

As Amended by House Committee

HOUSE BILL No. 2183

By Committee on Elections

1-29

Proposed Amendments for HB 2183
As Amended by House Committee
Senate Committee on Ethics and Elections
March 17, 2015
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Office of Revisor of Statutes

relating to candidate, contributor and lobbyist filings; relating to
use of campaign funds; certain prohibited actions by candidates;

AN ACT concerning campaign finance; relating to political campaigns and
technology; amending K.S.A. 2014 Supp. 25-4153a, 25-4156 and 25-
4169a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

~~Section 1.~~ K.S.A. 2014 Supp. 25-4153a is hereby amended to read as
follows: 25-4153a. (a) No registered lobbyist, political committee or
person, other than an individual, shall make a contribution after January 1
of each year and prior to adjournment sine die of the regular session of the
legislature or at any other time in which the legislature is in session to a:

- (1) Legislator;
- (2) candidate for membership in the legislature;
- (3) state officer elected on a statewide basis;
- (4) candidate for state officer elected on a statewide basis;
- (5) candidate committee of persons described in paragraphs (1)
through (4); or

(6) political committee established by a state committee of any
political party and designated as a recognized political committee for the
senate or house of representatives.

(b) No legislator, officer, candidate or committee described in
~~paragraphs (1) through (6)~~ of subsection (a)(1) through (6) shall accept or
knowingly solicit any contribution as defined by K.S.A. 25-4143, and
amendments thereto, from any registered lobbyist, political committee or
person, other than an individual, during such period of time described in
subsection (a), except that a general public solicitation which does not
solicit a specific individual and is distributed via social media shall be
permissible.

(c) For the purposes of this act, "social media" means computer or
cellphone-based websites or applications that enable users to create and
~~share content and to participate in public social networking~~ an electronic
medium which allows users to create and view user-generated content,
including, but not limited to, uploaded or downloaded videos or
photographs, blogs, audio files, instant messages or email.

Sec. ~~2~~ K.S.A. 2014 Supp. 25-4156 is hereby amended to read as
follows: 25-4156. (a) (1) Whenever any person sells space in any
newspaper, magazine or other periodical to a candidate or to a candidate

K.S.A. 25-904, 25-4157 and 25-4173 and

25-4157a,

25-4148a,

See Attached Insert A

Sec. 3.

4.

1 committee, party committee or political committee, the charge made for
2 the use of such space shall not exceed the charges made for comparable
3 use of such space for other purposes.

4 (2) Intentionally charging an excessive amount for political
5 advertising is a class A misdemeanor.

6 (b) (1) *Except as provided in subsection (2),* corrupt political
7 advertising of a state or local office is:

8 (A) Publishing or causing to be published in a newspaper or other
9 periodical any paid matter which expressly advocates the nomination,
10 election or defeat of a clearly identified candidate for a state or local
11 office, unless such matter is followed by the word "advertisement" or the
12 abbreviation "adv." in a separate line together with the name of the
13 chairperson or treasurer of the political or other organization sponsoring
14 the same or the name of the individual who is responsible therefor;

15 (B) broadcasting or causing to be broadcast by any radio or television
16 station any paid matter which expressly advocates the nomination, election
17 or defeat of a clearly identified candidate for a state or local office, unless
18 such matter is followed by a statement which states: "Paid for" or
19 "Sponsored by" followed by the name of the sponsoring organization and
20 the name of the chairperson or treasurer of the political or other
21 organization sponsoring the same or the name of the individual who is
22 responsible therefor;

23 (C) telephoning or causing to be contacted by any telephonic means
24 including, but not limited to, any device using a voice over internet
25 protocol or wireless telephone, any paid matter which expressly advocates
26 the nomination, election or defeat of a clearly identified candidate for a
27 state or local office, unless such matter is preceded by a statement which
28 states: "Paid for" or "Sponsored by" followed by the name of the
29 sponsoring organization and the name of the chairperson or treasurer of the
30 political or other organization sponsoring the same or the name of the
31 individual who is responsible therefor;

32 (D) publishing or causing to be published any brochure, flier or other
33 political fact sheet which expressly advocates the nomination, election or
34 defeat of a clearly identified candidate for a state or local office, unless
35 such matter is followed by a statement which states: "Paid for" or
36 "Sponsored by" followed by the name of the chairperson or treasurer of the
37 political or other organization sponsoring the same or the name of the
38 individual who is responsible therefor.

39 The provisions of this subparagraph (D) requiring the disclosure of the
40 name of an individual shall not apply to individuals making expenditures
41 in an aggregate amount of less than \$2,500 within a calendar year; or

42 (E) making or causing to be made any website, e-mail or other type of
43 internet communication which expressly advocates the nomination,

1 election or defeat of a clearly identified candidate for a state or local
2 office, unless such matter is followed by a statement which states: "Paid
3 for" or "Sponsored by" followed by the name of the chairperson or
4 treasurer of the political or other organization sponsoring the same or the
5 name of the individual who is responsible therefor.

6 The provisions of this subparagraph (E) requiring the disclosure of the
7 name of an individual shall apply only to any website, e-mail or other type
8 of internet communication which is made by the candidate, the candidate's
9 candidate committee, a political committee or a party committee and such
10 website, e-mail or other internet communication viewed by or
11 disseminated to at least 25 individuals. For the purposes of this
12 subparagraph, the terms "candidate," "candidate committee," "party
13 committee" and "political committee" shall have the meanings ascribed to
14 them in K.S.A. 25-4143, and amendments thereto.

