

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2112

By Committee on Elections

1-28

1 AN ACT concerning certain public officers and employees; relating to the
2 use of unexpended campaign funds; amending K.S.A. 25-4142 and
3 K.S.A. 2012 Supp. 25-4143 and 25-4157a and repealing the existing
4 sections.

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

7 Section 1. K.S.A. 25-4142 is hereby amended to read as follows: 25-
8 4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187
9 and ~~K.S.A. 25-4153b~~ sections 4 and 5, and amendments thereto, shall be
10 known and may be cited as the campaign finance act.

11 Sec. 2. K.S.A. 2012 Supp. 25-4143 is hereby amended to read as
12 follows: 25-4143. As used in the campaign finance act, unless the context
13 otherwise requires:

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

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

18 (3) makes any expenditure or accepts any contribution for such
19 person's nomination or election to any state or local office; or

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

22 (b) "Candidate committee" means a committee appointed by a
23 candidate to receive contributions and make expenditures for the
24 candidate.

25 (c) "Clearly identified candidate" means a candidate who has been
26 identified by the:

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

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

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

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

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

33 (A) Any advance, conveyance, deposit, distribution, gift, loan or
34 payment of money or any other thing of value given to a candidate,
35 candidate committee, party committee or political committee for the
36 express purpose of nominating, electing or defeating a clearly identified

1 candidate for a state or local office-;

2 (B) any advance, conveyance, deposit, distribution, gift, loan or
3 payment 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
7 committees, 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 an
10 individual for the personal services rendered without charge to or for a
11 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; *and*

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

18 (2) "Contribution" does not include:

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

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

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

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

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

32 (f) "Election" means:

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

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

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

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

42 (B) any purchase, payment, distribution, loan, advance, deposit or gift
43 of money or any other thing of value made to expressly advocate the

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

1 committee of any such political party and designated as a recognized
 2 political committee for the senate;

3 (5) not more than one political committee established by the state
 4 committee of any such political party and designated as a recognized
 5 political committee for the house of representatives; or

6 (6) not more than one political committee per congressional district
 7 established by the state committee of a political party regulated under
 8 article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments
 9 thereto, and designated as a congressional district party committee.

10 (j) "Person" means any individual, committee, corporation,
 11 partnership, trust, organization or association.

12 (k) (1) "Political committee" means any combination of two or more
 13 individuals or any person other than an individual, a major purpose of
 14 which is to expressly advocate the nomination, election or defeat of a
 15 clearly identified candidate for state or local office or make contributions
 16 to or expenditures for the nomination, election or defeat of a clearly
 17 identified candidate for state or local office.

18 (2) "Political committee" shall not include a candidate committee or a
 19 party committee.

20 (l) "Receipt" means a contribution or any other money or thing of
 21 value, but not including volunteer services provided without
 22 compensation, received by a treasurer in the treasurer's official capacity.

23 (m) *"Public office" means a state or local office.*

24 (n) *"Local office" means:*

25 (1) *A member of the governing body of a city of the first class;*

26 (2) *an elected office of:*

27 (A) *A unified school district having 35,000 or more pupils regularly*
 28 *enrolled in the preceding school year;*

29 (B) *a county; or*

30 (C) *the board of public utilities.*

31 ~~(m)~~ (o) "State office" means any state office as defined in K.S.A. 25-
 32 2505, and amendments thereto.

33 ~~(n)~~ (p) "Testimonial event" means an event held for the benefit of an
 34 individual who is a candidate to raise contributions for such candidate's
 35 campaign. Testimonial events include but are not limited to dinners,
 36 luncheons, rallies, barbecues and picnics.

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

42 ~~(p)~~ ~~"Local office" means a member of the governing body of a city of~~
 43 ~~the first class, any elected office of a unified school district having 35,000~~

1 ~~or more pupils regularly enrolled in the preceding school year, a county or~~
2 ~~of the board of public utilities.~~

3 Sec. 3. K.S.A. 2012 Supp. 25-4157a is hereby amended to read as
4 follows: 25-4157a. (a) No moneys received by any candidate or candidate
5 committee of any candidate as a contribution under this act shall be used
6 or be made available for the personal use of the candidate and no such
7 moneys shall be used by such candidate or the candidate committee of
8 such candidate except for:

- 9 (1) Legitimate campaign purposes;
- 10 (2) expenses of holding political office;
- 11 (3) contributions to the party committees of the political party of
12 which such candidate is a member;
- 13 (4) any membership dues related to the candidate's campaign paid to
14 a community service or civic organization in the name of the candidate;
- 15 (5) any donations paid to a community service or civic organization
16 in the name of the candidate or candidate committee of any candidate but
17 only if the candidate receives no goods or services unrelated to the
18 candidate's campaign as a result of the payment of such donations;
- 19 (6) expenses incurred in the purchase of tickets to meals and special
20 events sponsored by any organization the major purpose of which is to
21 promote or facilitate the social, business, commercial or economic well
22 being of the local community; or
- 23 (7) expenses incurred in the purchase and mailing of greeting cards to
24 voters and constituents.

