

HOUSE BILL No. 2333

By Committee on Elections and Governmental Organization

2-1

9 AN ACT concerning campaign finance; extending coverage to certain
10 groups; amending K.S.A. 2006 Supp. 25-4143 and repealing the exist-
11 ing section.
12

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

14 Section 1. K.S.A. 2006 Supp. 25-4143 is hereby amended to read as
15 follows: 25-4143. As used in the campaign finance act, unless the context
16 otherwise requires:

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

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

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

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

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

27 (c) "Clearly identified candidate" means a candidate who has been
28 identified by the:

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

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

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

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

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

35 (A) Any advance, conveyance, deposit, distribution, gift, loan or pay-
36 ment of money or any other thing of value given to a candidate, candidate
37 committee, party committee or political committee for the express pur-
38 pose of nominating, electing or defeating a clearly identified candidate
39 for a state or local office.

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

- 1 (C) a transfer of funds between any two or more candidate commit-
2 tees, party committees or political committees;
- 3 (D) the payment, by any person other than a candidate, candidate
4 committee, party committee or political committee, of compensation to
5 an individual for the personal services rendered without charge to or for
6 a candidate's campaign or to or for any such committee;
- 7 (E) the purchase of tickets or admissions to, or advertisements in
8 journals or programs for, testimonial events;
- 9 (F) a mailing of materials designed to expressly advocate the nomi-
10 nation, election or defeat of a clearly identified candidate, which is made
11 and paid for by a party committee with the consent of such candidate.
- 12 (2) "Contribution" does not include:
- 13 (A) The value of volunteer services provided without compensation;
- 14 (B) costs to a volunteer related to the rendering of volunteer services
15 not exceeding a fair market value of \$50 during an allocable election
16 period as provided in K.S.A. 25-4149, and amendments thereto;
- 17 (C) payment by a candidate or candidate's spouse for personal meals,
18 lodging and travel by personal automobile of the candidate or candidate's
19 spouse while campaigning;
- 20 (D) the value of goods donated to events such as testimonial events,
21 bake sales, garage sales and auctions by any person not exceeding a fair
22 market value of \$50 per event.
- 23 (f) "Election" means:
- 24 (1) A primary or general election for state or local office; and
- 25 (2) a convention or caucus of a political party held to nominate a
26 candidate for state or local office.
- 27 (g) (1) "Expenditure" means:
- 28 (A) Any purchase, payment, distribution, loan, advance, deposit or
29 gift of money or any other thing of value made by a candidate, candidate
30 committee, party committee or political committee for the express pur-
31 pose of nominating, electing or defeating a clearly identified candidate
32 for a state or local office.
- 33 (B) Any purchase, payment, distribution, loan, advance, deposit or
34 gift of money or any other thing of value made to expressly advocate the
35 nomination, election or defeat of a clearly identified candidate for a state
36 or local office;
- 37 (C) any contract to make an expenditure;
- 38 (D) a transfer of funds between any two or more candidate commit-
39 tees, party committees or political committees; or
- 40 (E) payment of a candidate's filing fees.
- 41 (2) "Expenditure" does not include:
- 42 (A) The value of volunteer services provided without compensation;
- 43 (B) costs to a volunteer incidental to the rendering of volunteer serv-

- 1 ices not exceeding a fair market value of \$50 during an allocable election
2 period as provided in K.S.A. 25-4149, and amendments thereto;
- 3 (C) payment by a candidate or candidate's spouse for personal meals,
4 lodging and travel by personal automobile of the candidate or candidate's
5 spouse while campaigning or payment of such costs by the treasurer of a
6 candidate or candidate committee;
- 7 (D) the value of goods donated to events such as testimonial events,
8 bake sales, garage sales and auctions by any person not exceeding fair
9 market value of \$50 per event; or
- 10 (E) any communication by an incumbent elected state or local officer
11 with one or more individuals unless the primary purpose thereof is to
12 expressly advocate the nomination, election or defeat of a clearly identi-
13 fied candidate.
- 14 (h) "Expressly advocate the nomination, election or defeat of a clearly
15 identified candidate" means any communication which uses phrases in-
16 cluding, but not limited to:
- 17 (1) "Vote for the secretary of state";
18 (2) "re-elect your senator";
19 (3) "support the democratic nominee";
20 (4) "cast your ballot for the republican challenger for governor";
21 (5) "Smith for senate";
22 (6) "Bob Jones in '98";
23 (7) "vote against Old Hickory";
24 (8) "defeat" accompanied by a picture of one or more candidates; or
25 (9) "Smith's the one."
- 26 (i) "Party committee" means:
- 27 (1) The state committee of a political party regulated by article 3 of
28 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
29 (2) the county central committee or the state committee of a political
30 party regulated under article 38 of chapter 25 of the Kansas Statutes
31 Annotated, and amendments thereto;
32 (3) the bona fide national organization or committee of those political
33 parties regulated by the Kansas Statutes Annotated;
34 (4) not more than one political committee established by the state
35 committee of any such political party and designated as a recognized
36 political committee for the senate;
37 (5) not more than one political committee established by the state
38 committee of any such political party and designated as a recognized
39 political committee for the house of representatives; or
40 (6) not more than one political committee per congressional district
41 established by the state committee of a political party regulated under
42 article 38 of chapter 25 of the Kansas Statutes Annotated, and amend-
43 ments thereto, and designated as a congressional district party committee.

1 (j) "Person" means any individual, committee, corporation, partner-
2 ship, trust, organization or association.

3 (k) (1) "Political committee" means any combination of two or more
4 individuals or any person other than an individual, a major purpose of
5 which is to expressly advocate the nomination, election or defeat of a
6 clearly identified candidate for state or local office or make contributions
7 to or expenditures for the nomination, election or defeat of a clearly
8 identified candidate for state or local office.

9 *The term "political committee" shall also include two or more individ-*
10 *uals or any person other than an individual, a major purpose of which is*
11 *to expressly advocate, demonstrate and speak out against a group of peo-*
12 *ple in such a way that a reasonable and prudent person would consider*
13 *such activity and speech, hate speech.*

14 (2) "Political committee" shall not include a candidate committee or
15 a party committee.

16 (l) "Receipt" means a contribution or any other money or thing of
17 value, but not including volunteer services provided without compensa-
18 tion, received by a treasurer in the treasurer's official capacity.

19 (m) "State office" means any state office as defined in K.S.A. 25-2505,
20 and amendments thereto.

21 (n) "Testimonial event" means an event held for the benefit of an
22 individual who is a candidate to raise contributions for such candidate's
23 campaign. Testimonial events include but are not limited to dinners,
24 luncheons, rallies, barbecues and picnics.

25 (o) "Treasurer" means a treasurer of a candidate or of a candidate
26 committee, a party committee or a political committee appointed under
27 the campaign finance act or a treasurer of a combination of individuals
28 or a person other than an individual which is subject to paragraph (2) of
29 subsection (a) of K.S.A. 25-4172, and amendments thereto.

30 (p) "Local office" means a member of the governing body of a city
31 of the first class, any elected office of a unified school district having
32 35,000 or more pupils regularly enrolled in the preceding school year, a
33 county or of the board of public utilities.

34 Sec. 2. K.S.A. 2006 Supp. 25-4143 is hereby repealed.

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