

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2007

HOUSE BILL No. 2408

By Committee on Elections and Governmental Organization

2-6

12 AN ACT concerning elections; relating to campaign finance; amending
13 K.S.A. **2007 Supp.** 25-4148 and repealing the existing section.

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

16 ~~Section 1. K.S.A. **2007 Supp.** 25-4148 is hereby amended to read~~
17 ~~as follows: 25-4148. (a) (1) Every treasurer shall file a report prescribed~~
18 ~~by this section. Reports filed by treasurers for candidates for state office,~~
19 ~~other than officers elected on a state-wide basis, shall be filed in both the~~
20 ~~office of the secretary of state and in the office of the county election~~
21 ~~officer of the county in which the candidate is a resident. Reports filed~~
22 ~~by treasurers for candidates for state-wide office shall be filed only with~~
23 ~~the secretary of state. Reports filed by treasurers for candidates for local~~
24 ~~office shall be filed in the office of the county election officer of the county~~
25 ~~in which the name of the candidate is on the ballot.~~

26 ~~—(2) Except as otherwise provided by subsection (h), all such reports~~
27 ~~shall be filed in time to be received in the offices required on or before~~
28 ~~each of the following days:~~

29 ~~—(1) (A) The eighth day preceding the primary election, which. *Such*~~
30 ~~report shall be for the period beginning on January 1 of the election year~~
31 ~~for the office the candidate is seeking and ending 12 days before the~~
32 ~~primary election, inclusive;.~~

33 ~~—(2) (B) The eighth day preceding a general election, which. *Such*~~
34 ~~report shall be for the period beginning 11 days before the primary elec-~~
35 ~~tion and ending 12 4 12 days before the general election, inclusive;.~~

36 ~~—(3) (C) January 10 of the year after an election year, which. *Such*~~
37 ~~report shall be for the period beginning 11 days before the general elec-~~
38 ~~tion and ending on December 31, inclusive;.~~

39 ~~—(4) (D) For any calendar year when no election is held, a report shall~~
40 ~~be filed on the next January 10 for the preceding calendar year;.~~

41 ~~—(5) A treasurer shall file only the annual report required by subsection~~
42 ~~(4) *this subparagraph only* for those years when the candidate is not~~
43 ~~participating in a primary or general election.~~

- 1 ~~—(b) Each report required by this section shall state:~~
2 ~~—(1) Cash on hand on the first day of the reporting period,;~~
3 ~~—(2) Except as provided in subsection (c) (d), the name and address of~~
4 ~~each person who has made one or more contributions in an aggregate~~
5 ~~amount or value in excess of \$50 during the election period together with~~
6 ~~the amount and date of such contributions, including the name and ad-~~
7 ~~dress of every lender, guarantor and endorser when a contribution is in~~
8 ~~the form of an advance or loan,;~~
9 ~~—(3) The aggregate amount of all proceeds from bona fide sales of~~
10 ~~political materials such as, but not limited to, political campaign pins,~~
11 ~~buttons, badges, flags, emblems, hats, banners and literature,;~~
12 ~~—(4) The aggregate amount of contributions for which the name and~~
13 ~~address of the contributor is not known,;~~
14 ~~—(5) Each contribution, rebate, refund or other receipt not otherwise~~
15 ~~listed,;~~
16 ~~—(6) The total of all receipts,;~~
17 ~~—(7) The name and address of each person to whom expenditures have~~
18 ~~been made in an aggregate amount or value in excess of \$50, with the~~
19 ~~amount, date, and purpose of each, the names and addresses of all persons~~
20 ~~to whom any loan or advance has been made, when an expenditure is~~
21 ~~made by payment to an advertising agency, public relations firm or po-~~
22 ~~litical consultants for disbursement to vendors, the report of such ex-~~
23 ~~penditure shall show in detail the name of each such vendor and the~~
24 ~~amount, date and purpose of the payments to each,;~~
25 ~~—(8) The name and address of each person from whom an in-kind~~
26 ~~contribution was received or who has paid for personal services provided~~
27 ~~without charge to or for any candidate, candidate committee, party com-~~
28 ~~mittee or political committee, if the contribution is in excess of \$50 and~~
29 ~~is not otherwise reported under subsection (b)(7) paragraph (7) of sub-~~
30 ~~section (b), and the amount, date and purpose of the contribution,;~~
31 ~~—(9) (A) The name and address of each candidate for state or local~~
32 ~~office for whom an expenditure in the form of an in-kind contribution has~~
33 ~~been made in an aggregate amount or having a fair market value in excess~~
34 ~~of \$300, with the amount, date and purpose of each. The report shall show~~
35 ~~in detail the specific service or product provided, and~~
36 ~~—(B) the name and address of each candidate for state or local office~~
37 ~~who is the subject of an expenditure which:~~
38 ~~—(i) Is made without the cooperation or consent of a candidate or can-~~
39 ~~didate committee,;~~
40 ~~—(ii) expressly advocates the nomination, election or defeat of such can-~~
41 ~~didate, and~~
42 ~~—(iii) is an aggregate amount or having a fair market value in excess~~
43 ~~of \$300.~~

