

Substitute for HOUSE BILL No. 2223

By Committee on Elections

2-17

1 AN ACT concerning campaign finance reports for members of the
2 legislature and reports by lobbyists; dealing with civil penalties for late
3 filing of such reports; amending K.S.A. 2016 Supp. 25-4148, 25-4152,
4 46-268 and 46-280 and repealing the existing sections.

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

7 Section 1. K.S.A. 2016 Supp. 25-4148 is hereby amended to read as
8 follows: 25-4148. (a) Every treasurer shall file a report prescribed by this
9 section. Reports filed by treasurers for candidates for state office, other
10 than officers elected on a state-wide basis, shall be filed ~~in both~~ with the
11 office of the secretary of state. Reports filed by treasurers for candidates
12 for state-wide office *and the house of representatives and the senate* shall
13 be filed electronically and only with the secretary of state. Reports filed by
14 treasurers for candidates for local office shall be filed in the office of the
15 county election officer of the county in which the name of the candidate is
16 on the ballot. Except as otherwise provided by subsection (h), all such
17 reports shall be filed in time to be received in the offices required on or
18 before each of the following days:

19 (1) The ~~eight~~ 8th day preceding the primary election, which report
20 shall be for the period beginning on January 1 of the election year for the
21 office the candidate is seeking and ending 12 days before the primary
22 election, inclusive;

23 (2) the ~~eight~~ 8th day preceding a general election, which report shall
24 be for the period beginning 11 days before the primary election and ending
25 12 days before the general election, inclusive;

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

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

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

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

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

36 (2) the name and address of each person who has made one or more

1 contributions in an aggregate amount or value in excess of \$50 during the
2 election period together with the amount and date of such contributions,
3 including the name and address of every lender, guarantor and endorser
4 when a contribution is in the form of an advance or loan;

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

8 (4) the aggregate amount of contributions for which the name and
9 address of the contributor is not known;

10 (5) each contribution, rebate, refund or other receipt not otherwise
11 listed;

12 (6) the total of all receipts;

13 (7) the name and address of each person to whom expenditures have
14 been made in an aggregate amount or value in excess of \$50, with the
15 amount, date, and purpose of each; the names and addresses of all persons
16 to whom any loan or advance has been made; when an expenditure is
17 made by payment to an advertising agency, public relations firm or
18 political consultants for disbursement to vendors, the report of such
19 expenditure shall show in detail the name of each such vendor and the
20 amount, date and purpose of the payments to each;

21 (8) the name and address of each person from whom an in-kind
22 contribution was received or who has paid for personal services provided
23 without charge to or for any candidate, candidate committee, party
24 committee or political committee, if the contribution is in excess of \$100
25 and is not otherwise reported under subsection (b)(7), and the amount, date
26 and purpose of the contribution;

27 (9) the aggregate of all expenditures not otherwise reported under this
28 section; and

29 (10) the total of expenditures.

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

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

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

39 (i) Is made without the cooperation or consent of a candidate or
40 candidate committee;

41 (ii) expressly advocates the nomination, election or defeat of such
42 candidate; and

43 (iii) is an aggregate amount or having a fair market value in excess of

1 \$300.

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

7 (d) Treasurers of candidates and of candidate committees shall
8 itemize the purchase of tickets or admissions to testimonial events by a
9 person who purchases ~~such~~ *the* tickets or admissions in an aggregate
10 amount or value in excess of \$50 per event, or who purchases such a ticket
11 or admission at a cost exceeding \$25 per ticket or admission. All other
12 purchases of tickets or admissions to testimonial events shall be reported
13 in an aggregate amount and shall not be subject to the limitations specified
14 in K.S.A. 25-4154, and amendments thereto.

15 (e) If a contribution or other receipt from a political committee is
16 required to be reported under subsection (b), the report shall include the
17 full name of the organization with which the political committee is
18 connected or affiliated or, a description of the connection to or affiliation
19 with such organization. If, the committee is not connected or affiliated
20 with any one organization, the report shall state the trade, profession or
21 primary interest of the political committee as reflected by the statement of
22 purpose of such organization.

