

## **Renaming the Public Disclosure Commission and Amending the Campaign Finance Act; HB 2206**

**HB 2206** amends various provisions of the Campaign Finance Act (Act) and changes the name of the Kansas Governmental Ethics Commission to the Kansas Public Disclosure Commission.

### ***Termination of Candidate Campaign Accounts***

For any person elected to state or local office who decides not to be a candidate or is defeated as a candidate for such office at the next election, the bill requires the termination of the person's candidate campaign account related to that office on or before the date 90 days after the second general election for the office in which the candidate was not elected.

The treasurer for any such candidate campaign account is required to dispose of any residual funds and file the required termination report pursuant to state law.

### ***Kansas Public Disclosure Commission***

The bill changes the name of the Kansas Governmental Ethics Commission to the Kansas Public Disclosure Commission (Commission) after its enactment on or after July 1, 2025. The bill states when the Kansas Governmental Ethics Commission is referenced or designated by statute, contract, or other document, the reference or designation shall be deemed to apply to the Commission. The bill renames the Kansas Governmental Ethics Commission Fee Fund to the Kansas Public Disclosure Commission Fee Fund and removes provisions renaming the fee fund in 1998.

The bill specifies the Act does not abolish and reestablish the Commission or affect the terms of the members currently serving on the Commission. The bill also clarifies all the Commission's rules and regulations adopted and created prior to July 1, 2025, continue to be in force and effect.

### ***Cooperation or Consent***

The bill adds a new definition for the phrase "cooperation or consent." With respect to expenditures, "cooperation or consent" means:

- An express advocacy expenditure that is created, produced, or distributed at the request or recommendation of a candidate, candidate committee, or party committee; or
- An express advocacy expenditure that is created, produced, or distributed at the recommendation of a person who is paying for the express advocacy and the candidate, candidate committee, or party committee assents to the recommendation.

Additionally, the bill specifies that “cooperation or consent” does not include:

- A candidate’s or political party’s response to an inquiry about the candidate’s or political party’s positions on legislative policy or issues;
- An expenditure that used information obtained from a publicly available source;
- An endorsement of a candidate;
- Soliciting contributions for any committee;
- An expenditure for the use of a commercial vendor or to a former employee of the candidate by the person making the expenditure if:
  - The commercial vendor or former employee has provided political services to the candidate during the 120 days immediately preceding such expenditure;
  - A firewall is established and implemented by the person making the expenditure; and
  - The firewall is designed and implemented to prohibit the flow of information between those providing services to the person making the expenditure and those currently providing or that have previously provided services to the candidate; and
- An expenditure for the use of a commercial vendor or to a former employee of the candidate by the person making the expenditure and the commercial vendor or former employee has not provided political services to such candidate during the 120 days immediately preceding such expenditure.

### ***Giving in the Name of Another***

Continuing law prohibits making contributions in the name of another person and knowingly accepting contributions made by one person in the name of another person. The bill raises the limit at which an individual can accept a contribution without knowing the name and address of the contributor from \$10 to \$50.

The bill adds a provision to the prohibition stating, except for contributions made by a candidate to the candidate’s own candidate committee, when a person makes a contribution, that person has no authority to control or direct the use of the contribution. The bill further prohibits any person from making a contribution to a committee with any condition that the contribution or any portion of the contribution is to be subsequently contributed to any other committee; the bill declares any such agreement null and void.

For the purposes of this section, the bill defines “contribution in the name of another” and “contribution made by one person in the name of another” as a contribution made to a person by or through the name of another person for the purpose of concealing the original source of any moneys reported on any report or statement that is required to be filed under the Act. The bill

does not include any contributions, expenditures, or transfers of moneys that are subject to requirements of the Act and that will be reported by an individual or committee on a report or statement filed pursuant to the Act.

## ***Political Committees***

### *Definitions*

**Political committee.** The bill amends the definition of “political committee” to mean any entity, including any combination of two or more individuals who are not married to one another, or any person other than an individual, the major purpose of which is to make contributions or expenditures that in aggregate exceed \$3,000 during any one calendar year and that satisfies one of the following:

- States in such entity’s articles of incorporation, bylaws, or in any resolution adopted by the board of directors for such entity that the major purpose of the entity is to elect state or local candidates through express advocacy and contributions to candidate campaigns and political parties; or
- Spends no less than 50 percent of such entity’s total program spending on contributions or expenditures during the period of time the entity has existed or, if the entity has existed for more than five years, during the immediately preceding five years.

[*Note:* Prior law defined “political committee” to mean any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election, or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election, or defeat of a clearly identified candidate for state or local office.]

**Total program spending.** The bill defines “total program spending,” as it relates to political committees, to mean the aggregate expenditures on all program activities, including:

- All disbursements for contributions and expenditures; and
- All expenditures for fundraising communications that expressly advocate the nomination, election, or defeat of a candidate or candidates for state or local office.

The bill excludes the following from total program spending:

- Expenditures for volunteer time or expenses;
- Administrative expenses; or
- Any other fundraising expenses.

For the purposes of determining total program spending on contributions and expenditures, the bill provides that:

- A grant made to a political committee or an organization that is organized under Section 527 of the federal Internal Revenue Code is to be included in the entity's total program spending as a contribution or expenditure, except that if such grant is expressly designated for use outside of Kansas or for any federal election, then the grant is not to be considered a contribution or expenditure; and
- All other grants made by the entity are to be included in the entity's total program spending but are not to be considered a contribution or expenditure unless the entity expressly designates such grant, or any portion thereof, for making a contribution or expenditure in Kansas. If so designated, then the grant or portion of the grant is considered a contribution or expenditure.

### *Legislative Prohibition*

The bill prohibits a member of, or candidate for, the Legislature from establishing any political committee.

[*Note:* Prior law prohibited a member of or a candidate for the Legislature from establishing a political committee with a major purpose to expressly advocate the nomination, election, or defeat of a clearly identified candidate for the Legislature or to make contributions or expenditures for the nomination, election, or defeat of a clearly identified candidate for the Legislature.]

### *Termination Reports*

The bill requires political committees to file termination reports with both the Secretary of State and the county election office.

### ***Independent Expenditure Statements***

The bill amends statement filing requirements for persons other than candidates or any committees making independent expenditures and removes statement filing requirements for such persons making contributions. The bill raises the filing threshold from an aggregate amount of \$100 or more to \$1,000 or more within a calendar year and removes the requirement that statements contain the same information as candidate reports.

The bill requires the statements of independent expenditures to include:

- The name and address of each person who receives payment in an aggregate amount that is greater than \$500 for an independent expenditure or for the creation or distribution of an independent expenditure; and
- The date, amount, and purpose of each independent expenditure, including the name and the office sought of each candidate identified in an independent expenditure and if such independent expenditure was in support of or in opposition to such candidate.

The bill requires statements of independent expenditures to be filed at the following times:

- On or before the next succeeding date on which reports are due to be filed pursuant to continuing law; and
- On or before 11:59 p.m. on the second day immediately following the date of the last independent expenditure if a person makes independent expenditures in aggregate of \$1,000 or more in the same calendar year after filing a statement of independent expenditures.