- 1 ~~—The report shall state the amount, date and purpose of each. The report~~
2 ~~shall show in detail the specific service or product provided. The reporting~~
3 ~~requirements imposed by this paragraph shall be in addition to all other~~
4 ~~requirements required by this section. The provisions of this paragraph~~
5 ~~shall apply only to political committees and party committees.~~
6 ~~—(9) (10) (9) The aggregate of all expenditures not otherwise reported~~
7 ~~under this section; and.~~
8 ~~—(10) (11) (10). The total of expenditures.~~
9 ~~—(c) In addition to the requirements of subsection (b), every~~
10 ~~treasurer for any political committee and party committee shall~~
11 ~~report the following:~~
12 ~~—(1) (A) The name and address of each candidate for state or~~
13 ~~local office for whom an expenditure in the form of an in-kind~~
14 ~~contribution has been made in an aggregate amount or having a~~
15 ~~fair market value in excess of \$300, with the amount, date and~~
16 ~~purpose of each. The report shall show in detail the specific service~~
17 ~~or product provided; and~~
18 ~~—(B) the name and address of each candidate for state or local~~
19 ~~office who is the subject of an expenditure which:~~
20 ~~—(i) Is made without the cooperation or consent of a candidate~~
21 ~~or candidate committee;~~
22 ~~—(ii) expressly advocates the nomination, election or defeat of~~
23 ~~such candidate; and~~
24 ~~—(iii) is an aggregate amount or having a fair market value in~~
25 ~~excess of \$300.~~
26 ~~—(2) The report shall state the amount, date and purpose of the~~
27 ~~expenditure in the form of an in-kind contribution. The report~~
28 ~~shall show in detail the specific service or product provided. The~~
29 ~~reporting requirements imposed by this subsection shall be in ad-~~
30 ~~dition to all other requirements required by this section.~~
31 ~~—(c) (d) Treasurers of candidates and of candidate committees shall be~~
32 ~~required to itemize, as provided in subsection (b)(2), only itemize the~~
33 ~~purchase of tickets or admissions to testimonial events by a person~~
34 ~~who purchases such tickets or admissions in an aggregate amount~~
35 ~~or value in excess of \$50 per event, or who purchases such a ticket~~
36 ~~or admission at a cost exceeding \$25 per ticket or admission. All~~
37 ~~other purchases of tickets or admissions to testimonial events shall~~
38 ~~be reported in an aggregate amount and shall not be subject to~~
39 ~~the limitations specified in K.S.A. 25-4154, and amendments~~
40 ~~thereto.~~
41 ~~—(d) (e) If a contribution or other receipt from a political committee~~
42 ~~is required to be reported under subsection (b), the report shall include~~
43 ~~the full name of the organization with which the political committee is~~

