

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 102

By Committee on Ethics and Elections

2-4

1 AN ACT concerning the governmental ethics commission; amending
2 **K.S.A. 46-268 and 46-269 and K.S.A. 20102011** Supp. 25-4119f, 25-
3 4145, **25-4148** and 46-265 and repealing the existing sections.

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

6 Section 1. K.S.A. 2010 **2011** Supp. 25-4119f is hereby amended to
7 read as follows: 25-4119f. (a) In addition to any other fee required by law,
8 every person becoming a candidate for the following offices shall pay a fee
9 at the time of filing for such office in the amount prescribed by this
10 section:

- 11 (1) Governor and lieutenant governor.....~~\$480~~~~\$500~~**\$1,000**;
12 (2) state offices elected by statewide election, other than the governor
13 and lieutenant governor.....~~\$480~~~~\$500~~**\$1,000**;
14 (3) state senator, state representative, state board of education, district
15 attorney, board of public utilities of the city of Kansas City and
16 elected county offices.....~~\$35~~~~\$50~~**\$75**;
17 and
18 (4) members of boards of education of unified school districts having
19 35,000 or more pupils regularly enrolled in the preceding school year,
20 members of governing bodies of cities of the first class and judges of
21 the district court in judicial districts in which judges are elected
22~~\$35~~~~\$50~~**\$75**.

23 (b) The secretary of state shall remit all fees received by that office to
24 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
25 and amendments thereto. County election officers receiving fees in
26 accordance with this section shall remit such fees to the county treasurer of
27 the county who shall quarterly remit the same to the state treasurer. Upon
28 receipt of each such remittance, the state treasurer shall deposit the entire
29 amount in the state treasury to the credit of the governmental ethics
30 commission fee fund.

31 Sec. 2. K.S.A. 2010 **2011** Supp. 25-4145 is hereby amended to read
32 as follows: 25-4145. (a) Each party committee and each political
33 committee which anticipates receiving contributions or making
34 expenditures shall appoint a chairperson and a treasurer. The chairperson
35 of each party committee and each political committee which anticipates
36 receiving contributions or making expenditures for a candidate for state

1 office shall make a statement of organization and file it with the secretary
2 of state not later than 10 days after establishment of such committee. The
3 chairperson of each political committee which anticipates receiving
4 contributions or making expenditures for any candidate for local office,
5 shall make a statement of organization and file it with the county election
6 officer not later than 10 days after establishment of such committee.

7 (b) Every statement of organization shall include:

8 (1) The name and address of the committee. The name of the
9 committee shall reflect the full name of the organization with which the
10 committee is connected or affiliated or sufficiently describe such
11 affiliation. If the political committee is not connected or affiliated with
12 any one organization, the name shall reflect the trade, profession or
13 primary interest of the committee as reflected by the statement of purpose
14 of such organization;

15 (2) the names and addresses of the chairperson and treasurer of the
16 committee;

17 (3) the names and addresses of affiliated or connected organizations;
18 and

19 (4) in the case of a political committee, the full name of the
20 organization with which the committee is connected or affiliated or, name
21 or description sufficiently describing the affiliation or, if the committee is
22 not connected or affiliated with any one organization, the trade, profession
23 or primary interest of the political committee as reflected by the statement
24 of purpose of such organization.

25 (c) Any change in information previously reported in a statement of
26 organization shall be reported on a supplemental statement of organization
27 and filed not later than 10 days following the change.

28 (d) (1) Each political committee which anticipates receiving
29 contributions shall register annually with the commission on or before July
30 1 of each year. Each political committee registration shall be in the form
31 and contain such information as may be required by the commission.

32 (2) Each registration by a political committee anticipating the receipt
33 of \$2,501 or more in any calendar year shall be accompanied by an annual
34 registration fee of ~~\$240~~~~\$720~~~~\$400~~.

35 (3) Each registration by a political committee anticipating the receipt
36 of more than \$500 but less than \$2,501 in any calendar year shall be
37 accompanied by an annual registration fee of ~~\$35~~~~\$105~~~~\$70~~.

38 (4) Each registration by a political committee anticipating the receipt
39 of \$500 or less in any calendar year shall be accompanied by an annual
40 registration fee of ~~\$20~~~~\$60~~~~\$40~~.

41 (5) Any political committee which is currently registered under
42 subsection (d)(3) or (d)(4) and which receives contributions in excess of
43 \$2,500 for a calendar year, shall file, within three days of the date when

1 contributions exceed such amount, an amended registration form which
2 shall be accompanied by an additional fee for such year equal to the
3 difference between ~~\$240\$720~~**\$330** and the amount of the fee that
4 accompanied the current registration.

