

## HOUSE BILL No. 2391

By Committee on Elections

2-9

1 AN ACT concerning campaign finance; relating to the governmental ethics  
2 commission; establishing a two-year statute of limitations for  
3 complaints; limiting the commission's subpoena powers; allowing  
4 respondents to have a hearing transferred before a presiding officer  
5 under the Kansas administrative procedure act; amending K.S.A. 25-  
6 4119a, 25-4119d, 25-4143, 25-4145, 25-4148, 25-4148c, 25-4152, 25-  
7 4153a, 25-4153b, 25-4154, 25-4157a, 25-4158, 25-4161, 25-4163, 25-  
8 4165, 25-4170, 25-4181, 25-4182 and 25-4185 and repealing the  
9 existing sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) The provisions of the Kansas administrative  
13 procedure act, the Kansas code of civil procedure, the Kansas judicial  
14 review act and the Kansas public speech protection act shall apply to  
15 actions by the governmental ethics commission or commission staff,  
16 including, but not limited to, applications for judicial relief in district  
17 court. All actions pursuant to this act, including, but not limited to,  
18 investigative and enforcement actions and applications to the commission,  
19 shall constitute a claim for purposes of the Kansas public speech  
20 protection act.

21 (b) The statute of limitations for bringing any action before the  
22 commission shall be brought within two years of the first act giving rise to  
23 the cause of action or complaint.

24 (c) No action by the commission, including, but not limited to, the  
25 issuance of any consent order, order dismissing a complaint or any other  
26 preliminary or final order by the commission, shall require a respondent to  
27 waive any civil or legal rights to judicial recourse in any manner.

28 (d) No person shall be held responsible for any action on behalf of  
29 another individual or entity subject to the provisions of this act unless such  
30 person is an agent as defined by K.S.A. 25-4143, and amendments thereto.

31 (e) The commission shall provide by rules and regulations the  
32 standards by which any member of the commission, the executive director  
33 or any other person employed or engaged by the commission shall recuse  
34 themselves from any matter before the commission by reason of a conflict  
35 of interest, appearance of impropriety or other basis affecting the ability of  
36 the commission to neutrally and fairly enforce the governmental ethics act.

1       Sec. 2. K.S.A. 25-4119a is hereby amended to read as follows: 25-  
2 4119a. (a) There is hereby created the ~~Kansas commission on~~  
3 ~~governmental standards and conduct.~~

4       ~~(b) On July 1, 1998, the Kansas commission on governmental~~  
5 ~~standards and conduct is hereby redesignated as the governmental ethics~~  
6 ~~commission. On and after July 1, 1998, whenever the Kansas commission~~  
7 ~~on governmental standards and conduct, or words of like effect, is referred~~  
8 ~~to or designated by a statute, contract or other document, such reference or~~  
9 ~~designation shall be deemed to apply to the governmental ethics~~  
10 ~~commission. Nothing in this act shall be construed as abolishing and~~  
11 ~~reestablishing the Kansas commission on governmental standards and~~  
12 ~~conduct. The commission shall consist of nine members, of whom two~~  
13 ~~shall be appointed by the governor, one by the president of the senate, one~~  
14 ~~by the speaker of the house of representatives, one by the minority leader~~  
15 ~~of the house of representatives, one by the minority leader of the senate,~~  
16 ~~one by the chief justice of the supreme court, one by the attorney general~~  
17 ~~and one by the secretary of state. Nothing in this act shall be construed as~~  
18 ~~affecting the terms of members serving on July 1, 1998. Not more than~~  
19 ~~five members of the commission shall be members of the same political~~  
20 ~~party and~~ The two members appointed by the governor shall not be  
21 members of the same political party.