1 ~~connected or affiliated or, name or a description sufficiently describing~~
2 ~~the affiliation or, if of the connection to or affiliation with such organi-~~
3 ~~zation. If the committee is not connected or affiliated with any one or-~~
4 ~~ganization, the report shall state the trade, profession or primary interest~~
5 ~~of the political committee as reflected by the statement of purpose of~~
6 ~~such organization.~~

7 ~~—(c) (f) The commission may require any treasurer to file an amended~~
8 ~~report for any period for which the original report filed by such treasurer~~
9 ~~contains material errors or omissions, and. The notice of the errors or~~
10 ~~omissions shall be part of the public record. The amended report shall~~
11 ~~be filed within 30 days after notice by the commission.~~

12 ~~—(f) (g) The commission may require any treasurer to file a report for~~
13 ~~any period for which the required report is not on file, and. The notice~~
14 ~~of the failure to file shall be part of the public record. Such report shall~~
15 ~~be filed within five days after notice by the commission.~~

16 ~~—(g) (h) For the purpose of any report required to be filed pursuant~~
17 ~~to subsection (a) by the treasurer of any candidate seeking nomination by~~
18 ~~convention or caucus or by the treasurer of the candidate's committee or~~
19 ~~by the treasurer of any party committee or political committee, the date~~
20 ~~of the convention or caucus shall be considered the date of the primary~~
21 ~~election.~~

22 ~~—(h) (i) If a report is sent by certified or registered mail on or before~~
23 ~~the day it is due, the mailing shall constitute receipt by that office.~~

24 **[Sec. 1. K.S.A. 2007 Supp. 25-4148 is hereby amended to read**
25 **as follows: 25-4148. (a) Every treasurer shall file a report pre-**
26 **scribed by this section. Reports filed by treasurers for candidates**
27 **for state office, other than officers elected on a state-wide basis,**
28 **shall be filed in both the office of the secretary of state and in the**
29 **office of the county election officer of the county in which the**
30 **candidate is a resident. Reports filed by treasurers for candidates**
31 **for state-wide office shall be filed only with the secretary of state.**
32 **Reports filed by treasurers for candidates for local office shall be**
33 **filed in the office of the county election officer of the county in**
34 **which the name of the candidate is on the ballot. Except as oth-**
35 **erwise provided by subsection (h), all such reports shall be filed in**
36 **time to be received in the offices required on or before each of**
37 **the following days:**

38 **[(1) The eighth day preceding the primary election, which re-**
39 **port shall be for the period beginning on January 1 of the election**
40 **year for the office the candidate is seeking and ending 12 days**
41 **before the primary election, inclusive;**

42 **[(2) the eighth day preceding a general election, which report**
43 **shall be for the period beginning 11 days before the primary elec-**

