

2023 Kansas Statutes

25-4161. Complaint, confidentiality and determination of sufficiency; investigation; notification of attorney general of violation of other laws; dismissal or hearing on complaint; remedies and protections for state employees filing complaints; certain ex parte communications with commission prohibited; commission hearings conducted in accordance with the Kansas administrative procedure act and the Kansas code of civil procedure; hearings before administrative law judge.

(a) If a complaint is filed and the commission determines that such verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any provision of the campaign finance act, it shall dismiss the complaint and notify the complainant and respondent thereof.

(b) Whenever a complaint is filed with the commission alleging a violation of a provision of the campaign finance act, such filing and the allegations therein shall be confidential and shall not be disclosed except as provided in the campaign finance act.

(c) If a complaint is filed and the commission determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of the campaign finance act, the commission shall promptly investigate the alleged violation.

(d) The commission shall notify the attorney general of any apparent violation of criminal law or other laws not administered by the commission, which is discovered during the course of any such investigation.

(e) If after the investigation, the commission finds that probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint. If after such investigation, the commission finds by an affirmative vote of not less than 2/3 of the members of the commission that probable cause exists for believing the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, a hearing shall be ordered pursuant to this act. In either event the commission shall notify the complainant and respondent of its determination.

(f) The remedies and protections provided by K.S.A. 75-2973, and amendments thereto, shall be available to any state employee against whom disciplinary action has been taken for filing a complaint pursuant to this act.

(g) Any attorney or staff member representing the complainant before the commission in any matter shall not engage in ex parte communications with or otherwise advise, represent or assist the commission regarding the same or related matter before the commission. The commission shall obtain separate independent legal counsel when needed to comply with this section.

(h) (1) All hearings conducted under this act shall be in accordance with the provisions of the Kansas administrative procedure act and the Kansas code of civil procedure. Upon the request of the respondent, any hearing held under this act may be removed for hearing before a presiding officer from the office of administrative hearings. The commission shall review an initial order resulting from a hearing under this section.

(2) The commission is hereby authorized to enter into a contract with the office of administrative hearings and to provide for reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer.

(i) The duties of confidentiality under this section shall apply only to members of the commission, the executive director or any person employed or engaged by the commission.

History: L. 1981, ch. 171, § 20; L. 1984, ch. 145, § 2; L. 1988, ch. 369, § 1; L. 1990, ch. 129, § 5; L. 1991, ch. 150, § 14; L. 2023, ch. 23, § 7; April 20.