

HOUSE Substitute for SENATE BILL No. 376

By Committee on Ethics and Elections

3-17

9 AN ACT concerning certain elected officials; relating to use of unex-
10 pended campaign funds; amending K.S.A. 25-4142, 25-4148, 25-4151,
11 25-4153, 25-4157a and 46-269 and K.S.A. 2003 Supp. 25-4143 and
12 repealing the existing sections.
13

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

15 Section 1. K.S.A. 25-4142 is hereby amended to read as follows: 25-
16 4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and
17 ~~K.S.A. 25-4153b~~ sections 8 and 9, and amendments thereto, shall be
18 known and may be cited as the campaign finance act.

19 Sec. 2. K.S.A. 2003 Supp. 25-4143 is hereby amended to read as
20 follows: 25-4143. As used in the campaign finance act, unless the context
21 otherwise requires:

22 (a) "Candidate" means an individual who: (1) Appoints a treasurer or
23 a candidate committee;

24 (2) makes a public announcement of intention to seek nomination or
25 election to state or local office;

26 (3) makes any expenditure or accepts any contribution for such per-
27 son's nomination or election to any state or local office; or

28 (4) files a declaration or petition to become a candidate for state or
29 local office.

30 (b) "Candidate committee" means a committee appointed by a can-
31 didate to receive contributions and make expenditures for the candidate.

32 (c) "Clearly identified candidate" means a candidate who has been
33 identified by the:

34 (1) Use of the name of the candidate;

35 (2) use of a photograph or drawing of the candidate; or

36 (3) unambiguous reference to the candidate whether or not the
37 name, photograph or drawing of such candidate is used.

38 (d) "Commission" means the governmental ethics commission.

39 (e) (1) "Contribution" means:

40 (A) Any advance, conveyance, deposit, distribution, gift, loan or pay-
41 ment of money or any other thing of value given to a candidate, candidate
42 committee, party committee or political committee for the express pur-
43 pose of nominating, electing or defeating a clearly identified candidate

1 for a state or local office.

2 (B) Any advance, conveyance, deposit, distribution, gift, loan or pay-
3 ment of money or any other thing of value made to expressly advocate
4 the nomination, election or defeat of a clearly identified candidate for a
5 state or local office;

6 (C) a transfer of funds between any two or more candidate commit-
7 tees, party committees or political committees;

8 (D) the payment, by any person other than a candidate, candidate
9 committee, party committee or political committee, of compensation to
10 an individual for the personal services rendered without charge to or for
11 a candidate's campaign or to or for any such committee;

12 (E) the purchase of tickets or admissions to, or advertisements in
13 journals or programs for, testimonial events;

14 (F) a mailing of materials designed to expressly advocate the nomi-
15 nation, election or defeat of a clearly identified candidate, which is made
16 and paid for by a party committee with the consent of such candidate.

17 (2) "Contribution" does not include:

18 (A) The value of volunteer services provided without compensation;

19 (B) costs to a volunteer related to the rendering of volunteer services
20 not exceeding a fair market value of \$50 during an allocable election
21 period as provided in K.S.A. 25-4149, and amendments thereto;

22 (C) payment by a candidate or candidate's spouse for personal meals,
23 lodging and travel by personal automobile of the candidate or candidate's
24 spouse while campaigning;

25 (D) the value of goods donated to events such as testimonial events,
26 bake sales, garage sales and auctions by any person not exceeding a fair
27 market value of \$50 per event; *or*

28 (E) *the transfer of campaign funds to a bona fide successor committee*
29 *or candidacy in accordance with K.S.A. 25-4157a and amendments*
30 *thereto.*

31 (f) "Election" means:

32 (1) A primary or general election for state or local office; and

33 (2) a convention or caucus of a political party held to nominate a
34 candidate for state or local office.

35 (g) (1) "Expenditure" means:

36 (A) Any purchase, payment, distribution, loan, advance, deposit or
37 gift of money or any other thing of value made by a candidate, candidate
38 committee, party committee or political committee for the express pur-
39 pose of nominating, electing or defeating a clearly identified candidate
40 for a state or local office.