- 1 tion and ending 12 days before the general election, inclusive;
- 2 [(3) January 10 of the year after an election year, which report
3 shall be for the period beginning 11 days before the general elec-
4 tion and ending on December 31, inclusive;
- 5 [(4) for any calendar year when no election is held, a report
6 shall be filed on the next January 10 for the preceding calendar
7 year;
- 8 [(5) a treasurer shall file only the annual report required by
9 subsection (4) for those years when the candidate is not partici-
10 pating in a primary or general election.
- 11 [(b) Each report required by this section shall state:
- 12 [(1) Cash on hand on the first day of the reporting period;
- 13 [(2) the name and address of each person who has made one
14 or more contributions in an aggregate amount or value in excess
15 of \$50 during the election period together with the amount and
16 date of such contributions, including the name and address of
17 every lender, guarantor and endorser when a contribution is in
18 the form of an advance or loan;
- 19 [(3) the aggregate amount of all proceeds from bona fide sales
20 of political materials such as, but not limited to, political campaign
21 pins, buttons, badges, flags, emblems, hats, banners and literature;
- 22 [(4) the aggregate amount of contributions for which the name
23 and address of the contributor is not known;
- 24 [(5) each contribution, rebate, refund or other receipt not oth-
25 erwise listed;
- 26 [(6) the total of all receipts;
- 27 [(7) the name and address of each person to whom expendi-
28 tures have been made in an aggregate amount or value in excess
29 of \$50, with the amount, date, and purpose of each; the names and
30 addresses of all persons to whom any loan or advance has been
31 made; when an expenditure is made by payment to an advertising
32 agency, public relations firm or political consultants for disburse-
33 ment to vendors, the report of such expenditure shall show in de-
34 tail the name of each such vendor and the amount, date and pur-
35 pose of the payments to each;
- 36 [(8) the name and address of each person from whom an in-
37 kind contribution was received or who has paid for personal serv-
38 ices provided without charge to or for any candidate, candidate
39 committee, party committee or political committee, if the contri-
40 bution is in excess of \$100 and is not otherwise reported under
41 subsection (b)(7), and the amount, date and purpose of the
42 contribution;
- 43 [(9) the aggregate of all expenditures not otherwise reported

1 **under this section; and**

2 **[(10) the total of expenditures.**

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

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

10 *[(B) the name and address of each candidate for state or local office*
11 *who is the subject of an expenditure which:*

12 *[(i) Is made without the cooperation or consent of a candidate or*
13 *candidate committee;*

14 *[(ii) expressly advocates the nomination, election or defeat of such*
15 *candidate; and*

16 *[(iii) is an aggregate amount or having a fair market value in excess*
17 *of \$300.*

18 *[(2) The report shall state the amount, date and purpose of the ex-*
19 *penditure in the form of an in-kind contribution. The report shall show*
20 *in detail the specific service or product provided. The reporting require-*
21 *ments imposed by this subsection shall be in addition to all other require-*
22 *ments required by this section.*

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

33 **[(~~d~~) (e) If a contribution or other receipt from a political com-**
34 **mittee is required to be reported under subsection (b), the report**
35 **shall include the full name of the organization with which the po-**
36 **litical committee is connected or affiliated or, name or a description**
37 **sufficiently describing the affiliation or, if of the connection to or affiliation**
38 **with such organization. If, the committee is not connected or affili-**
39 **ated with any one organization, the report shall state the trade, pro-**
40 **fession or primary interest of the political committee as reflected**
41 **by the statement of purpose of such organization.**

42 **[(~~e~~) (f) The commission may require any treasurer to file an**
43 **amended report for any period for which the original report filed**

1 **by such treasurer contains material errors or omissions, and. The**
2 **notice of the errors or omissions shall be part of the public record.**
3 **The amended report shall be filed within 30 days after notice by**
4 **the commission.**

5 ~~[(g)]~~ (g) **The commission may require any treasurer to file a re-**
6 **port for any period for which the required report is not on file;**
7 ~~and. The~~ **notice of the failure to file shall be part of the public**
8 **record. Such report shall be filed within five days after notice by**
9 **the commission.**

10 ~~[(g)]~~ (h) **For the purpose of any report required to be filed pur-**
11 **suant to subsection (a) by the treasurer of any candidate seeking**
12 **nomination by convention or caucus or by the treasurer of the**
13 **candidate's committee or by the treasurer of any party committee**
14 **or political committee, the date of the convention or caucus shall**
15 **be considered the date of the primary election.**

16 ~~[(h)]~~ (i) **If a report is sent by certified or registered mail on or**
17 **before the day it is due, the mailing shall constitute receipt by that**
18 **office.**

19 ~~[(i)]~~ (j) **Any report required by this section may be signed by the**
20 **candidate in lieu of the candidate's treasurer or the treasurer of**
21 **the candidate's committee.]**

22 Sec. 2. K.S.A. **2007 Supp.** 25-4148 is hereby repealed.

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