22       ~~(c)~~(b) The terms of all ~~subsequently appointed~~ members shall be two  
23 years commencing on February 1 of the appropriate years. Vacancies  
24 occurring on the commission shall be filled for the unexpired term by the  
25 same appointing officer as made the original appointment. Members shall  
26 serve until their successors are appointed and qualified. The governor shall  
27 designate one of the members appointed by the governor to be the  
28 chairperson of the commission. A majority vote of five members of the  
29 commission shall be required for any action of the commission. The  
30 commission may adopt rules to govern its proceedings and may provide  
31 for such officers other than the chairperson as it may determine. The  
32 commission shall meet at least once each quarter, and also shall meet on  
33 call of its chairperson or any four members of the commission. Members  
34 of the commission attending meetings of such commission, or attending a  
35 subcommittee meeting thereof authorized by such commission, shall be  
36 paid compensation, subsistence allowances, mileage and other expenses as  
37 provided in ~~subsections (a) to (d), inclusive,~~ of K.S.A. 75-3223(a) through  
38 (d), and amendments thereto. The commission shall appoint an executive  
39 director who shall be in the unclassified service and receive compensation  
40 fixed by the commission, in accordance with appropriation acts of the  
41 legislature, subject to approval by the governor. *The executive director*  
42 *shall have the same qualifications of commission members as described in*  
43 *K.S.A. 25-4119(d), and amendments thereto.* The commission may employ

1 such other staff and attorneys as it determines, within amounts  
2 appropriated to the commission, all of whom shall be in the unclassified  
3 service and shall receive compensation fixed by the commission and not  
4 subject to approval by the governor.

5 ~~(d)(c)~~ The commission may adopt rules and regulations for the  
6 administration of the campaign finance act. Subject to K.S.A. 25-4178,  
7 and amendments thereto, rules and regulations adopted by the commission  
8 created prior to this act shall continue in force and effect and shall be  
9 deemed to be the rules and regulations of the commission created by this  
10 section of this enactment, until revised, amended, repealed or nullified  
11 pursuant to law. All rules and regulations of the commission shall be  
12 subject to the provisions of article 4 of chapter 77 of Kansas Statutes  
13 Annotated, *and amendments thereto.* ~~The commission shall continue to~~  
14 ~~administer all of the acts administered by the commission to which it is~~  
15 ~~suecessor.~~

16 ~~(e)(d)~~ The commission may provide copies of opinions, informational  
17 materials compiled and published by the commission and public records  
18 filed in the office of the commission to persons requesting the same and  
19 may adopt rules and regulations fixing reasonable fees therefor. All fees  
20 collected by the commission under the provisions of this subsection shall  
21 be remitted to the state treasurer in accordance with the provisions of  
22 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
23 remittance, the state treasurer shall deposit the entire amount in the state  
24 treasury to the credit of the governmental ethics commission fee fund.

25 ~~(f)(e)~~ The commission shall submit an annual report and  
26 recommendations in relation to all acts administered by the commission to  
27 the governor and to the legislative coordinating council on or before  
28 December 1 of each year. The legislative coordinating council shall  
29 transmit such report and recommendations to the legislature.

30 ~~(g)~~ ~~Whenever the Kansas commission on governmental standards and~~  
31 ~~conduct, or words of like effect, is referred to or designated by a statute,~~  
32 ~~contract or other document, such reference or designation shall be deemed~~  
33 ~~to apply to the governmental ethics commission.~~

34 Sec. 3. K.S.A. 25-4119d is hereby amended to read as follows: 25-  
35 4119d. (a) ~~From and after the effective date of this act, no person shall be~~  
36 ~~appointed to membership on the commission who has held the office of~~  
37 ~~chairperson, vice chairperson or treasurer of any county, district or state~~  
38 ~~political party committee, or who within five years preceding the date of~~  
39 ~~such appointment has been a candidate for or the holder of any partisan~~  
40 ~~political office or who has within three years preceding the date of such~~  
41 ~~appointment: (1) Held an elective state office; (2) held the office of~~  
42 ~~secretary of any department of state government; (3) been a lobbyist as~~  
43 ~~defined by K.S.A. 46-222, and amendments thereto; (4) been an officer or~~

1 employee who directly participated in the making of a contract on behalf  
 2 of a vendor of goods and services with the state of Kansas or any agency  
 3 thereof; or ~~(5) provided services under contract to the state of Kansas or~~  
 4 ~~any agency thereof.~~