41 (B) Any purchase, payment, distribution, loan, advance, deposit or
42 gift of money or any other thing of value made to expressly advocate the
43 nomination, election or defeat of a clearly identified candidate for a state

- 1 or local office;
- 2 (C) any contract to make an expenditure;
- 3 (D) a transfer of funds between any two or more candidate commit-
- 4 tees, party committees or political committees; or
- 5 (E) payment of a candidate's filing fees.
- 6 (2) "Expenditure" does not include:
- 7 (A) The value of volunteer services provided without compensation;
- 8 (B) costs to a volunteer incidental to the rendering of volunteer serv-
- 9 ices not exceeding a fair market value of \$50 during an allocable election
- 10 period as provided in K.S.A. 25-4149, and amendments thereto;
- 11 (C) payment by a candidate or candidate's spouse for personal meals,
- 12 lodging and travel by personal automobile of the candidate or candidate's
- 13 spouse while campaigning or payment of such costs by the treasurer of a
- 14 candidate or candidate committee;
- 15 (D) the value of goods donated to events such as testimonial events,
- 16 bake sales, garage sales and auctions by any person not exceeding fair
- 17 market value of \$50 per event; or
- 18 (E) any communication by an incumbent elected state or local officer
- 19 with one or more individuals unless the primary purpose thereof is to
- 20 expressly advocate the nomination, election or defeat of a clearly identi-
- 21 fied candidate.
- 22 (h) "Expressly advocate the nomination, election or defeat of a clearly
- 23 identified candidate" means any communication which uses phrases in-
- 24 cluding, but not limited to:
- 25 (1) "Vote for the secretary of state";
- 26 (2) "re-elect your senator";
- 27 (3) "support the democratic nominee";
- 28 (4) "cast your ballot for the republican challenger for governor";
- 29 (5) "Smith for senate";
- 30 (6) "Bob Jones in '98";
- 31 (7) "vote against Old Hickory";
- 32 (8) "defeat" accompanied by a picture of one or more candidates; or
- 33 (9) "Smith's the one."
- 34 (i) "Party committee" means:
- 35 (1) The state committee of a political party regulated by article 3 of
- 36 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
- 37 (2) the county central committee or the state committee of a political
- 38 party regulated under article 38 of chapter 25 of the Kansas Statutes
- 39 Annotated, and amendments thereto;
- 40 (3) the bona fide national organization or committee of those political
- 41 parties regulated by the Kansas Statutes Annotated;
- 42 (4) not more than one political committee established by the state
- 43 committee of any such political party and designated as a recognized

- 1 political committee for the senate;
- 2 (5) not more than one political committee established by the state
3 committee of any such political party and designated as a recognized
4 political committee for the house of representatives; or
- 5 (6) not more than one political committee per congressional district
6 established by the state committee of a political party regulated under
7 article 38 of chapter 25 of the Kansas Statutes Annotated, and amend-
8 ments thereto, and designated as a congressional district party committee.
- 9 (j) "Person" means any individual, committee, corporation, partner-
10 ship, trust, organization or association.
- 11 (k) (1) "Political committee" means any combination of two or more
12 individuals or any person other than an individual, a major purpose of
13 which is to expressly advocate the nomination, election or defeat of a
14 clearly identified candidate for state or local office or make contributions
15 to or expenditures for the nomination, election or defeat of a clearly
16 identified candidate for state or local office.
- 17 (2) "Political committee" shall not include a candidate committee or
18 a party committee.
- 19 (l) "Receipt" means a contribution or any other money or thing of
20 value, but not including volunteer services provided without compensa-
21 tion, received by a treasurer in the treasurer's official capacity.
- 22 (m) "Public office" means a state or local office.
- 23 (n) "Local office" means:
- 24 (1) A member of the governing body of a city of the first class;
- 25 (2) an elected office of:
- 26 (A) A unified school district having 35,000 or more pupils regularly
27 enrolled in the preceding school year;
- 28 (B) a county; or
- 29 (C) the board of public utilities.
- 30 ~~(m)~~ (o) "State office" means any state office as defined in K.S.A. 25-
31 2505, and amendments thereto.
- 32 ~~(n)~~ (p) "Testimonial event" means an event held for the benefit of
33 an individual who is a candidate to raise contributions for such candidate's
34 campaign. Testimonial events include but are not limited to dinners,
35 luncheons, rallies, barbecues and picnics.
- 36 ~~(o)~~ (q) "Treasurer" means a treasurer of a candidate or of a candidate
37 committee, a party committee or a political committee appointed under
38 the campaign finance act or a treasurer of a combination of individuals
39 or a person other than an individual which is subject to paragraph (2) of
40 subsection (a) of K.S.A. 25-4172, and amendments thereto.
- 41 ~~(p)~~ "Local office" means a member of the governing body of a city
42 of the first class, any elected office of a unified school district having
43 35,000 or more pupils regularly enrolled in the preceding school year, a

