

SENATE BILL No. 427

By Committee on Local Government

2-1

1 AN ACT concerning campaign finance; extending the time frame for
2 governmental ethics commission hearings; allowing federal officials
3 access to governmental ethics commission investigations; amending
4 K.S.A. 25-4148, 25-4156, 25-4161, 25-4165 and 25-4174 and repealing
5 the existing sections.
6

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

8 Section 1. K.S.A. 25-4148 is hereby amended to read as follows: 25-
9 4148. (a) Every treasurer shall file a report prescribed by this section.
10 Reports filed by treasurers for candidates for state office, other than
11 officers elected on a state-wide basis, shall be filed ~~in both~~ with the office
12 of the secretary of state. Reports filed by treasurers for candidates for
13 state-wide office shall be filed electronically and only with the secretary of
14 state. Reports filed by treasurers for candidates for local office shall be
15 filed in the office of the county election officer of the county in which the
16 name of the candidate is on the ballot. Except as otherwise provided by
17 subsection (h), all such reports shall be filed in time to be received in the
18 offices required on or before each of the following days:

19 (1) The ~~eight~~ 8th day preceding the primary election, which report
20 shall be for the period beginning on January 1 of the election year for the
21 office the candidate is seeking and ending 12 days before the primary
22 election, inclusive;

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

26 (3) January 10 of the year after an election year, which report shall be
27 for the period beginning 11 days before the general election and ending on
28 December 31, inclusive;

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

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

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

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

36 (2) the name and address of each person who has made one or more

1 contributions in an aggregate amount or value in excess of \$50 during the
2 election period together with the amount and date of such contributions,
3 including the name and address of every lender, guarantor and endorser
4 when a contribution is in the form of an advance or loan;

5 (3) the aggregate amount of all proceeds from bona fide sales of
6 political materials such as, but not limited to, political campaign pins,
7 buttons, badges, flags, emblems, hats, banners and literature;

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

10 (5) each contribution, rebate, refund or other receipt not otherwise
11 listed;

12 (6) the total of all receipts;

13 (7) the name and address of each person to whom expenditures have
14 been made in an aggregate amount or value in excess of \$50, with the
15 amount, date, and purpose of each; the names and addresses of all persons
16 to whom any loan or advance has been made; when an expenditure is
17 made by payment to an advertising agency, public relations firm or
18 political consultants for disbursement to vendors, the report of such
19 expenditure shall show in detail the name of each such vendor; and the
20 amount, date and purpose of the payments to each;

21 (8) the name and address of each person from whom an in-kind
22 contribution was received or who has paid for personal services provided
23 without charge to or for any candidate, candidate committee, party
24 committee or political committee, if the contribution is in excess of \$100
25 and is not otherwise reported under subsection (b)(7), and the amount, date
26 and purpose of the contribution;

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

29 (10) the total of expenditures.

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

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

37 (B) the name and address of each candidate for state or local office
38 who is the subject of an expenditure ~~which~~ *that*:

39 (i) Is made without the cooperation or consent of a candidate or
40 candidate committee;

41 (ii) expressly advocates the nomination, election or defeat of such
42 candidate; and

43 (iii) is an aggregate amount or having a fair market value in excess of

1 \$300.

2 (2) The report shall state the amount, date and purpose of the
3 expenditure in the form of an in-kind contribution. The report shall show
4 in detail the specific service or product provided. The reporting
5 requirements imposed by this subsection shall be in addition to all other
6 requirements required by this section.

7 (d) Treasurers of candidates and of candidate committees shall
8 itemize the purchase of tickets or admissions to testimonial events by a
9 person who purchases such tickets or admissions in an aggregate amount
10 or value in excess of \$50 per event, or who purchases such a ticket or
11 admission at a cost exceeding \$25 per ticket or admission. All other
12 purchases of tickets or admissions to testimonial events shall be reported
13 in an aggregate amount and shall not be subject to the limitations specified
14 in K.S.A. 25-4154, and amendments thereto.

15 (e) If a contribution or other receipt from a political committee is
16 required to be reported under subsection (b), the report shall include the
17 full name of the organization with which the political committee is
18 connected or affiliated or, a description of the connection to or affiliation
19 with such organization. If, the committee is not connected or affiliated
20 with any one organization, the report shall state the trade, profession or
21 primary interest of the political committee as reflected by the statement of
22 purpose of such organization.