5 (6) Any political committee which is currently registered under
6 subsection (d)(4) and which receives contributions in excess of \$500 but
7 which are less than \$2,501, shall file, within three days of the date when
8 contributions exceed \$500, an amended registration form which shall be
9 accompanied by an additional fee of ~~\$20\$45~~**\$80** for such year.

10 (e) All such fees received by or for the commission shall be remitted
11 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
12 and amendments thereto. Upon receipt of each such remittance, the state
13 treasurer shall deposit the entire amount in the state treasury to the credit
14 of the governmental ethics commission fee fund.

15 Sec. 3. K.S.A. ~~2010~~**2011** Supp. 46-265 is hereby amended to read as
16 follows: 46-265. (a) Every lobbyist shall register with the secretary of state
17 by completing and signing a registration form prescribed and provided by
18 the commission. Such registration shall show the name and address of the
19 lobbyist, the name and address of the person compensating the lobbyist for
20 lobbying, the purpose of the employment and the method of determining
21 and computing the compensation of the lobbyist. If the lobbyist is
22 compensated or to be compensated for lobbying by more than one
23 employer or is to be engaged in more than one employment, the relevant
24 facts listed above shall be stated separately for each employer and each
25 employment. Whenever any new lobbying employment or lobbying
26 position is accepted by a lobbyist already registered as provided in this
27 section, such lobbyist shall report the same on forms prescribed and
28 provided by the commission before engaging in any lobbying activity
29 related to such new employment or position, and such report shall be filed
30 with the secretary of state. When a lobbyist is an employee of a lobbying
31 group or firm which contracts to lobby and not an owner or partner of such
32 entity, the lobbyist shall report each client of the group, firm or entity
33 whose interest the lobbyist represents. Whenever the lobbying of a
34 lobbyist concerns a legislative matter, the secretary of state promptly shall
35 transmit copies of each registration and each report filed under this act to
36 the secretary of the senate and the chief clerk of the house of
37 representatives.

38 (b) On or after October 1, in any year any person may register as a
39 lobbyist under this section for the succeeding calendar year. Such
40 registration shall expire annually on December 31, of the year for which
41 the lobbyist is registered. In any calendar year, before engaging in
42 lobbying, persons to whom this section applies shall register or renew their
43 registration as provided in this section. Except for employees of lobbying

1 groups or firms, every person registering or renewing registration who
2 anticipates spending \$1,000 or less for lobbying in such registration year
3 on behalf of any one employer shall pay to the secretary of state a fee of
4 ~~\$35~~~~\$105~~~~\$50~~ for lobbying for each such employer. Except for employees of
5 lobbying groups or firms, every person registering or renewing registration
6 who anticipates spending more than \$1,000 for lobbying in such
7 registration year on behalf of any one employer shall pay to the secretary
8 of state a fee of ~~\$300~~~~\$900~~~~\$400~~ for lobbying for such employer. Any
9 lobbyist who at the time of initial registration anticipated spending less
10 than \$1,000, on behalf of any one employer, but at a later date spends in
11 excess of such amount, within three days of the date when expenditures
12 exceed such amount, shall file an amended registration form which shall
13 be accompanied by an additional fee of ~~\$220~~~~\$795~~~~\$350~~ for such year.
14 Every person registering or renewing registration as a lobbyist who is an
15 employee of a lobbying group or firm and not an owner or partner of such
16 entity shall pay an annual fee of ~~\$360~~~~\$1,080~~~~\$450~~. The secretary of state
17 shall remit all moneys received under this section to the state treasurer in
18 accordance with the provisions of K.S.A. 75-4215, and amendments
19 thereto. Upon receipt of each such remittance, the state treasurer shall
20 deposit the entire amount in the state treasury to the credit of the
21 governmental ethics commission fee fund.

22 (c) Any person who has registered as a lobbyist pursuant to this act
23 may file, upon termination of such person's lobbying activities, a statement
24 terminating such person's registration as a lobbyist. Such statement shall
25 be on a form prescribed by the commission and shall state the name and
26 address of the lobbyist, the name and address of the person compensating
27 the lobbyist for lobbying and the date of the termination of the lobbyist's
28 lobbying activities.

29 (d) No person who has failed or refused to pay any civil penalty
30 imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be
31 authorized or permitted to register as a lobbyist in accordance with this
32 section until such penalty has been paid in full.