1 ~~county or of the board of public utilities.~~

2 Sec. 3. K.S.A. 25-4148 is hereby amended to read as follows: 25-
3 4148. (a) Every treasurer shall file a report prescribed by this section.
4 Reports filed by treasurers for candidates for state office, other than of-
5 ficers elected on a state-wide basis, shall be filed in both the office of the
6 secretary of state and in the office of the county election officer of the
7 county in which the candidate is a resident. Reports filed by treasurers
8 for candidates for state-wide office shall be filed only with the secretary
9 of state. Reports filed by treasurers for candidates for local office shall be
10 filed in the office of the county election officer of the county in which
11 the name of the candidate is on the ballot. Except as otherwise provided
12 by subsection (h), all such reports shall be filed in time to be received in
13 the offices required on or before each of the following days:

14 (1) The eighth day preceding the primary election, which report shall
15 be for the period beginning on January 1 of the election year for the office
16 the candidate is seeking and ending 12 days before the primary election,
17 inclusive;

18 (2) the eighth day preceding a general election, which report shall be
19 for the period beginning 11 days before the primary election and ending
20 12 days before the general election, inclusive;

21 (3) January 10 of the year after an election year, which report shall
22 be for the period beginning 11 days before the general election and end-
23 ing on December 31, inclusive;

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

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

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

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

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

36 (3) the aggregate amount of all proceeds from bona fide sales of po-
37 litical materials such as, but not limited to, political campaign pins, but-
38 tons, badges, flags, emblems, hats, banners and literature;

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

41 (5) each contribution, rebate, refund or other receipt not otherwise
42 listed;

43 (6) the total of all receipts;

1 (7) the name and address of each person to whom expenditures have
2 been made in an aggregate amount or value in excess of \$50, with the
3 amount, date, and purpose of each; the names and addresses of all persons
4 to whom any loan or advance has been made; when an expenditure is
5 made by payment to an advertising agency, public relations firm or po-
6 litical consultants for disbursement to vendors, the report of such ex-
7 penditure shall show in detail the name of each such vendor and the
8 amount, date and purpose of the payments to each;

9 (8) the name and address of each person from whom an in-kind con-
10 tribution was received or who has paid for personal services provided
11 without charge to or for any candidate, candidate committee, party com-
12 mittee or political committee, if the contribution is in excess of \$50 and
13 is not otherwise reported under subsection (b)(7), and the amount, date
14 and purpose of the contribution;

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

17 (10) the total of expenditures.

18 (c) Treasurers of candidates and of candidate committees shall be
19 required to itemize, as provided in subsection (b)(2), only the purchase
20 of tickets or admissions to testimonial events by a person who purchases
21 such tickets or admissions in an aggregate amount or value in excess of
22 \$50 per event, or who purchases such a ticket or admission at a cost
23 exceeding \$25 per ticket or admission. All other purchases of tickets or
24 admissions to testimonial events shall be reported in an aggregate amount
25 and shall not be subject to the limitations specified in K.S.A. 25-4154,
26 and amendments thereto.

27 (d) If a contribution or other receipt from a political committee is
28 required to be reported under subsection (b), the report shall include the
29 full name of the organization with which the political committee is con-
30 nected or affiliated or, name or description sufficiently describing the
31 affiliation or, if the committee is not connected or affiliated with any one
32 organization, the trade, profession or primary interest of the political com-
33 mittee as reflected by the statement of purpose of such organization.

34 (e) The commission may require any treasurer to file an amended
35 report for any period for which the original report filed by such treasurer
36 contains material errors or omissions, and notice of the errors or omissions
37 shall be part of the public record. The amended report shall be filed
38 within 30 days after notice by the commission.