5 ~~(b) While serving on the commission created by K.S.A. 25-4119a,~~  
 6 ~~and amendments thereto, no member shall: (1) Be an individual subject to~~  
 7 ~~the provisions of the campaign finance law or the provisions of K.S.A. 46-~~  
 8 ~~215 et seq., and amendments thereto, administered or enforced by the~~  
 9 ~~commission; (2) Serve as a chairperson or treasurer for any candidate or~~  
 10 ~~committee subject to the provisions of the campaign finance act; (3) (2)~~  
 11 ~~actively solicit contributions subject to the provisions of the campaign~~  
 12 ~~finance act; (4) (3) be a lobbyist as defined by K.S.A. 46-222, and~~  
 13 ~~amendments thereto; (5) (4) be an officer or employee who directly~~  
 14 ~~participated in the making of a contract on behalf of a vendor of goods and~~  
 15 ~~services with the state of Kansas or any agency thereof; (6) (5) provide~~  
 16 ~~services under contract to the state of Kansas or any agency thereof; (7)~~  
 17 ~~(6) be a candidate for or the holder of any partisan political office; (8) (7)~~  
 18 ~~be the chairperson, vice chairperson or treasurer of any county, district or~~  
 19 ~~state political party committee; (9) (8) directly or indirectly solicit~~  
 20 ~~contributions for any partisan political party or any organization thereof or~~  
 21 ~~any candidate for partisan political office; or (10) (9) endorse any~~  
 22 ~~candidate for any partisan political office subject to the provisions of this~~  
 23 ~~act.~~

24 *(b) For purposes of this section, "partisan political office" means any*  
 25 *office for which any candidate is nominated or elected as representing a*  
 26 *party of whose candidates for presidential elector received votes in the*  
 27 *last preceding election at which presidential electors were selected.*  
 28 *"Partisan political office" does not include any office or position within a*  
 29 *political party or affiliated organization, including, but not limited to,*  
 30 *precinct, county, congressional district or state party committee members.*

31 (c) Whenever any member of the commission is ineligible to serve as  
 32 a member thereof under the provisions of subsections (a) and (b) ~~of this~~  
 33 ~~section~~, the membership of such person shall terminate and such person  
 34 shall no longer be eligible to participate in any action or proceeding by the  
 35 commission. Such vacancy shall be filled in the manner prescribed by  
 36 K.S.A. 25-4119a, and amendments thereto.

37 Sec. 4. K.S.A. 25-4143 is hereby amended to read as follows: 25-  
 38 4143. As used in the campaign finance act, unless the context otherwise  
 39 requires:

- 40 (a) *"Agent" means an individual who is:*
  - 41 (1) *A candidate;*
  - 42 (2) *a chairperson of a candidate, political or party committee;*
  - 43 (3) *a treasurer;*

1       (4) *any person with written power of attorney pursuant to K.S.A. 58-*  
2 *651 et seq., and amendments thereto, to bind a person listed above.*

3       (b) "Candidate" means an individual who:

4       (1) Appoints a treasurer or a candidate committee;

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

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

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

11       ~~(b)~~(c) "Candidate committee" means a committee appointed by a  
12 candidate to receive contributions and make expenditures for the  
13 candidate.

14       ~~(e)~~(d) "Clearly identified candidate" means a candidate who has been  
15 identified by the:

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

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

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

20       ~~(d)~~(e) "Commission" means the governmental ethics commission.

21       ~~(e)~~(f) (1) "Contribution" means:

22       (A) Any advance, conveyance, deposit, distribution, gift, loan or  
23 payment of money or any other thing of value given to a candidate,  
24 candidate committee, party committee or political committee for the  
25 express purpose of nominating, electing or defeating a clearly identified  
26 candidate for a state or local office.

27       (B) Any advance, conveyance, deposit, distribution, gift, loan or  
28 payment of money or any other thing of value made to expressly advocate  
29 the nomination, election or defeat of a clearly identified candidate for a  
30 state or local office;

31       (C) a transfer of funds between any two or more candidate  
32 committees, party committees or political committees;

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

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

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

43       (2) "Contribution" does not include:

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

1 identified candidate.

2 ~~(h)~~(i) "Expressly advocate the nomination, election or defeat of a  
 3 clearly identified candidate" means any communication—~~which~~ *that* uses  
 4 phrases including, but not limited to:

- 5 (1) "Vote for the secretary of state";
- 6 (2) "re-elect your senator";
- 7 (3) "support the democratic nominee";
- 8 (4) "cast your ballot for the republican challenger for governor";
- 9 (5) "Smith for senate";
- 10 (6) "Bob Jones in '98";
- 11 (7) "vote against Old Hickory";
- 12 (8) "defeat" accompanied by a picture of one or more candidates; or
- 13 (9) "Smith's the one."