33 ***Sec. 4. K.S.A. 2011 Supp. 25-4148 is hereby amended to read as***
34 ***follows: 25-4148. (a) Every treasurer shall file a report prescribed by***
35 ***this section. Reports filed by treasurers for candidates for state office,***
36 ***other than officers elected on a state-wide basis, shall be filed in both***
37 ***with the office of the secretary of state. Reports filed by treasurers for***
38 ***candidates for state-wide office shall be filed electronically and only with***
39 ***the secretary of state. Reports filed by treasurers for candidates for local***
40 ***office shall be filed in the office of the county election officer of the***
41 ***county in which the name of the candidate is on the ballot. Except as***
42 ***otherwise provided by subsection (h), all such reports shall be filed in***
43 ***time to be received in the offices required on or before each of the***

1 *following days:*

2 *(1) The eighth day preceding the primary election, which report*
3 *shall be for the period beginning on January 1 of the election year for*
4 *the office the candidate is seeking and ending 12 days before the*
5 *primary election, inclusive;*

6 *(2) the eighth day preceding a general election, which report shall*
7 *be for the period beginning 11 days before the primary election and*
8 *ending 12 days before the general election, inclusive;*

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

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

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

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

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

19 *(2) the name and address of each person who has made one or*
20 *more contributions in an aggregate amount or value in excess of \$50*
21 *\$100 during the election period together with the amount and date of*
22 *such contributions, including the name and address of every lender,*
23 *guarantor and endorser when a contribution is in the form of an*
24 *advance or loan;*

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

28 *(4) the aggregate amount of contributions for which the name and*
29 *address of the contributor is not known;*

30 *(5) each contribution, rebate, refund or other receipt not otherwise*
31 *listed;*

32 *(6) the total of all receipts;*

33 *(7) the name and address of each person to whom expenditures*
34 *have been made in an aggregate amount or value in excess of \$50, with*
35 *the amount, date, and purpose of each; the names and addresses of all*
36 *persons to whom any loan or advance has been made; when an*
37 *expenditure is made by payment to an advertising agency, public*
38 *relations firm or political consultants for disbursement to vendors, the*
39 *report of such expenditure shall show in detail the name of each such*
40 *vendor and the amount, date and purpose of the payments to each;*

41 *(8) 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), and the amount,*
3 *date and purpose of the contribution;*

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

6 *(10) the total of expenditures.*

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

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

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

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

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

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

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

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

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

1 (f) *The commission may require any treasurer to file an amended*
2 *report for any period for which the original report filed by such*
3 *treasurer contains material errors or omissions. The notice of the errors*
4 *or omissions shall be part of the public record. The amended report shall*
5 *be filed within 30 days after notice by the commission.*

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

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

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

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

21 Sec. 5. *K.S.A. 46-268 is hereby amended to read as follows: 46-268.*

22 (a) *Except as otherwise provided in subsection (b), every lobbyist shall*
23 *file with the secretary of state a report of employment and expenditures*
24 *on a form and in the manner prescribed and provided by the*
25 *commission. A report shall be filed on or before the 10th15th day of the*
26 *months of February, March, April, May, September and January.*
27 *Reports shall include all expenditures which are required to be reported*
28 *under K.S.A. 46-269, and amendments thereto, or a statement that no*
29 *expenditures in excess of \$100 were made for such purposes, during the*
30 *preceding calendar month or months since the period for which the last*
31 *report was filed.*

32 (b) *For any calendar year in which a lobbyist expects to expend an*
33 *aggregate amount of less than \$100 for lobbying in each reporting*
34 *period, a lobbyist shall file an affidavit of such intent with the secretary*
35 *of state. Such lobbyist shall not be required to file the reports required*
36 *under subsection (a) for the year for which such affidavit is filed but*
37 *shall file a report on or before January 10, which shall include all*
38 *expenditures made in the preceding calendar year which are required to be*
39 *reported under K.S.A. 46-269, and amendments thereto. If in any*
40 *reporting period a lobbyist filing such affidavit expends in excess of*
41 *\$100 in reportable expenses, a report shall be filed for such period in the*
42 *manner prescribed by subsection (a).*

43 Sec. 6. *K.S.A. 46-269 is hereby amended to read as follows: 46-269.*

1 *Each report required to be filed by K.S.A. 46-268, and amendments*
2 *thereto, is a public record and shall be open to public inspection upon*
3 *request. Such report shall disclose the following:*

4 *(a) The full name and address of each person who has paid*
5 *compensation for lobbying to the lobbyist or has paid for expenses of*
6 *lobbying by the lobbyist during the period reported.*

