

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2425

By Representatives Goodman and O'Brien

1-3

1 AN ACT concerning campaign finance; relating to schools; also relating to  
2 question submitted elections; amending K.S.A. 25-901 and 25-905 and  
3 K.S.A. 2011 Supp. 25-4143 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 25-901 is hereby amended to read as follows: 25-  
7 901. Every committee, club, organization, municipality or association  
8 designed to promote or ~~engage~~engage in promoting the success or defeat  
9 of any party or the election or defeat of any candidate or candidates for  
10 any city of the second and third class, ~~unified school district, except~~  
11 ~~unified school districts having 35,000 or more pupils regularly enrolled in~~  
12 ~~the preceding school year~~ and any community college or township office,  
13 ~~or the adoption or defeat of any question submitted at any city, unified~~  
14 ~~school district, community college, township or county election,~~ shall have  
15 a treasurer, and shall cause to be kept a detailed account of all moneys or  
16 property or other thing of value received by it, and of the manner in which  
17 the same shall be expended; and shall file annually with the county  
18 election officer of the county in which such committee, club, organization  
19 or association has its headquarters a statement of all its receipts and  
20 expenditures, showing in detail from whom such moneys or property or  
21 other thing of value were received, to whom such moneys or property or  
22 other thing of value were paid, for what specific purposes each payment  
23 was made, and the exact nature of the service rendered in consideration  
24 thereof.

25 The annual statement herein required shall be filed on or before  
26 December 31, such statement shall cover the period ending on December 1  
27 immediately preceding. The accounts of the state committee of each  
28 political party shall be audited annually by a certified public accountant  
29 and a copy of the audit filed with the secretary of state.

30 This section and K.S.A. 25-905, and amendments thereto, shall not be  
31 construed to require any committee, club, organization, municipality or  
32 association which is subject to the campaign finance act (K.S.A. 25-4101  
33 et seq.) to file reports required by this act.

34 Sec. 2. K.S.A. 25-905 is hereby amended to read as follows: 25-905.  
35 Every person who shall violate any of the provisions of K.S.A. 25-903 or  
36 25-904, ~~as amended~~and amendments thereto, or who shall fail, neglect or

1 refuse to comply with any of the provisions thereof, shall be deemed guilty  
 2 of a misdemeanor, and upon conviction thereof shall be fined in any sum  
 3 not exceeding ~~one thousand dollars (\$1,000)~~ \$1,000. The conviction of any  
 4 person of a violation of any of the provisions of K.S.A. 25-903, ~~as~~  
 5 ~~amended and amendments thereto~~, shall at once vacate any office held by  
 6 ~~him~~ such person, and such person shall be disqualified from holding any  
 7 public office for a period of two (2) years: ~~Provided, That~~ The penalties  
 8 and forfeitures herein imposed shall not apply to candidates for city of the  
 9 third class or township offices.

10 Upon the failure of any candidate for nomination or election to any city  
 11 of the ~~first or second~~ second or third class, ~~school district~~, community  
 12 junior college, county or state office, to file ~~his~~ such candidate's statement  
 13 of expenses as provided in K.S.A. 25-904, ~~as amended and amendments~~  
 14 ~~thereto~~, it shall be the duty of the officer with whom such statement should  
 15 be filed, within ~~ten (10)~~ 10 days from the expiration of the time for filing  
 16 such statement and before any action is brought to enforce the penalties  
 17 above provided, to notify such candidate that ~~he~~ such candidate has failed  
 18 to file such statement, and in case such candidate files such statement  
 19 within ~~ten (10)~~ 10 days from the time of receiving such notice, and such  
 20 statement shows that ~~he~~ such candidate has not expended a sum greater  
 21 than permitted by law, then the penalties and forfeitures herein provided  
 22 shall not be imposed upon such ~~candidate~~ candidate unless such statement  
 23 is shown to be untrue.

24 Sec. 3. K.S.A. 2011 Supp. 25-4143 is hereby amended to read as  
 25 follows: 25-4143. As used in the campaign finance act, unless the context  
 26 otherwise requires:

27 (a) "Candidate" means an individual who: (1) Appoints a treasurer or  
 28 a candidate committee;

29 (2) makes a public announcement of *an* intention to seek nomination  
 30 or election to state or local office;

31 (3) makes any expenditure or accepts any contribution for such  
 32 ~~person's~~ individual's nomination or election to any state or local office; or

33 (4) files a declaration or petition to become a candidate for state or  
 34 local office.

