

HOUSE BILL No. 2289

By Committee on Elections

2-3

1 AN ACT concerning governmental ethics and campaign finance; limiting
2 the power of the governmental ethics commission to issue subpoenas;
3 amending K.S.A. 25-4158 and repealing the existing section.
4

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

6 Section 1. K.S.A. 25-4158 is hereby amended to read as follows: 25-
7 4158. (a) The secretary of state shall:

8 (1) Furnish forms prescribed and provided by the commission for
9 making reports and statements required to be filed in the office of the
10 secretary of state by the campaign finance act; and

11 (2) make such reports and statements available for public inspection
12 and copying during regular office hours.

13 (b) The county election officer shall: (1) Furnish forms prescribed
14 and provided by the commission for making reports and statements
15 required to be filed in the office of the county election officer by the
16 campaign finance act; and

17 (2) make such reports and statements available for public inspection
18 and copying during regular office hours.

19 (c) The commission may investigate, or cause to be investigated, any
20 matter required to be reported upon by any person under the provisions of
21 the campaign finance act, or any matter to which the campaign finance act
22 applies irrespective of whether a complaint has been filed in relation
23 thereto.

24 ~~(d)(1) After a preliminary investigation of any matter reported to the~~
25 ~~commission pursuant to subsection (c), and upon specific written findings~~
26 ~~of fact and conclusions of law by the commission that there is a reasonable~~
27 ~~suspicion that a violation of the campaign finance act has occurred, the~~
28 ~~commission or any officer designated by the commission may administer~~
29 ~~oaths and affirmations, subpoena witnesses, compel their attendance, take~~
30 ~~evidence, and require the production of any books, papers,~~
31 ~~correspondence, memoranda, agreements, or other documents or records~~
32 ~~which the commission deems relevant or material to the investigation. The~~
33 ~~commission shall reimburse the reasonable costs of production of~~
34 ~~documents subject to subpoena. All subpoenas and subpoenas duces tecum~~
35 ~~issued under this section shall be authorized by the affirmative vote of not~~
36 ~~less than ³/₄ of the members of the commission. Any vote authorizing the~~

1 issuance of a subpoena or subpoena duces tecum shall be taken at a
2 meeting where the commissioners are in physical presence. Subpoenas
3 duces tecum shall be limited to items reasonably relevant to such alleged
4 violations. Upon the request of any person subpoenaed to appear and give
5 testimony or to produce books, papers or documents, the commission shall
6 provide a copy of the written findings of facts and conclusions of laws
7 relating to the alleged violation committed by such person.

8 (2) ~~In case of contumacy by, or refusal to obey a subpoena issued to~~
9 ~~any person, the district court of Shawnee county, upon application by the~~
10 ~~commission, or any officer designated by the commission, may issue to~~
11 ~~that person an order requiring the person to appear before the commission~~
12 ~~or any officer designated by the commission, there to produce~~
13 ~~documentary evidence if so ordered or to give evidence touching the~~
14 ~~matter under investigation or in question. Any failure to obey the order of~~
15 ~~the court may be punished by the court as a contempt of court. The~~
16 ~~commission shall not have the power to issue any subpoena prior to the~~
17 ~~filing of a verified complaint before the commission and a finding by the~~
18 ~~commission that probable cause exists pursuant to K.S.A. 25-4161(e), and~~
19 ~~amendments thereto.~~

20 (e) *The commission may request the attorney general, county or*
21 *district attorney to file an application for an inquisition in a district court*
22 *pursuant to K.S.A. 22-3101, and amendments thereto, for the purpose of*
23 *the attorney general, county or district attorney investigating potential*
24 *violations of the campaign finance act.*

25 Sec. 2. K.S.A. 25-4158 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.