7 *(b) The aggregate amount or value of all expenditures made, except*
8 *for expenses of general office overhead, by the lobbyist or by the*
9 *lobbyist's employer for or in direct relation to lobbying during the*
10 *reporting period, if such expenditures exceed \$100. Individual*
11 *expenditures of less than \$2 shall not be required to be reported under*
12 *this subsection. Every lobbyist shall keep detailed accounts of all*
13 *expenditures required to be reported pursuant to K.S.A. 46-268, and*
14 *amendments thereto. Such expenditures shall be reported according to*
15 *the following categories of expenditures:*

16 *(1) Food and beverages provided as hospitality;*

17 *(2) entertainment, gifts, honoraria or payments;*

18 *(3) mass media communications;*

19 *(4) recreation provided as hospitality;*

20 *(5) communications for the purpose of influencing legislative or*
21 *executive action; and*

22 *(6) all other reportable expenditures made in the performance of*
23 *services as a lobbyist.*

24 *With regard to expenditures for entertainment or hospitality which is*
25 *primarily recreation, food and beverages, only amounts expended on a*
26 *state officer or employee or on such officer or employee's spouse shall*
27 *be considered to be for or in direct relation to lobbying. Notwithstanding*
28 *the requirements of this subsection and subsection (d), no lobbyist shall*
29 *be responsible to report any expenditure by the lobbyist's employer of*
30 *which such person has no knowledge.*

31 *(c) (1) In addition to the information reported pursuant to*
32 *subsection (b), each lobbyist expending an aggregate amount of \$100 or*
33 *more for lobbying in any reporting period shall report any gift,*
34 *entertainment or hospitality provided to members of the legislature,*
35 *members of the judicial branch of government and any employees of the*
36 *legislature or judicial branch of government. Such report shall disclose*
37 *the full name of the legislator, member of the judicial branch and*
38 *employee who received such gift, entertainment or hospitality and the*
39 *amount expended on such gift, entertainment or hospitality and the date*
40 *the expenditure was made.*

41 *(2) No report shall be required to be filed pursuant to this*
42 *subsection (c) for the following:*

43 *(A) Meals, the provision of which is motivated by a personal or*

1 *family relationship;*

2 *(B) meals provided at public events in which the person is attending*
3 *in an official capacity;*

4 *(C) meals provided to a person subject to this section when it is*
5 *obvious such meals are not being provided because of the person's*
6 *official position;*

7 *(D) food such as soft drinks, coffee or snack foods not offered as*
8 *part of a meal; and*

9 *(E) entertainment or hospitality in the form of recreation, food and*
10 *beverages provided at an event to which the following have been invited:*

11 *(i) All members of the legislature or all members of either house of*
12 *the legislature; or*

13 *(ii) all members of a political party caucus of the legislature or all*
14 *members of a political party caucus of either house of the legislature.*

15 *(d) If all members of a legislative committee are invited to an event*
16 *where a meal is provided, the aggregate amount of the event shall be*
17 *reported.*

18 ~~(d)~~*(e) Except as provided by subsection (c), whenever an individual*
19 *lobbyist contributes to a single special event, such lobbyist shall report*
20 *only the aggregate amount or value of the expenditure contributed by*
21 *such lobbyist. The primary sponsor or sponsors of the event shall itemize*
22 *such expenditures.*

23 ~~(e)~~*(f) Whenever more than one lobbyist is employed by a single*
24 *employer, the reports required by this section relating to such employer*
25 *shall be made by only one such lobbyist and that lobbyist shall be the*
26 *lobbyist who is most directly connected with the particular expenditure*
27 *or gift, honoraria or payment. No expenditure or gift, honoraria or*
28 *payment required to be reported by this section shall be reported by more*
29 *than one lobbyist.*

30 ~~(f)~~*(g) All accounts, records and documents of the lobbyist which*
31 *relate to every expenditure reported or which should have been reported*
32 *shall be maintained and preserved by the lobbyist for a period of five*
33 *years from the date of the filing of such report or statement and may be*
34 *inspected under conditions determined by the commission.*

35 ~~Sec. 4. K.S.A. 2010 Supp. 25-4119f, 25-4145 and 46-265. Sec. 7.~~
36 ~~K.S.A. 46-268 and 46-269 and K.S.A. 2011 Supp. 25-4119f, 25-4145, 25-~~
37 ~~4148 and 46-265 are hereby repealed.~~

38 ~~Sec. 5.~~ **8.** This act shall take effect and be in force from and after its
39 publication in the statute book.

40