35 (b) "Candidate committee" means a committee appointed by a  
 36 candidate to receive contributions and make expenditures for the  
 37 candidate.

38 (c) "Clearly identified candidate" means a candidate who has been  
 39 identified by the:

40 (1) Use of the name of the candidate;

41 (2) use of a photograph or drawing of the candidate; or

42 (3) unambiguous reference to the candidate whether or not the name,  
 43 photograph or drawing of such candidate is used.

1 (d) "Commission" means the governmental ethics commission.

2 (e) (1) "Contribution" means:

3 (A) Any advance, conveyance, deposit, distribution, gift, loan or  
4 payment of money or any other thing of value given to a candidate,  
5 candidate committee, party committee or political committee for the  
6 express purpose of nominating, electing or defeating a clearly identified  
7 candidate for a state or local office.

8 (B) Any advance, conveyance, deposit, distribution, gift, loan or  
9 payment of money or any other thing of value made to expressly advocate  
10 the nomination, election or defeat of a clearly identified candidate for a  
11 state or local office;

12 (C) a transfer of funds between any two or more candidate  
13 committees, party committees or political committees;

14 (D) the payment, by any person other than a candidate, candidate  
15 committee, party committee or political committee, of compensation to an  
16 individual for the personal services rendered without charge to or for a  
17 candidate's campaign or to or for any such committee;

18 (E) the purchase of tickets or admissions to, or advertisements in  
19 journals or programs for, testimonial events;

20 (F) a mailing of materials designed to expressly advocate the  
21 nomination, election or defeat of a clearly identified candidate, which is  
22 made and paid for by a party committee with the consent of such  
23 candidate.

24 (2) "Contribution" does not include:

25 (A) The value of volunteer services provided without compensation;

26 (B) costs to a volunteer related to the rendering of volunteer services  
27 not exceeding a fair market value of \$50 during an allocable election  
28 period as provided in K.S.A. 25-4149, and amendments thereto;

29 (C) payment by a candidate or candidate's spouse for personal meals,  
30 lodging and travel by personal automobile of the candidate or candidate's  
31 spouse while campaigning;

32 (D) the value of goods donated to events such as testimonial events,  
33 bake sales, garage sales and auctions by any person not exceeding a fair  
34 market value of \$50 per event.

35 (f) "Election" means:

36 (1) A primary or general election for state or local office; and

37 (2) a convention or caucus of a political party held to nominate a  
38 candidate for state or local office.

39 (g) (1) "Expenditure" means:

40 (A) Any purchase, payment, distribution, loan, advance, deposit or  
41 gift of money or any other thing of value made by a candidate, candidate  
42 committee, party committee or political committee for the express purpose  
43 of nominating, electing or defeating a clearly identified candidate for a

1 state or local office.

2 (B) Any purchase, payment, distribution, loan, advance, deposit or  
3 gift of money or any other thing of value made to expressly advocate the  
4 nomination, election or defeat of a clearly identified candidate for a state  
5 or local office;

6 (C) any contract to make an expenditure;

7 (D) a transfer of funds between any two or more candidate  
8 committees, party committees or political committees; or

9 (E) payment of a candidate's filing fees.

10 (2) "Expenditure" does not include:

11 (A) The value of volunteer services provided without compensation;

12 (B) costs to a volunteer incidental to the rendering of volunteer  
13 services not exceeding a fair market value of \$50 during an allocable  
14 election period as provided in K.S.A. 25-4149, and amendments thereto;

15 (C) payment by a candidate or candidate's spouse for personal meals,  
16 lodging and travel by personal automobile of the candidate or candidate's  
17 spouse while campaigning or payment of such costs by the treasurer of a  
18 candidate or candidate committee;

19 (D) the value of goods donated to events such as testimonial events,  
20 bake sales, garage sales and auctions by any person not exceeding fair  
21 market value of \$50 per event; or

22 (E) any communication by an incumbent elected state or local officer  
23 with one or more individuals unless the primary purpose thereof is to  
24 expressly advocate the nomination, election or defeat of a clearly  
25 identified candidate.