25 For the purpose of this subsection, expenditures for "personal use" shall
26 include expenditures to defray normal living expenses for the candidate or
27 the candidate's family and expenditures for the personal benefit of the
28 candidate having no direct connection with or effect upon the campaign of
29 the candidate or the holding of public office.

30 (b) No moneys received by any candidate or candidate committee of
31 any candidate as a contribution shall be used to pay interest or any other
32 finance charges upon moneys loaned to the campaign by such candidate or
33 the spouse of such candidate.

34 (c) No candidate or candidate committee shall accept from any other
35 candidate or candidate committee for any candidate for local, state or
36 national office, any moneys received by such candidate or candidate
37 committee as a campaign contribution. The provisions of this subsection
38 shall not be construed to prohibit:

39 (1) A candidate or candidate committee from accepting moneys from
40 another candidate or candidate committee if such moneys constitute a
41 reimbursement for one candidate's proportional share of the cost of any
42 campaign activity participated in by both candidates involved. Such
43 reimbursement shall not exceed an amount equal to the proportional share

1 of the cost directly benefiting and attributable to the personal campaign of
2 the candidate making such reimbursement.; or

3 (2) a candidate or candidate committee from transferring campaign
4 funds to a bona fide successor committee or candidacy established by the
5 candidate **for state office after all debts, liabilities and expenses are**
6 **satisfied.**

7 (d) ~~At the time of the termination of any campaign and prior to the~~
8 ~~filing of a termination report in accordance with K.S.A. 25-4157, and~~
9 ~~amendments thereto, all residual funds otherwise not obligated for the~~
10 ~~payment of expenses incurred in such campaign or the holding of office~~
11 ~~shall be contributed to a charitable organization, as defined by the laws of~~
12 ~~the state, contributed to a party committee or returned as a refund in whole~~
13 ~~or in part to any contributor or contributors from whom received or paid~~
14 ~~into the general fund of the state. At the time of the termination of any~~
15 ~~campaign and prior to the filing of a termination report in accordance~~
16 ~~with K.S.A. 25-4157, and amendments thereto, all residual funds not~~
17 ~~otherwise obligated for the payment of expenses incurred in such~~
18 ~~campaign or the holding of office, or any portion of such funds, shall be:~~

19 (1) Contributed to a charitable organization, as defined by the laws
20 of the state;

21 (2) contributed to a party committee;

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

24 (4) paid into the general fund of the state;

25 (5) transferred to a bona fide successor committee or candidacy
26 established by the candidate **for state office**; or

27 (6) transferred for the purpose of retiring the remaining debt to the
28 original committee or candidacy from which funds were transferred
29 pursuant to paragraph (2) of subsection (e).

30 Whenever a transfer to a bona fide successor committee or candidacy
31 is made pursuant to paragraph (5), all moneys shall be transferred to the
32 bona fide successor committee or candidacy **after all debts, liabilities**
33 **and expenses are satisfied.**

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

36 (1) The candidate's campaign committee or candidacy for a ~~public~~
37 **state** office initiated at the termination of the original candidacy; or

38 (2) the candidate's campaign committee or candidacy initiated at the
39 time of the transfer of all moneys to a new campaign committee or
40 candidacy for ~~public~~ **state** office ~~when there is debt in the original~~
41 ~~campaign at the time of the transfer and the candidate does not terminate~~
42 ~~the original campaign committee or candidacy~~ **after all debts, liabilities**
43 **and expenses are satisfied.**

1 ~~New Sec. 4. (a) Upon transferring money to a bona fide successor~~
2 ~~committee or candidacy as defined by paragraph (2) of subsection (c) of~~
3 ~~K.S.A. 25-4157a, and amendments thereto, the candidate may only accept~~
4 ~~contributions to the original candidacy sufficient to retire the debt. Such~~
5 ~~contributions shall be subject to the contribution limits for the original~~
6 ~~office sought as set forth in K.S.A. 25-4153, and amendments thereto.~~
7 ~~Once the candidate has received sufficient contributions to retire the debt,~~
8 ~~the candidate must terminate the candidacy pursuant to the provisions set~~
9 ~~forth in subsection (d) of K.S.A. 25-4157a, and amendments thereto.~~

10 ~~(b) This section shall be part of and supplemental to the campaign~~
11 ~~finance act.~~

12 ~~New Sec. 5. 4.~~ (a) For the period commencing on January 1, 1976,
13 and ending on the day preceding the effective date of this act, any
14 candidate who transferred campaign funds to a bona fide successor
15 candidacy, as such term is defined in K.S.A. 25-4157a, and amendments
16 thereto, shall be deemed to have made such transfer in compliance with the
17 provisions of the campaign finance act in existence at the time of such
18 transfer regardless of when the original campaign fund is closed after the
19 date such transfer is made and such transfer is hereby validated.

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

22 ~~Sec. 6. 5.~~ K.S.A. 25-4142 and K.S.A. 2012 Supp. 25-4143 and 25-
23 4157a are hereby repealed.

24 ~~Sec. 7. 6.~~ This act shall take effect and be in force from and after its
25 publication in the statute book.