23 (f) The commission may require any treasurer to file an amended
24 report for any period for which the original report filed by such treasurer
25 contains material errors or omissions. The notice of the errors or omissions
26 shall be part of the public record. The amended report shall be filed within
27 30 days after notice by the commission.

28 (g) The commission may require any treasurer to file a report for any
29 period for which the required report is not on file. The notice of the failure
30 to file shall be part of the public record. Such report shall be filed within
31 five days after notice by the commission.

32 (h) For the purpose of any report required to be filed pursuant to
33 subsection (a) by the treasurer of any candidate seeking nomination by
34 convention or caucus or by the treasurer of the candidate's committee or by
35 the treasurer of any party committee or political committee, the date of the
36 convention or caucus shall be considered the date of the primary election.

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

39 (j) Any report required by this section may be signed by the candidate
40 in lieu of the candidate's treasurer or the treasurer of the candidate's
41 committee.

42 Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-
43 4156. (a) (1) Whenever any person sells space in any newspaper, magazine

1 or other periodical to a candidate or to a candidate committee, party
2 committee or political committee, the charge made for the use of such
3 space shall not exceed the charges made for comparable use of such space
4 for other purposes.

5 (2) Intentionally charging an excessive amount for political
6 advertising is a class A misdemeanor.

7 (b) (1) Except as provided in paragraph (2), corrupt political
8 advertising of a state or local office is:

9 (A) Publishing or causing to be published in a newspaper or other
10 periodical any paid matter that expressly advocates the nomination,
11 election or defeat of a clearly identified candidate for a state or local
12 office, unless such matter is followed by the word "advertisement" or the
13 abbreviation "adv." in a separate line together with the name of the
14 chairperson or treasurer of the political or other organization sponsoring
15 the same or the name of the individual who is responsible therefor;

16 (B) broadcasting or causing to be broadcast by any radio or television
17 station any paid matter that expressly advocates the nomination, election
18 or defeat of a clearly identified candidate for a state or local office, unless
19 such matter is followed by a statement that states: "Paid for" or
20 "Sponsored by" followed by the name of the sponsoring organization and
21 the name of the chairperson or treasurer of the political or other
22 organization sponsoring the same or the name of the individual who is
23 responsible therefor;

24 (C) telephoning or causing to be contacted by any telephonic means
25 including, but not limited to, any device using a voice over internet
26 protocol or wireless telephone, any paid matter that expressly advocates
27 the nomination, election or defeat of a clearly identified candidate for a
28 state or local office, unless such matter is preceded by a statement that
29 states: "Paid for" or "Sponsored by" followed by the name of the
30 sponsoring organization and the name of the chairperson or treasurer of the
31 political or other organization sponsoring the same or the name of the
32 individual who is responsible therefor;

33 (D) publishing or causing to be published any brochure, flier or other
34 political fact sheet that expressly advocates the nomination, election or
35 defeat of a clearly identified candidate for a state or local office, unless
36 such matter is followed by a statement that states: "Paid for" or
37 "Sponsored by" followed by the name of the chairperson or treasurer of the
38 political or other organization sponsoring the same or the name of the
39 individual who is responsible therefor.

40 The provisions of this subparagraph ~~(D)~~ requiring the disclosure of the
41 name of an individual shall not apply to individuals making expenditures
42 in an aggregate amount of less than \$2,500 within a calendar year; or

43 (E) making or causing to be made any website, ~~e-mail~~ email or other

1 type of internet communication that expressly advocates the nomination,
2 election or defeat of a clearly identified candidate for a state or local
3 office, unless the matter ~~is followed by~~ *includes* a statement that *is clear*
4 *and conspicuous* and states: "Paid for" or "Sponsored by" followed by the
5 name of the chairperson or treasurer of the political or other organization
6 sponsoring the same or the name of the individual who is responsible
7 therefor.

8 The provisions of this subparagraph ~~(E)~~ requiring the disclosure of the
9 name of an individual shall apply only to any website, email or other type
10 of internet communication that is made by the candidate, the candidate's
11 candidate committee, a political committee or a party committee and the
12 website, email or other internet communication viewed by or disseminated
13 to at least 25 individuals. For the purposes of this subparagraph, the terms
14 "candidate," "candidate committee," "party committee" and "political
15 committee" shall have the meanings ascribed to them in K.S.A. 25-4143,
16 and amendments thereto.