15 (2) *The provisions of subsections (b)(1)(C) and (E) shall not apply to*
16 *the publication of any communications which expressly advocates the*
17 *nomination, election or defeat of a clearly identified candidate for state or*
18 *local office, if such communication is made over any social media*
19 *provider which has a character limit of 140 200 characters or fewer which*
20 *would prevent the communicator from publishing both such person's*
21 *statement of advocacy and the "paid for" or "sponsored by" message.*

22 (3) Corrupt political advertising of a state or local office is a class C
23 misdemeanor.

24 (c) If any provision of this section or application thereof to any
25 person or circumstance is held invalid, such invalidity does not affect other
26 provisions or applications of this section which can be given effect without
27 the invalid application or provision, and to this end the provisions of this
28 section are declared to be severable.

See Attached Insert B

7.

29 Sec. ~~25-4169~~ 25-4169a is hereby amended to read as
30 follows: 25-4169a. (a) (1) No officer or employee of the state of Kansas,
31 or any municipality, shall use or authorize the use of public funds or public
32 vehicles, machinery, equipment or supplies of any such governmental
33 agency or the time of any officer or employee of any such governmental
34 agency, for which the officer or employee is compensated by such
35 governmental agency, to expressly advocate the nomination, election or
36 defeat of a clearly identified candidate to state office or local office. The
37 provisions of this section prohibiting the use of time of any officer or
38 employee for such purposes shall not apply to an incumbent officer
39 campaigning for nomination or reelection to a succeeding term to such
40 office or to members of the personal staff of any elected officer. The
41 provisions of this section shall not apply to the statutory duties of the
42 commission on judicial performance pursuant to article 32 of chapter 20 of
43 the Kansas Statutes Annotated, and amendments thereto.

(2) *The provisions of this subsection shall not apply to the use of the*
~~whichever broadband internet connectivity provided in the Kansas~~
~~statehouse to elected officials who work in the statehouse, including, but~~
~~not limited to, the governor, the lieutenant governor, members of the house~~
~~of representatives or members of the senate by the state of Kansas or any~~
municipality to any candidate or elected official.

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

(3) (4) For the purposes of this subsection, the term municipality shall
 have the meaning ascribed to it in K.S.A. 12-105a, and amendments
 thereto.

(b) Any person violating the provisions of this section shall be guilty
 of a class C misdemeanor.

Sec. ~~41~~ **K.S.A. 2014 Supp. 25-4153a, 25-4156 and 25-4169a** are
 hereby repealed.

Sec. ~~51~~ This act shall take effect and be in force from and after its
 publication in the statute book.

Sec. 8. K.S.A. 25-4173 is hereby amended to read as follows:
 25-4173. Every candidate for state or local office who intends to
 expend or have expended on such person's behalf an aggregate
 amount or value of less than \$500 \$1,000, exclusive of such
 candidate's filing fee, and who intends to receive or have
 received on such person's behalf contributions in an aggregate
 amount or value of less than \$500 \$1,000 in each of the primary
 and the general elections shall file, not later than the ninth day
 preceding the primary election, an affidavit of such intent with
 the secretary of state for state offices. In the case of a candidate
 for a local office, such affidavit also shall be filed with the
 county election officer of the county in which the name of the
 candidate is on the ballot. No report required by K.S.A. 25-4148,
 and amendments thereto, shall be required to be filed by or for
 such candidate.

, 25-4157a

25-4148a,

K.S.A. 25-904, 25-4157 and 25-4173 and

9.

10.

Section 1. K.S.A. 25-904 is hereby amended to read as follows: 25-904. (a) Every candidate for election to any city of the second and third class, unified school district, community college or township office subject to this act who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the primary and ~~the general election elections~~ shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the county election officer of the county of residence of the candidate. No report required by subsection (b) shall be required to be filed by or for such candidate.

(b) Except as provided in subsection (a), it shall be the duty of every candidate for nomination or for election to any city of the second and third class, unified school district, community college or township office subject to this act, within 30 days after each primary, general or special election, to file with the county election officer an itemized statement under oath stating the name and address of each person who has made any contribution in excess of \$50 during the election period together with the amount and date of such contributions and an itemized statement of all expenditures made by such candidate or obligations contracted or incurred by such candidate in connection with each primary, general or special election.

(c) No candidate which is subject to the provisions of the campaign finance act ~~of~~ K.S.A. 25-4142 et seq., and amendments thereto, shall be required to file any report required by this section.

(d) Any candidate who has signed an affidavit pursuant to subsection (a) and who incurs expenses in excess of or receives contributions in excess of ~~\$500~~ \$1,000, exclusive of such candidate's filing fee for either the primary or the general election, shall file the report required by subsection (b).

Sec. 2. K.S.A. 2014 Supp. 25-4148a is hereby amended to read as follows: 25-4148a. When a report is made under this act and the amount being contributed by an individual is over \$150, the report shall list the occupation ~~and industry~~ of the individual contributor. If the individual contributor is not employed for compensation then the report shall list the occupation ~~and industry~~ of the contributor's spouse.

Sec. 5. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. (a) Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) If a candidate dies with an open candidate committee account which contains campaign funds, the executor or administrator of the candidate's estate shall be responsible for terminating the candidate committee and disposing of the residual funds.

Sec. 6. K.S.A. 2014 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

- (1) Legitimate campaign purposes;

(4) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate;

(5) any donations paid to ~~a any organization which is recognized as a 501(c)(3) tax exempt organization or any religious organization~~, community service or civic organization in the name of the candidate or candidate committee of any candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;

(6) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or

(7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be

Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement.

(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state.