39 (f) The commission may require any treasurer to file a report for any
40 period for which the required report is not on file, and notice of the failure
41 to file shall be part of the public record. Such report shall be filed within
42 five days after notice by the commission.

43 (g) For the purpose of any report required to be filed pursuant to

1 subsection (a) by the treasurer of any candidate seeking nomination by
2 convention or caucus or by the treasurer of the candidate's committee or
3 by the treasurer of any party committee or political committee, the date
4 of the convention or caucus shall be considered the date of the primary
5 election.

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

8 (i) *Any report required by this section may be signed by the candidate*
9 *in lieu of the candidate's treasurer or the treasurer of the candidate's*
10 *committee.*

11 Sec. 4. K.S.A. 25-4151 is hereby amended to read as follows: 25-
12 4151. (a) Every report or statement made under the campaign finance
13 act shall be made on forms prescribed by the commission, and contain
14 substantially the following: "I declare that this (report) (statement), in-
15 cluding any accompanying schedules and statements, has been examined
16 by me and to the best of my knowledge and belief is true, correct and
17 complete. I understand that the intentional failure to file this document
18 or intentionally filing a false document is a class A misdemeanor."

19 _____
20 (Date) (Signature)

21 Every report or statement shall be dated and signed by: (1) The treasurer
22 *or candidate* for any report required by K.S.A. 25-4148; (2) the candidate,
23 for any report required by K.S.A. 25-4144; or (3) the chairperson of the
24 committee, for any statement required by K.S.A. 25-4145. If the form is
25 not available, the report or statement to which it relates shall be made as
26 required, but in such form as the person signing such report or statement
27 chooses, and the commission may require any such report or statement
28 to be replaced after filing by a report or statement on the forms provided
29 by the commission.

30 (b) Records in support of every report or statement filed under the
31 campaign finance act shall be maintained and preserved by the person
32 who files it for a period of time to be designated by the commission.

33 (c) Delay in filing a report or statement beyond the time required by
34 law shall not prevent the acceptance of the report or statement.

35 (d) No treasurer shall accept or permit to be accepted any contri-
36 butions or make or permit to be made any expenditures unless all reports
37 or statements required of such treasurer prior to the time of such con-
38 tributions or expenditures have been filed.

39 Sec. 5. From and after August 4, 2004, K.S.A. 25-4153 is hereby
40 amended to read as follows: 25-4153. (a) The aggregate amount contrib-
41 uted to a candidate and such candidate's candidate committee and to all
42 party committees and political committees and dedicated to such candi-
43 date's campaign, by any political committee or any person except a party

1 committee, the candidate or the candidate's spouse, shall not exceed the
2 following:

3 (1) For the pair of offices of governor and lieutenant governor or for
4 other state officers elected from the state as a whole, \$2,000 for each
5 primary election (or in lieu thereof a caucus or convention of a political
6 party) and an equal amount for each general election;

7 (2) For the office of member of the house of representatives, district
8 judge, district magistrate judge, district attorney, member of the state
9 board of education or a candidate for local office, ~~\$500~~ \$750 for each
10 primary election (or in lieu thereof a caucus or convention of a political
11 party) and an equal amount for each general election.

12 (3) For the office of state senator, ~~\$1,000~~ \$1,500 for each primary
13 election (or in lieu thereof a caucus or convention of a political party) and
14 an equal amount for each general election.

15 (b) For the purposes of this section, the face value of a loan at the
16 end of the period of time allocable to the primary or general election is
17 the amount subject to the limitations of this section. A loan in excess of
18 the limits herein provided may be made during the allocable period if
19 such loan is reduced to the permissible level, when combined with all
20 other contributions from the person making such loan, at the end of such
21 allocable period.

22 (c) For the purposes of this section, all contributions made by une-
23 mancipated children under 18 years of age shall be considered to be
24 contributions made by the parent or parents of such children. The total
25 amount of such contribution shall be attributed to a single custodial par-
26 ent and 50% of such contribution to each of two parents.

27 (d) The aggregate amount contributed to a state party committee by
28 a person other than a national party committee or a political committee
29 shall not exceed \$15,000 in each calendar year; and the aggregate amount
30 contributed to any other party committee by a person other than a na-
31 tional party committee or a political committee shall not exceed \$5,000
32 in each calendar year.

