

Corrected
{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2183

By Committee on Elections

1-29

1 AN ACT concerning campaign finance; *relating to candidate, contributor*
2 *and lobbyist filings; relating to use of campaign funds; certain*
3 *prohibited actions by candidates; relating to political campaigns and*
4 *technology; {concerning political signs;} amending K.S.A. 25-904, 25-*
5 *4157, 25-4173 and 46-268 and K.S.A. 2014 Supp. {25-4148a,} 25-*
6 *4153a, 25-4156, 25-4157a and 25-4169a and repealing the existing*
7 *sections.*

8
9 *Be it enacted by the Legislature of the State of Kansas:*

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

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

1 *contracted or incurred by such candidate in connection with each*
2 *primary, general or special election.*

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

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

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

17 ~~Section 1. Sec. 2.~~ *{3.}* K.S.A. 2014 Supp. 25-4153a is hereby
18 amended to read as follows: 25-4153a. (a) No registered lobbyist, political
19 committee or person, other than an individual, shall make a contribution
20 after January 1 of each year and prior to adjournment sine die of the
21 regular session of the legislature or at any other time in which the
22 legislature is in session to a:

- 23 (1) Legislator;
24 (2) candidate for membership in the legislature;
25 (3) state officer elected on a statewide basis;
26 (4) candidate for state officer elected on a statewide basis;
27 (5) candidate committee of persons described in paragraphs (1)
28 through (4); or
29 (6) political committee established by a state committee of any
30 political party and designated as a recognized political committee for the
31 senate or house of representatives.

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

40 (c) *For the purposes of this act, "social media" means*~~computer or~~
41 ~~cellphone-based websites or applications that enable users to create and~~
42 ~~share content and to participate in public social networking~~ *an electronic*
43 *medium which allows users to create and view user-generated content,*

1 **including, but not limited to, uploaded or downloaded videos or**
2 **photographs, blogs, audio files, instant messages or email.**

3 Sec. ~~2-3~~ {4.} K.S.A. 2014 Supp. 25-4156 is hereby amended to read
4 as follows: 25-4156. (a) (1) Whenever any person sells space in any
5 newspaper, magazine or other periodical to a candidate or to a candidate
6 committee, party committee or political committee, the charge made for
7 the use of such space shall not exceed the charges made for comparable
8 use of such space for other purposes.

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

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

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

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

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

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

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

4 (E) making or causing to be made any website, e-mail or other type of
5 internet communication which expressly advocates the nomination,
6 election or defeat of a clearly identified candidate for a state or local
7 office, unless such matter is followed by a statement which states: "Paid
8 for" or "Sponsored by" followed by the name of the chairperson or
9 treasurer of the political or other organization sponsoring the same or the
10 name of the individual who is responsible therefor.

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

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

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

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

34 ***Sec. 4. {5.} K.S.A. 25-4157 is hereby amended to read as follows:***
35 ***25-4157. (a) Before any candidate committee, party committee or***
36 ***political committee may be dissolved or the position of a candidate's***
37 ***treasurer terminated, the treasurer of the candidate or such committee***
38 ***shall file a termination report which shall include full information as to***
39 ***the disposition of residual funds. Any report required by K.S.A. 25-4148,***
40 ***and amendments thereto, may be a termination report. Reports of the***
41 ***dissolution of candidate committees of candidates for state office, the***
42 ***termination of the treasurer of a candidate for state office, the***
43 ***dissolution of a political committee the major purpose of which is to***

1 *support or oppose any candidate for state office and the dissolution of*
2 *party committees shall be filed in the office of the secretary of state.*
3 *Reports of the dissolution of candidate committees of candidates for*
4 *local office, the termination of the treasurer of a candidate for local*
5 *office and the dissolution of a political committee the major purpose of*
6 *which is to support or oppose any candidate for local office shall be filed*
7 *in the office of the county election officer of the county.*

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

12 *Sec. ~~5~~ {6.} K.S.A. 2014 Supp. 25-4157a is hereby amended to read*
13 *as follows: 25-4157a. (a) No moneys received by any candidate or*
14 *candidate committee of any candidate as a contribution under this act*
15 *shall be used or be made available for the personal use of the candidate*
16 *and no such moneys shall be used by such candidate or the candidate*
17 *committee of such candidate except for:*

18 (1) *Legitimate campaign purposes;*

19 (2) *expenses of holding political office;*

20 (3) *contributions to the party committees of the political party of*
21 *which such candidate is a member;*

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

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

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

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

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

42 (b) *No moneys received by any candidate or candidate committee of*
43 *any candidate as a contribution shall be used to pay interest or any other*

1 *finance charges upon moneys loaned to the campaign by such candidate*
2 *or the spouse of such candidate.*