23 (f) The commission may require any treasurer to file an amended
24 report for any period for which the original report filed by such treasurer
25 contains material errors or omissions. The notice of the errors or omissions
26 shall be part of the public record. The amended report shall be filed within
27 30 days after notice by the commission.

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

32 (h) For the purpose of any report required to be filed pursuant to
33 subsection (a) by the treasurer of any candidate seeking nomination by
34 convention or caucus or by the treasurer of the candidate's committee or by
35 the treasurer of any party committee or political committee, the date of the
36 convention or caucus shall be considered the date of the primary election.

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

39 (j) Any report required by this section may be signed by the candidate
40 in lieu of the candidate's treasurer or the treasurer of the candidate's
41 committee.

42 Sec. 2. K.S.A. 2016 Supp. 25-4152 is hereby amended to read as
43 follows: 25-4152. (a) *Except as provided in subsection (b)*, the commission

1 shall send a notice by registered or certified mail to any person failing to
2 file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-
3 4148, and amendments thereto, and to the candidate appointing any
4 treasurer failing to file any such report, within the time period prescribed
5 therefor. The notice shall state that the required report or statement has not
6 been filed with either the office of secretary of state or county election
7 officer or both. The person failing to file any report or statement, and the
8 candidate appointing any such person, shall be responsible for the filing of
9 such report or statement. The notice also shall state that such person shall
10 have 15 days from the date such notice is deposited in the mail to comply
11 with the registration and reporting requirements before a civil penalty shall
12 be imposed for each day that the required documents remain unfiled. If
13 such person fails to comply within the prescribed period, such person shall
14 pay to the state a civil penalty of \$10 per day for each day that such report
15 or statement remains unfiled, except that no such civil penalty shall exceed
16 \$300. The commission may waive, for good cause, payment of any civil
17 penalty imposed by this section.

18 (b) (1) *Subject to the notice provisions of subsection (a), reports that*
19 *are due under the provisions of K.S.A. 25-4148(a)(1) and (a)(2), and*
20 *amendments thereto, for candidates that appear on the ballot for the then-*
21 *current primary or general election ballot and are late more than 48 hours*
22 *shall be subject to civil penalties as provided in subsection (b)(2).*

23 (2) *The candidate shall be liable for a civil penalty of \$100 for the*
24 *first day the report is more than 48 hours late and \$50 for each subsequent*
25 *day the report is late. The commission may waive, for good cause,*
26 *payment of any civil penalty imposed by this section.*

27 (c) Civil penalties provided for by this section shall be remitted to the
28 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
29 amendments thereto. Upon receipt of each such remittance, the state
30 treasurer shall deposit the entire amount in the state treasury to the credit
31 of the governmental ethics commission fee fund.

32 (e) (d) If a person fails to pay a civil penalty provided for by this
33 section, it shall be the duty of the commission to bring an action to recover
34 such civil penalty in the district court of the county in which such person
35 resides.

36 Sec. 3. K.S.A. 2016 Supp. 46-268 is hereby amended to read as
37 follows: 46-268. (a) Except as otherwise provided in subsection (b), every
38 lobbyist shall file *electronically* with the secretary of state a report of
39 employment and expenditures on a form and in the manner prescribed and
40 provided by the commission. A report shall be filed on or before the 10th
41 day of the months of February, March, April, May, September and January.
42 Reports shall include all expenditures which are required to be reported
43 under K.S.A. 46-269, and amendments thereto, or a statement that no

1 expenditures in excess of \$100 were made for such purposes, during the
2 preceding calendar month or months since the period for which the last
3 report was filed.