33 The aggregate amount contributed by a national party committee to a
34 state party committee shall not exceed \$25,000 in any calendar year, and
35 the aggregate amount contributed to any other party committee by a
36 national party committee shall not exceed \$10,000 in any calendar year.

37 The aggregate amount contributed to a party committee by a political
38 committee shall not exceed \$5,000 in any calendar year.

39 (e) Any political funds which have been collected and were not sub-
40 ject to the reporting requirements of this act shall be deemed a person
41 subject to these contribution limitations.

42 (f) Any political funds which have been collected and were subject to
43 the reporting requirements of the campaign finance act shall not be used

1 in or for the campaign of a candidate for a federal elective office.

2 (g) The amount contributed by each individual party committee of
3 the same political party other than a national party committee to any
4 candidate for office, for any primary election at which two or more candi-
5 dates are seeking the nomination of such party shall not exceed the
6 following:

7 (1) For the pair of offices of governor and lieutenant governor and
8 for each of the other state officers elected from the state as a whole,
9 \$2,000 for each primary election (or in lieu thereof a caucus or convention
10 of a political party);

11 (2) For the office of member of the house of representatives, district
12 judge, district magistrate judge, district attorney, member of the state
13 board of education or a candidate for local office, ~~\$500~~ \$750 for each
14 primary election (or in lieu thereof a caucus or convention of a political
15 party).

16 (3) For the office of state senator, ~~\$1,000~~ \$1,500 for each primary
17 election (or in lieu thereof a caucus or convention of a political party).

18 (h) When a candidate for a specific cycle does not run for office, the
19 contribution limitations of this section shall apply as though the individual
20 had sought office.

21 (i) No person shall make any contribution or contributions to any
22 candidate or the candidate committee of any candidate in the form of
23 money or currency of the United States which in the aggregate exceeds
24 \$100 for any one primary or general election, and no candidate or candi-
25 date committee of any candidate shall accept any contribution or con-
26 tributions in the form of money or currency of the United States which
27 in the aggregate exceeds \$100 from any one person for any one primary
28 or general election.

29 Sec. 6. K.S.A. 25-4157a is hereby amended to read as follows: 25-
30 4157a. (a) No moneys received by any candidate or candidate commit-
31 tee of any candidate as a contribution under this act shall be used or be
32 made available for the personal use of the candidate and no such moneys
33 shall be used by such candidate or the candidate committee of such can-
34 didate except for:

35 (1) Legitimate campaign purposes;

36 (2) expenses of holding political office ;

37 (3) contributions to the party committees of the political party of
38 which such candidate is a member;

39 (4) any membership dues or donations paid to a community service,
40 *charitable* or civic organization in the name of the candidate or candidate
41 committee of any candidate;

42 (5) expenses incurred in the purchase of tickets to meals and special
43 events sponsored by any organization the major purpose of which is to

1 promote or facilitate the social, business, commercial or economic well
2 being of the local community; or

3 (6) expenses incurred in the purchase and mailing of greeting cards
4 to voters and constituents.

5 For the purpose of this subsection, expenditures for “personal use”
6 shall include expenditures to defray normal living expenses for the candi-
7 date or the candidate’s family and expenditures for the personal benefit
8 of the candidate having no direct connection with or effect upon the
9 campaign of the candidate or the holding of public office.

10 (b) No moneys received by any candidate or candidate committee of
11 any candidate as a contribution shall be used to pay interest or any other
12 finance charges upon moneys loaned to the campaign by such candidate
13 or the spouse of such candidate.

14 (c) No candidate or candidate committee shall accept from any other
15 candidate or candidate committee for any candidate for local, state or
16 national office, any moneys received by such candidate or candidate com-
17 mittee as a campaign contribution. The provisions of this subsection shall
18 not be construed to prohibit:

19 (1) A candidate or candidate committee from accepting moneys from
20 another candidate or candidate committee if such moneys constitute a
21 reimbursement for one candidate’s proportional share of the cost of any
22 campaign activity participated in by both candidates involved. Such re-
23 imbursement shall not exceed an amount equal to the proportional share
24 of the cost directly benefiting and attributable to the personal campaign
25 of the candidate making such reimbursement; or