3 *(c) No candidate or candidate committee shall accept from any*
4 *other candidate or candidate committee for any candidate for local, state*
5 *or national office, any moneys received by such candidate or candidate*
6 *committee as a campaign contribution. The provisions of this subsection*
7 *shall not be construed to prohibit a candidate or candidate committee*
8 *from accepting moneys from another candidate or candidate committee*
9 *if such moneys constitute a reimbursement for one candidate's*
10 *proportional share of the cost of any campaign activity participated in by*
11 *both candidates involved. Such reimbursement shall not exceed an*
12 *amount equal to the proportional share of the cost directly benefiting*
13 *and attributable to the personal campaign of the candidate making such*
14 *reimbursement.*

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

23 ~~Sec. 3-6, {7.}~~ K.S.A. 2014 Supp. 25-4169a is hereby amended to read
24 as follows: 25-4169a. (a) (1) No officer or employee of the state of
25 Kansas, or any municipality, shall use or authorize the use of public funds
26 or public vehicles, machinery, equipment or supplies of any such
27 governmental agency or the time of any officer or employee of any such
28 governmental agency, for which the officer or employee is compensated
29 by such governmental agency, to expressly advocate the nomination,
30 election or defeat of a clearly identified candidate to state office or local
31 office. The provisions of this section prohibiting the use of time of any
32 officer or employee for such purposes shall not apply to an incumbent
33 officer campaigning for nomination or reelection to a succeeding term to
34 such office or to members of the personal staff of any elected officer. The
35 provisions of this section shall not apply to the statutory duties of the
36 commission on judicial performance pursuant to article 32 of chapter 20 of
37 the Kansas Statutes Annotated, and amendments thereto.

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

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

8 ~~(3)~~ (4) For the purposes of this subsection, the term municipality shall
9 have the meaning ascribed to it in K.S.A. 12-105a, and amendments
10 thereto.

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

13 ~~Sec. 7. {8.}~~ *K.S.A. 25-4173 is hereby amended to read as follows:*
14 *25-4173. Every candidate for state or local office who intends to expend*
15 *or have expended on such person's behalf an aggregate amount or value*
16 *of less than ~~-\$500~~ \$1,000, exclusive of such candidate's filing fee, and*
17 *who intends to receive or have received on such person's behalf*
18 *contributions in an aggregate amount or value of less than ~~-\$500~~ \$1,000*
19 *in each of the primary and the general elections shall file, not later than*
20 *the ninth day preceding the primary election, an affidavit of such intent*
21 *with the secretary of state for state offices. In the case of a candidate for*
22 *a local office, such affidavit also shall be filed with the county election*
23 *officer of the county in which the name of the candidate is on the ballot.*
24 *No report required by K.S.A. 25-4148, and amendments thereto, shall be*
25 *required to be filed by or for such candidate.*

26 ~~Sec. 8. {9.}~~ *K.S.A. 46-268 is hereby amended to read as follows: 46-*
27 *268. (a) Except as otherwise provided in subsection (b), every lobbyist*
28 *shall file with the secretary of state a report of employment and*
29 *expenditures on a form and in the manner prescribed and provided by*
30 *the commission. A report shall be filed on or before the 10th day of the*
31 *months of February, March, April, May, September and January.*
32 *Reports shall include all expenditures which are required to be reported*
33 *under K.S.A. 46-269, and amendments thereto, or a statement that no*
34 *expenditures in excess of \$100 were made for such purposes, during the*
35 *preceding calendar month or months since the period for which the last*
36 *report was filed.*

37 (b) *For any calendar year in which a lobbyist expects to expend an*
38 *aggregate amount of less than \$100 for lobbying in each reporting*
39 *period, a lobbyist shall file an affidavit of such intent with the secretary*
40 *of state. Such lobbyist shall not be required to file the reports required*
41 *under subsection (a) for the year for which such affidavit is filed*~~but~~
42 ~~shall file a report on or before January 10, which shall include all~~
43 ~~expenditures made in the preceding calendar year which are required to be~~

1 reported under K.S.A. 46-269, and amendments thereto. *If in any*
2 *reporting period a lobbyist filing such affidavit expends in excess of*
3 *\$100 in reportable expenses, a report shall be filed for such period in the*
4 *manner prescribed by subsection (a).*

5 *{New Sec. 10. No city or county shall regulate or prohibit the*
6 *placement of or the number of political signs on private property or the*
7 *unpaved right-of-way{ adjacent to on} private property during the 30-day*
8 *period prior to any election and the seven-day period following any such*
9 *election.}*

10 Sec. ~~4-9~~. {11.} *K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and*
11 *K.S.A. 2014 Supp. {25-4148a,} 25-4153a, 25-4156, 25-4157a and 25-*
12 *4169a are hereby repealed.*

13 Sec. ~~5-10~~. {12.} This act shall take effect and be in force from and
14 after its publication in the statute book.