17 (2) The provisions of subsections (b)(1)(C) and (E) shall not apply to
18 the publication of any communication that expressly advocates the
19 nomination, election or defeat of a clearly identified candidate for state or
20 local office, if such communication is made over any social media
21 provider ~~which~~ *that* has a character limit of 280 characters or fewer.

22 (3) Corrupt political advertising of a state or local office is a class C
23 misdemeanor.

24 (c) If any provision of this section or application thereof to any
25 person or circumstance is held invalid, such invalidity does not affect other
26 provisions or applications of this section that can be given effect without
27 the invalid application or provision, and to this end the provisions of this
28 section are declared to be severable.

29 Sec. 3. K.S.A. 25-4161 is hereby amended to read as follows: 25-
30 4161. (a) If a complaint is filed and the commission determines that such
31 verified complaint does not allege facts, directly or upon information and
32 belief, sufficient to constitute a violation of any provision of the campaign
33 finance act, it shall dismiss the complaint and notify the complainant and
34 respondent thereof.

35 (b) Whenever a complaint is filed with the commission alleging a
36 violation of a provision of the campaign finance act, such filing and the
37 allegations therein shall be confidential and shall not be disclosed except
38 as provided in the campaign finance act.

39 (c) If a complaint is filed and the commission determines that such
40 verified complaint does allege facts, directly or upon information and
41 belief, sufficient to constitute a violation of any of the provisions of the
42 campaign finance act, the commission shall promptly investigate the
43 alleged violation.

1 (d) The commission shall notify the attorney general of any apparent
2 violation of criminal law or other laws not administered by the
3 commission, which is discovered during the course of any such
4 investigation.

5 (e) If after the investigation, the commission finds that probable cause
6 does not exist for believing the allegations of the complaint, the
7 commission shall dismiss the complaint. If after such investigation, the
8 commission finds that probable cause exists for believing the allegations
9 of the complaint, such complaint shall no longer be confidential and may
10 be disclosed. Upon making any such finding, the commission shall fix a
11 time for a hearing of the matter, which shall be not more than ~~30~~ 90 days
12 after such finding. In either event the commission shall notify the
13 complainant and respondent of its determination.

14 (f) The remedies and protections provided by K.S.A. 75-2973, and
15 amendments thereto, shall be available to any state employee against
16 whom disciplinary action has been taken for filing a complaint pursuant to
17 this act.

18 Sec. 4. K.S.A. 25-4165 is hereby amended to read as follows: 25-
19 4165. The commission shall maintain a record of its investigations,
20 inquiries, and proceedings. All records, complaints, documents, reports
21 filed with or submitted to or made by the commission, and all records and
22 transcripts of any investigations, inquiries or hearings of the commission
23 under the campaign finance act shall be confidential and shall not be open
24 to inspection by any individual other than a member of the commission, an
25 employee of the commission, ~~or~~ a state officer or employee *or a federal*
26 *officer or employee* designated to assist the commission, except as
27 otherwise specifically provided in the campaign finance act. The
28 commission may, by adoption of a resolution, authorize the release to the
29 attorney general or to the county or district attorney of the appropriate
30 county of any information, records, complaints, documents, reports, and
31 transcripts in its possession material to any matter pending before the
32 attorney general or any county or district attorney. All matters presented at
33 a public hearing of the commission and all reports of the commission
34 stating a final finding of fact pursuant to K.S.A. 25-4164, shall be public
35 records and open to public inspection.

36 Sec. 5. K.S.A. 25-4174 is hereby amended to read as follows: 25-
37 4174. Any candidate who has signed an affidavit pursuant to K.S.A. 25-
38 4173, and amendments thereto, and who incurs expenses in excess of or
39 receives contributions in excess of ~~\$500~~ \$1,000, exclusive of such
40 candidate's filing fee, for either the primary or the general election shall,
41 within three days of the date when expenditures or contributions exceed
42 such amount, file all past due reports and shall be required to file all future
43 reports on the dates required by K.S.A. 25-4148, and amendments thereto.

1 Sec. 6. K.S.A. 25-4148, 25-4156, 25-4161, 25-4165 and 25-4174 are
2 hereby repealed.

3 Sec. 7. This act shall take effect and be in force from and after its
4 publication in the statute book.