

SENATE BILL No. 427

By Committee on Local Government

2-1

1 AN ACT concerning campaign finance; extending the time frame for  
2 governmental ethics commission hearings; allowing federal officials  
3 access to governmental ethics commission investigations; amending  
4 K.S.A. 25-4148, 25-4156, 25-4161, 25-4165 and 25-4174 and repealing  
5 the existing sections.  
6

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

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

19 (1) ~~The eighth~~ 8<sup>th</sup> 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 eighth~~ 8<sup>th</sup> 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) ***the Tuesday following the second Monday in*** January ~~10~~ of the  
27 year after an election year, which report shall be for the period beginning  
28 11 days before the general election and ending on December 31, inclusive;

29 (4) for any calendar year when no election is held, a report shall be  
30 filed on the next ***Tuesday following the second Monday in*** January ~~10~~  
31 for the preceding calendar year;

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

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

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

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

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

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

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

13 (6) the total of all receipts;

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

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

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

30 (10) the total of expenditures.

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

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

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

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

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

1 (iii) is an aggregate amount or having a fair market value in excess of  
2 \$300.

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

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

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

24 (f) The commission may require any treasurer to file an amended  
25 report for any period for which the original report filed by such treasurer  
26 contains material errors or omissions. The notice of the errors or omissions  
27 shall be part of the public record. The amended report shall be filed within  
28 30 days after notice by the commission.

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

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

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

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

43 Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-

1 4156. (a) (1) Whenever any person sells space in any newspaper, magazine  
2 or other periodical to a candidate or to a candidate committee, party  
3 committee or political committee, the charge made for the use of such  
4 space shall not exceed the charges made for comparable use of such space  
5 for other purposes.

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

8 (b) (1) Except as provided in paragraph (2), corrupt political  
9 advertising of a state or local office is:

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

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

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

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

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

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

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

18 (2) The provisions of subsections (b)(1)(C) and (E) shall not apply to  
19 the publication of any communication that expressly advocates the  
20 nomination, election or defeat of a clearly identified candidate for state or  
21 local office, if such communication is made over any social media  
22 provider ~~which~~ *that* has a character limit of 280 characters or fewer.

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

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

30 Sec. 3. K.S.A. 25-4161 is hereby amended to read as follows: 25-  
31 4161. (a) If a complaint is filed and the commission determines that such  
32 verified complaint does not allege facts, directly or upon information and  
33 belief, sufficient to constitute a violation of any provision of the campaign  
34 finance act, it shall dismiss the complaint and notify the complainant and  
35 respondent thereof.

36 (b) Whenever a complaint is filed with the commission alleging a  
37 violation of a provision of the campaign finance act, such filing and the  
38 allegations therein shall be confidential and shall not be disclosed except  
39 as provided in the campaign finance act.

40 (c) If a complaint is filed and the commission determines that such  
41 verified complaint does allege facts, directly or upon information and  
42 belief, sufficient to constitute a violation of any of the provisions of the  
43 campaign finance act, the commission shall promptly investigate the

1 alleged violation.

2 (d) The commission shall notify the attorney general of any apparent  
3 violation of criminal law or other laws not administered by the  
4 commission, which is discovered during the course of any such  
5 investigation.

6 (e) If after the investigation, the commission finds that probable cause  
7 does not exist for believing the allegations of the complaint, the  
8 commission shall dismiss the complaint. If after such investigation, the  
9 commission finds that probable cause exists for believing the allegations  
10 of the complaint, such complaint shall no longer be confidential and may  
11 be disclosed. Upon making any such finding, the commission shall fix a  
12 time for a hearing of the matter, which shall be not more than ~~30~~ 90 days  
13 after such finding. In either event the commission shall notify the  
14 complainant and respondent of its determination.

15 (f) The remedies and protections provided by K.S.A. 75-2973, and  
16 amendments thereto, shall be available to any state employee against  
17 whom disciplinary action has been taken for filing a complaint pursuant to  
18 this act.

19 Sec. 4. K.S.A. 25-4165 is hereby amended to read as follows: 25-  
20 4165. The commission shall maintain a record of its investigations,  
21 inquiries, and proceedings. All records, complaints, documents, reports  
22 filed with or submitted to or made by the commission, and all records and  
23 transcripts of any investigations, inquiries or hearings of the commission  
24 under the campaign finance act shall be confidential and shall not be open  
25 to inspection by any individual other than a member of the commission, an  
26 employee of the commission, ~~or~~ a state officer or employee *or a federal*  
27 *officer or employee* designated to assist the commission, except as  
28 otherwise specifically provided in the campaign finance act. The  
29 commission may, by adoption of a resolution, authorize the release to the  
30 attorney general or to the county or district attorney of the appropriate  
31 county of any information, records, complaints, documents, reports, and  
32 transcripts in its possession material to any matter pending before the  
33 attorney general or any county or district attorney. All matters presented at  
34 a public hearing of the commission and all reports of the commission  
35 stating a final finding of fact pursuant to K.S.A. 25-4164, shall be public  
36 records and open to public inspection.

37 Sec. 5. K.S.A. 25-4174 is hereby amended to read as follows: 25-  
38 4174. Any candidate who has signed an affidavit pursuant to K.S.A. 25-  
39 4173, and amendments thereto, and who incurs expenses in excess of or  
40 receives contributions in excess of ~~\$500~~ \$1,000, exclusive of such  
41 candidate's filing fee, for either the primary or the general election shall,  
42 within three days of the date when expenditures or contributions exceed  
43 such amount, file all past due reports and shall be required to file all future

1 reports on the dates required by K.S.A. 25-4148, and amendments thereto.

2 Sec. 6. K.S.A. 25-4148, 25-4156, 25-4161, 25-4165 and 25-4174 are  
3 hereby repealed.

4 Sec. 7. This act shall take effect and be in force from and after its  
5 publication in the statute book.