26 (2) *A candidate or candidate committee from transferring campaign*
27 *funds to a bona fide successor committee or candidacy established by the*
28 *candidate.*

29 ~~(d) At the time of the termination of any campaign and prior to the~~
30 ~~filing of a termination report in accordance with K.S.A. 25-4157, and~~
31 ~~amendments thereto, all residual funds otherwise not obligated for the~~
32 ~~payment of expenses incurred in such campaign or the holding of office~~
33 ~~shall be contributed to a charitable organization, as defined by the laws~~
34 ~~of the state, contributed to a party committee or returned as a refund in~~
35 ~~whole or in part to any contributor or contributors from whom received~~
36 ~~or paid into the general fund of the state. At the time of the termination~~
37 ~~of any campaign and prior to the filing of a termination report in ac-~~
38 ~~cordance with K.S.A. 25-4157, and amendments thereto, all residual funds~~
39 ~~not otherwise obligated for the payment of expenses incurred in such~~
40 ~~campaign or the holding of office, or any portion of such funds, shall be:~~

41 (1) *Contributed to a charitable organization, as defined by the laws*
42 *of the state;*

43 (2) *contributed to a party committee;*

1 (3) returned as a refund in whole or in part to any contributor or
2 contributors from whom such funds were received; or

3 (4) paid into the general fund of the state; or

4 (5) transferred to a bona fide successor committee or candidacy es-
5 tablished by the candidate; or

6 (6) transferred for the purpose of retiring the remaining debt to the
7 original committee or candidacy from which funds were transferred pur-
8 suant to paragraph (2) of subsection (e).

9 Whenever a transfer to a bona fide successor committee or candidacy
10 is made pursuant to paragraph (5), all moneys shall be transferred to the
11 bona fide successor committee or candidacy.

12 (e) For the purposes of this section, "bona fide successor committee
13 or candidacy" means:

14 (1) The candidate's campaign committee or candidacy for a public
15 office initiated at the termination of the original candidacy; or

16 (2) the candidate's campaign committee or candidacy initiated at the
17 time of the transfer of all moneys to a new campaign committee or can-
18 didacy for public office when there is debt in the original campaign at the
19 time of the transfer and the candidate does not terminate the original
20 campaign committee or candidacy.

21 Sec. 7. K.S.A. 46-269 is hereby amended to read as follows: 46-269.
22 Each report required to be filed by K.S.A. 46-268, and amendments
23 thereto, is a public record and shall be open to public inspection upon
24 request. Such report shall disclose the following:

25 (a) The full name and address of each person who has paid compen-
26 sation for lobbying to the lobbyist or has paid for expenses of lobbying by
27 the lobbyist during the period reported.

28 (b) The aggregate amount or value of all expenditures made, except
29 for expenses of general office overhead, by the lobbyist or by the lobbyist's
30 employer for or in direct relation to lobbying during the reporting period,
31 if such expenditures exceed \$100. Individual expenditures of less than \$2
32 shall not be required to be reported under this subsection. Every lobbyist
33 shall keep detailed accounts of all expenditures required to be reported
34 pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures
35 shall be reported according to the following categories of expenditures:

36 (1) Food and beverages provided as hospitality;

37 (2) entertainment, gifts, honoraria or payments;

38 (3) mass media communications;

39 (4) recreation provided as hospitality;

40 (5) communications for the purpose of influencing legislative or ex-
41 ecutive action; and

42 (6) all other reportable expenditures made in the performance of
43 services as a lobbyist. With regard to expenditures for entertainment or

1 hospitality which is primarily recreation, food and beverages, only
2 amounts expended on a state officer or employee or on such officer or
3 employee's spouse shall be considered to be for or in direct relation to
4 lobbying. Notwithstanding the requirements of this subsection and sub-
5 section (d), no lobbyist shall be responsible to report any expenditure by
6 the lobbyist's employer of which such person has no knowledge.

7 (c) (1) In addition to the information reported pursuant to subsection
8 (b), each lobbyist expending an aggregate amount of \$100 or more for
9 lobbying in any reporting period shall report any gift, entertainment or
10 hospitality provided to members of the legislature, members of the ju-
11 dicial branch of government and any employees of the legislature or ju-
12 dicial branch of government. Such report shall disclose the full name of
13 the legislator, member of the judicial branch and employee who received
14 such gift, entertainment or hospitality and the amount expended on such
15 gift, entertainment or hospitality.