4 (b) For any calendar year in which a lobbyist expects to expend an
5 aggregate amount of less than \$100 for lobbying in each reporting period,
6 a lobbyist shall file *electronically* an affidavit of such intent with the
7 secretary of state. Such lobbyist shall not be required to file the reports
8 required under subsection (a) for the year for which such affidavit is filed.
9 If in any reporting period a lobbyist filing such affidavit expends in excess
10 of \$100 in reportable expenses, a report shall be filed for such period in the
11 manner prescribed by subsection (a).

12 Sec. 4. K.S.A. 2016 Supp. 46-280 is hereby amended to read as
13 follows: 46-280. (a) *Except as provided in subsection (b)*, the commission
14 shall send a notice by registered or certified mail to any person failing to
15 register or to file any report or statement as required by K.S.A. 46-247; *or*
16 ~~46-265 or 46-268~~, and amendments thereto, within the time period
17 prescribed therefor. The notice shall state that the required registration,
18 report or statement had not been filed with the office of secretary of state.
19 The notice also shall state that such person shall have five days from the
20 date of receipt of such notice to comply with the registration and reporting
21 requirements before a civil penalty shall be imposed for each day that the
22 required documents remain unfiled. If such person fails to comply within
23 such period, such person shall pay to the state a civil penalty of \$10 per
24 day for each day that such person remains unregistered or that such report
25 or statement remains unfiled, except that no such civil penalty shall exceed
26 \$300. The commission may waive, for good cause, payment of any civil
27 penalty imposed hereunder.

28 (b) *Subject to the notice provisions of subsection (a), reports required*
29 *for lobbyists under K.S.A. 46-268, and amendments thereto, that are late*
30 *more than 48 hours shall be subject to civil penalties as provided in*
31 *subsection (b)(2).*

32 (2) *The lobbyist shall be liable for a civil penalty of \$100 for the first*
33 *day the report is more than 48 hours late and \$50 for each subsequent day*
34 *the report is late. The commission may waive, for good cause, payment of*
35 *any civil penalty imposed by this section.*

36 (c) Whenever the commission shall determine that any report filed by
37 a lobbyist as required by K.S.A. 46-269, and amendments thereto, is
38 incorrect, incomplete or fails to provide the information required by such
39 section, the commission shall notify such lobbyist by registered or certified
40 mail, specifying the deficiency. Such notice shall state that the lobbyist
41 shall have 30 days from the date of the receipt of such notice to file an
42 amended report correcting such deficiency before a civil penalty will be
43 imposed and the registration of such lobbyist revoked and the badge be

1 required to be returned to the office of the secretary of state. A copy of
2 such notice shall be sent to the office of the secretary of state. If such
3 lobbyist fails to file an amended report within the time specified, such
4 lobbyist shall pay to the commission a civil penalty of \$10 per day for
5 each day that such person fails to file such report except that no such civil
6 penalty shall exceed \$300. On the 31st day following the receipt of such
7 notice, the registration of any lobbyist failing to file such amended report
8 shall be revoked.

9 ~~(e)~~ (d) Civil penalties provided for by this section shall be remitted to
10 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
11 and amendments thereto. Upon receipt of each such remittance, the state
12 treasurer shall deposit the entire amount in the state treasury to the credit
13 of the governmental ethics commission fee fund.

14 ~~(d)~~ (e) (1) Except as provided in subsection (2), if a person fails to
15 pay a civil penalty provided for by this section, it shall be the duty of the
16 commission to bring an action to recover such civil penalty in the district
17 court of the county in which such person resides.

18 (2) If a person required to file under ~~subsection (f)~~ of K.S.A. 46-
19 247(f), and amendments thereto, fails to pay a civil penalty provided for by
20 this section, it shall be the duty of the commission to bring an action to
21 recover ~~such~~ the civil penalty in the district court of Shawnee county,
22 Kansas.

23 Sec. 5. K.S.A. 2016 Supp. 25-4148, 25-4152, 46-268 and 46-280 are
24 hereby repealed.

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