendar year.

29 (b) *Each person who is required to make an annual report as*
30 *provided in subsection (a), shall maintain a record of the name and*
31 *address of each contributor of \$50 or less. Such information shall be*
32 *submitted to the public disclosure commission but shall not be included in*
33 *any report required to be made public. The provisions of this paragraph*
34 *providing for confidentiality of certain public records shall expire on July*
35 *1, 2031, unless the legislature reviews and reenacts such provisions in*
36 *accordance with K.S.A. 45-2291, and amendments thereto.*

37 (c) Each person who accepts contributions or expenditures as
38 described in subsection (a) shall require each donor to certify that such
39 donor is not a foreign national and has not knowingly accepted
40 contributions or expenditures either directly or indirectly from any foreign
41 national that in the aggregate exceed \$100,000 within the four-year period
42 immediately preceding the date of such donor's contribution or
43 expenditure.

1 ~~(e)~~(d) Each person making an independent expenditure for any
2 activity promoting or opposing the adoption or repeal of any provision of
3 the constitution of the state of Kansas shall, within 48 hours of making
4 such expenditure, certify to the commission that such person has not
5 knowingly accepted any moneys either directly or indirectly from any
6 foreign national that in the aggregate exceed \$100,000 within the four-year
7 period immediately preceding the date of such person's expenditure and
8 shall not accept any such moneys during the remainder of the calendar
9 year in which the question of amending the constitution of the state of
10 Kansas is on the ballot.

11 ~~(d)~~(e) (1) No person shall accept, directly or indirectly, any
12 contribution or expenditure from a foreign national made for any activity
13 promoting or opposing the adoption or repeal of any provision of the
14 constitution of the state of Kansas.

15 (2) The attorney general may prosecute any person who violates this
16 subsection. Any person who believes the provisions of this subsection have
17 been violated may file a complaint with the attorney general.

18 (3) In any civil action brought by the commission or the attorney
19 general against a person who violates this subsection, the court may award
20 injunctive relief sufficient to prevent any subsequent violations of this
21 subsection by such person and statutory damages of not to exceed an
22 amount that is twice the amount of the prohibited contribution or
23 expenditure.

24 ~~(e)~~(f) As used in this section, "foreign national" means:

25 (1) An individual who is not a citizen or lawful permanent resident of
26 the United States;

27 (2) a government or subdivision of a foreign country or municipality
28 thereof;

29 (3) a foreign political party;

30 (4) any entity, such as a partnership, association, corporation,
31 organization or other combination of persons, that is organized under the
32 laws of, or has its principal place of business in, a foreign country; or

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

41 ~~(f)~~(g) In addition to the annual report, a person engaging in an
42 activity promoting the adoption or repeal of a provision of the Kansas
43 constitution who accepts any contributed moneys for such activity shall

1 make a preliminary report to the secretary of state 15 days prior to each
2 election at which a proposed constitutional amendment is submitted. Such
3 report shall show the name and address of each individual contributor,
4 together with the amount contributed or contributed in kind in an
5 aggregate amount or value in excess of \$50, the expenditures in an
6 aggregate amount or value in excess of \$50 from such contributions, by
7 showing the amount paid to each payee, and the purpose of the
8 expenditure. A supplemental report in the same format as the preliminary
9 report shall be filed with the secretary of state within 15 days after any
10 election on a constitutional proposition where contributed funds are
11 received and expended in opposing or promoting such proposition.

12 ~~(g)~~(h) Any person who engages in any activity promoting or opposing
13 the adoption or repeal of any provision of the Kansas constitution shall be
14 considered engaged in such activity upon the date that the concurrent
15 resolution passes the Kansas house of representatives and the senate in its
16 final form. Upon such date, if the person has funds in the constitutional
17 amendment campaign treasury, such person shall be required to report
18 such funds as provided by this section.

19 ~~(h)~~(i) (1) The commission shall send a notice by registered or
20 certified mail to any person failing to file any report required by
21 subsection (a), (f) or (g) within the time period prescribed therefor. The
22 notice shall state that the required report has not been filed with the office
23 of the secretary of state. The notice also shall state that such person shall
24 have 15 days from the date that such notice is deposited in the mail to
25 comply with the reporting requirements before a civil penalty shall be
26 imposed for each day that the required documents remain unfiled. If such
27 person fails to comply within the prescribed period, such person shall pay
28 to the state a civil penalty of \$10 per day for each day that such report
29 remains unfiled, except that no such civil penalty shall exceed \$300. The
30 commission may waive, for good cause, payment of any civil penalty
31 imposed by this section.

32 (2) Civil penalties provided for by this section shall be remitted to the
33 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
34 amendments thereto. Upon receipt of each such remittance, the state
35 treasurer shall deposit the entire amount in the state treasury to the credit
36 of the Kansas public disclosure commission fee fund.

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

41 ~~(i)~~(j) The intentional failure to file any report required by subsection
42 (a) is a class A misdemeanor.

43 ~~(j)~~(k) This section shall be a part of and supplemental to the campaign

1 finance act.

2 Sec. 6. K.S.A. 25-4148, 25-4149 and 25-4169a and K.S.A. 2025
3 Supp. 25-4180 are hereby repealed.

4 Sec. 7. This act shall take effect and be in force from and after its
5 publication in the statute book.