26 (h) "Expressly advocate the nomination, election or defeat of a clearly  
27 identified candidate" means any communication which uses phrases  
28 including, but not limited to:

29 (1) "Vote for the secretary of state";

30 (2) "re-elect your senator";

31 (3) "support the democratic nominee";

32 (4) "cast your ballot for the republican challenger for governor";

33 (5) "Smith for senate";

34 (6) "Bob Jones in '98";

35 (7) "vote against Old Hickory";

36 (8) "defeat" accompanied by a picture of one or more candidates; or

37 (9) "Smith's the one."

38 (i) *"Local office" means a member of the governing body of a city of*  
39 *the first class, any elected office of a unified school district, a county or of*  
40 *the board of public utilities.*

41 (j) "Party committee" means:

42 (1) The state committee of a political party regulated by article 3 of  
43 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

1 (2) the county central committee or the state committee of a political  
2 party regulated under article 38 of chapter 25 of the Kansas Statutes  
3 Annotated, and amendments thereto;

4 (3) the bona fide national organization or committee of those political  
5 parties regulated by the Kansas Statutes Annotated;

6 (4) not more than one political committee established by the state  
7 committee of any such political party and designated as a recognized  
8 political committee for the senate;

9 (5) not more than one political committee established by the state  
10 committee of any such political party and designated as a recognized  
11 political committee for the house of representatives; or

12 (6) not more than one political committee per congressional district  
13 established by the state committee of a political party regulated under  
14 article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments  
15 thereto, and designated as a congressional district party committee.

16 ~~(j)~~ (k) "Person" means any individual, committee, corporation,  
17 partnership, trust, organization or association.

18 ~~(k)~~ (l) (1) "Political committee" means any combination of two or  
19 more individuals or any person other than an individual, a major purpose  
20 of which is to expressly advocate the nomination, election or defeat of a  
21 clearly identified candidate for state or local office or make contributions  
22 to or expenditures for the nomination, election or defeat of a clearly  
23 identified candidate for state or local office.

24 (2) "Political committee" shall not include a candidate committee or a  
25 party committee.

26 ~~(l)~~ (m) "*Question submitted election*" means *question submitted*  
27 *election as defined in K.S.A. 25-2104, and amendments thereto.*

28 (n) "Receipt" means a contribution or any other money or thing of  
29 value, but not including volunteer services provided without  
30 compensation, received by a treasurer in the treasurer's official capacity.

31 ~~(m)~~ (o) "State office" means any state office as defined in K.S.A. 25-  
32 2505, and amendments thereto.

33 ~~(n)~~ (p) "Testimonial event" means an event held for the benefit of an  
34 individual who is a candidate to raise contributions for such candidate's  
35 campaign. Testimonial events include but are not limited to dinners,  
36 luncheons, rallies, barbecues and picnics.

37 ~~(o)~~ (q) "Treasurer" means a treasurer of a candidate or of a candidate  
38 committee, a party committee or a political committee appointed under the  
39 campaign finance act or a treasurer of a combination of individuals or a  
40 person other than an individual ~~which~~ *who* is subject to paragraph (2) of  
41 subsection (a) of K.S.A. 25-4172, and amendments thereto.

42 ~~(p)~~ "~~Local office~~" ~~means a member of the governing body of a city of~~  
43 ~~the first class, any elected office of a unified school district having 35,000~~

1 or more pupils regularly enrolled in the preceding school year, a county or  
2 of the board of public utilities.

3 New Sec. 4. (a) Every committee, club, organization, municipality  
4 or association designed to promote or engage in promoting the success or  
5 defeat of any question submitted at any city, unified school district,  
6 community college, township or county election, shall have a treasurer,  
7 and shall cause to be kept a detailed account of all moneys or property or  
8 other thing of value received by it, and of the manner in which the same  
9 shall be expended; and shall file reports ~~in compliance with~~ **of such**  
10 **receipts and expenditures no later than eight days prior to the election**  
11 **at which such question is submitted and follow the reporting**  
12 **requirements in K.S.A. 25-4148, and amendments thereto.** Reports shall  
13 be filed in ~~both the office of the secretary of state and in~~ the county  
14 election office of the county in which the question submitted election is  
15 held.

16 The provisions of this section shall be part of and supplemental to the  
17 campaign finance act.

18 Sec. 5. K.S.A. 25-901 and 25-905 and K.S.A. 2011 Supp. 25-4143  
19 are hereby repealed.

20 Sec. 6. This act shall take effect and be in force from and after its  
21 publication in the statute book.

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