14 ~~(i)~~(j) "Party committee" means:

15 (1) The state committee of a political party regulated by article 3 of  
 16 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

17 (2) the county central committee or the state committee of a political  
 18 party regulated under article 38 of chapter 25 of the Kansas Statutes  
 19 Annotated, and amendments thereto;

20 (3) the bona fide national organization or committee of those political  
 21 parties regulated by the Kansas Statutes Annotated;

22 (4) ~~not more than one~~*the* political committee established by the state  
 23 committee of any such political party and designated as a recognized  
 24 political committee for the senate;

25 (5) ~~not more than one~~*the* political committee established by the state  
 26 committee of any such political party and designated as a recognized  
 27 political committee for the house of representatives; or

28 (6) ~~not more than one~~*the* political committee per congressional  
 29 district established by the state committee of a political party regulated  
 30 under article 38 of chapter 25 of the Kansas Statutes Annotated, and  
 31 amendments thereto, and designated as a congressional district party  
 32 committee.

33 ~~(j)~~(k) "Person" means any individual, committee, corporation,  
 34 partnership, trust, organization or association.

35 ~~(k)~~(l) (1) "Political committee" means any *entity including a*  
 36 *combination of two or more individuals who are not married to one*  
 37 *another*, or any person other than an individual, ~~a major~~ *the primary*  
 38 *purpose of which is to expressly advocate the nomination, election or*  
 39 *defeat of a clearly identified candidate for state or local office or make*  
 40 *contributions to or expenditures for the nomination, election or defeat of a*  
 41 *clearly identified candidate for state or local office, and the entity spends*  
 42 *more than \$2,500 on express advocacy during a calendar year and has the*  
 43 *major purpose of making contributions to candidates, candidate*

1 committees or political committees.

2 (A) As used in this paragraph "primary purpose" means the entity  
3 meets at least one of the following standards:

4 (i) The entity publicly states that its primary purpose is to expressly  
5 advocate the nomination, election or defeat of a clearly identified  
6 candidate for state or local office or make contributions to or expenditures  
7 for the nomination, election or defeat of a clearly identified candidate for  
8 state or local office; or

9 (ii) the entity spends at least 50% of the entity's total spending on  
10 contributions or expenditures reportable under this act during a two-year  
11 general or local election cycle.

12 (B) "Total spending" includes all disbursements for contributions and  
13 expenditures but does not include volunteer time.

14 (C) For purposes of determining "total spending," grants to other  
15 organizations shall be treated as follows:

16 (i) A grant made to a political committee or an organization  
17 organized under section 527 of the internal revenue code shall be counted  
18 in total spending and as a contribution or expenditure, unless expressly  
19 designated for use outside Kansas or for federal elections, in which case  
20 such spending shall be counted in total spending but not as a contribution  
21 or expenditure.

22 (ii) If the entity making a grant takes reasonable steps to ensure that  
23 the transferee does not use such funds to make a contribution or  
24 expenditure in Kansas, such grant shall be counted in total spending but  
25 not as a contribution or expenditure.

26 (iii) If the entity making a grant expressly earmarks a portion of the  
27 grant for a contribution or expenditure in Kansas, the grant shall be  
28 counted in total spending and the earmarked portion of the grant shall  
29 count as a contribution or expenditure.

30 (2) "Political committee" shall not include a candidate committee or a  
31 party committee, but may include a corporate political action committee,  
32 a separate segregated fund established by a membership organization or  
33 an independent expenditure-only political committee.

34 ~~(h)~~(m) "Receipt" means a contribution or any other money or thing of  
35 value, but not including volunteer services provided without  
36 compensation, received by a treasurer in the treasurer's official capacity.

37 ~~(m)~~(n) "State office" means any state office as defined in K.S.A. 25-  
38 2505, and amendments thereto.

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

43 ~~(o)~~(p) "Treasurer" means a treasurer of a candidate or of a candidate



1 committee, a party committee or a political committee appointed under the  
2 campaign finance act or a treasurer of a combination of individuals or a  
3 person other than an individual which is subject to ~~paragraph (2) of~~  
4 ~~subsection (a) of~~ K.S.A. 25-4172(a)(2), and amendments thereto.

5 (p)(q) "Local office" means a member of the governing body of a city  
6 of the first class, any elected office of a unified school district having  
7 35,000 or more pupils regularly enrolled in the preceding school year, a  
8 county or of the board of public utilities.