16 (2) No report shall be required to be filed pursuant to this subsection
17 (c) for the following:

18 (A) Meals, the provision of which is motivated by a personal or family
19 relationship;

20 (B) meals provided at public events in which the person is attending
21 in an official capacity;

22 (C) meals provided to a person subject to this section when it is ob-
23 vious such meals are not being provided because of the person's official
24 position;

25 (D) food such as soft drinks, coffee or snack foods not offered as part
26 of a meal; and

27 (E) *entertainment or hospitality in the form of recreation, food and*
28 *beverages provided at a meeting, seminar or event organized by any na-*
29 *tional, nonprofit or nonpartisan organization for the purpose of serving,*
30 *informing or educating and strengthening state legislatures and attended*
31 *by legislators of other states when the presence of the legislator of this*
32 *state at such meeting, seminar or event serves a legitimate state purpose*
33 *or interest; and*

34 (F) entertainment or hospitality in the form of recreation, food and
35 beverages provided at an event to which the following have been invited:

36 (i) All members of the legislature or all members of either house of
37 the legislature; or

38 (ii) all members of a political party caucus of the legislature or all
39 members of a political party caucus of either house of the legislature;

40 (iii) *all members of a committee of the legislature or a committee of*
41 *either house of the legislature; or*

42 (iv) *all members of a legislative delegation which has registered the*
43 *membership of such delegation with the division of legislative adminis-*

1 *trative services established by K.S.A. 46-1212a, and amendments thereto.*

2 (d) Except as provided by subsection (c), whenever an individual lob-
3 byist contributes to a single special event, such lobbyist shall report only
4 the aggregate amount or value of the expenditure contributed by such
5 lobbyist.

6 (e) Whenever more than one lobbyist is employed by a single em-
7 ployer, the reports required by this section relating to such employer shall
8 be made by only one such lobbyist and that lobbyist shall be the lobbyist
9 who is most directly connected with the particular expenditure or gift,
10 honoraria or payment. No expenditure or gift, honoraria or payment re-
11 quired to be reported by this section shall be reported by more than one
12 lobbyist.

13 (f) All accounts, records and documents of the lobbyist which relate
14 to every expenditure reported or which should have been reported shall
15 be maintained and preserved by the lobbyist for a period of five years
16 from the date of the filing of such report or statement and may be in-
17 spected under conditions determined by the commission.

18 New Sec. 8. (a) Upon transferring money to a bona fide successor
19 committee or candidacy as defined by paragraph (2) of subsection (e) of
20 K.S.A. 25-4157a, and amendments thereto, the candidate may only accept
21 contributions to the original candidacy sufficient to retire the debt. Such
22 contributions shall be subject to the contribution limits for the original
23 office sought as set forth in K.S.A. 25-4153, and amendments thereto.
24 Once the candidate has received sufficient contributions to retire the
25 debt, the candidate must terminate the candidacy pursuant to the pro-
26 visions set forth in subsection (d) of K.S.A. 25-4157a, and amendments
27 thereto.

28 (b) This section shall be part of and supplemental to the campaign
29 finance act.

30 New Sec. 9. (a) For the period commencing on January 1, 1976, and
31 ending on the day preceding the effective date of this act, any candidate
32 who transferred campaign funds to a bona fide successor candidacy, as
33 such term is defined in K.S.A. 25-4157a, and amendments thereto, shall
34 be deemed to have made such transfer in compliance with the provisions
35 of the campaign finance act in existence at the time of such transfer
36 regardless of when the original campaign fund is closed after the date
37 such transfer is made and such transfer is hereby validated.

38 (b) This section shall be part of and supplemental to the campaign
39 finance act.

40 Sec. 10. K.S.A. 25-4142, 25-4148, 25-4151, 25-4157a and 46-269 and
41 K.S.A. 2003 Supp. 25-4143 are hereby repealed.

42 Sec. 11. From and after August 4, 2004, K.S.A. 25-4153 is hereby
43 repealed.

1 Sec. 12. This act shall take effect and be in force from and after its
2 publication in the Kansas register.