

2023 Kansas Statutes

25-4163. Same; rights of respondent; hearing procedure; hearings before administrative law judge; final determination by commission; certain ex parte communications with commission prohibited; hearings to be public. (a) After a verified complaint alleging violation of a provision of the campaign finance act has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint, including the transcript of the hearing, if any. If a hearing is to be held pursuant to K.S.A. 25-4161, and amendments thereto, then a subcommittee of the commission or the presiding officer, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party. The commission shall reimburse the reasonable costs of production of documents subject to subpoena. Any hearing held under K.S.A. 25-4161, and amendments thereto, may be conducted and held by a subcommittee of not less than five members of the commission, of whom not more than a majority shall be of the same political party. Upon a request by a respondent that the hearing be held before a presiding officer from the office of administrative hearings, all pre-hearing procedures shall be conducted by such presiding officer. The hearing shall be conducted in the manner prescribed by the Kansas administrative procedure act. Final determination of all complaints shall be made by the commission as a whole. The commission shall not conduct another hearing on the matter but shall make final determination based on the record of the hearing before the presiding officer or subcommittee of the commission.

(b) At every hearing held under this act:

- (1) Oral evidence shall be taken only on oath or affirmation.
 - (2) Each party shall have the right to be represented by legal counsel, to call and examine witnesses, to introduce evidence and to cross-examine opposing witnesses.
 - (3) The provisions of K.S.A. 25-4161(g), and amendments thereto, shall apply to legal counsel representing a complainant employed or engaged by the commission.
- (c) All hearings shall be open to the public.

History: L. 1981, ch. 171, § 22; L. 1990, ch. 306, § 9; L. 2023, ch. 23, § 8; April 20.