9 Sec. 5. K.S.A. 25-4145 is hereby amended to read as follows: 25-  
10 4145. (a) Each party committee and each political committee which  
11 anticipates receiving contributions or making expenditures shall appoint a  
12 chairperson and a treasurer. The chairperson of each party committee and  
13 each political committee which anticipates receiving contributions or  
14 making expenditures for a candidate for state office shall make a statement  
15 of organization and file it with the secretary of state not later than 10 days  
16 after establishment of such committee. The chairperson of each political  
17 committee which anticipates receiving contributions or making  
18 expenditures for any candidate for local office, shall make a statement of  
19 organization and file it with the county election officer not later than 10  
20 days after establishment of such committee.

21 (b) Every statement of organization shall include:

22 (1) The name and address of the committee. The name of the  
23 committee shall reflect the full name of the organization with which the  
24 committee is connected or affiliated or sufficiently describe such  
25 affiliation. If the political committee is not connected or affiliated with any  
26 one organization, the name shall reflect the trade, profession or primary  
27 interest of the committee as reflected by the statement of purpose of such  
28 organization;

29 (2) the names, addresses and email addresses, which such email  
30 addresses shall be optional, of the chairperson and treasurer of the  
31 committee;

32 (3) the names and addresses of affiliated or connected organizations;  
33 and

34 (4) in the case of a political committee, the full name of the  
35 organization with which the committee is connected or affiliated or, name  
36 or description sufficiently describing the affiliation or, if the committee is  
37 not connected or affiliated with any one organization, the trade, profession  
38 or primary interest of the political committee as reflected by the statement  
39 of purpose of such organization.

40 (c) Any change in information previously reported in a statement of  
41 organization shall be reported on a supplemental statement of organization  
42 and filed not later than 10 days following the change.

43 (d) (1) Each political committee which anticipates receiving

1 contributions shall register annually with the commission on or before July  
 2 1 of each year. Each political committee registration shall be in the form  
 3 and contain such information as may be required by the commission.

4 (2) *Each registration by a political committee anticipating the receipt*  
 5 *of more than \$10,000 shall be accompanied by an annual registration fee*  
 6 *of \$300.*

7 (3) Each registration by a political committee anticipating the receipt  
 8 of \$2,501 or more, *but less than \$10,001*, in any calendar year shall be  
 9 accompanied by an annual registration fee of ~~\$300~~ \$100.

10 ~~(3)~~(4) Each registration by a political committee anticipating the  
 11 receipt of more than \$500 but less than \$2,501 in any calendar year shall  
 12 be accompanied by an annual registration fee of \$50.

13 ~~(4)~~(5) Each registration by a political committee anticipating the  
 14 receipt of \$500 or less in any calendar year shall be accompanied by an  
 15 annual registration fee of \$25.

16 ~~(5)~~(6) Any political committee which is currently registered under  
 17 subsection ~~(d)(3)~~ (d)(4) or ~~(d)(4)~~ (d)(5) and which receives contributions  
 18 in excess of \$2,500 for a calendar year, shall file, within three days of the  
 19 date when contributions exceed such amount, an amended registration  
 20 form which shall be accompanied by an additional fee for such year equal  
 21 to the difference between ~~\$300~~ *the fee owed* and the amount of the fee that  
 22 accompanied the current registration.

23 ~~(6)~~(7) Any political committee which is currently registered under  
 24 subsection ~~(d)(4)~~ (d)(5) and which receives contributions in excess of \$500  
 25 but which are less than \$2,501; shall file, within three days of the date  
 26 when contributions exceed \$500, an amended registration form which  
 27 shall be accompanied by an additional fee of \$25 for such year.

28 (e) All such fees received by or for the commission shall be remitted  
 29 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
 30 and amendments thereto. Upon receipt of each such remittance, the state  
 31 treasurer shall deposit the entire amount in the state treasury to the credit  
 32 of the governmental ethics commission fee fund.

33 Sec. 6. K.S.A. 25-4148 is hereby amended to read as follows: 25-  
 34 4148. (a) Every treasurer shall file a report prescribed by this section.  
 35 Reports filed by treasurers for candidates for state office, other than  
 36 officers elected on a state-wide basis, shall be filed ~~in both~~ with the office  
 37 of the secretary of state. Reports filed by treasurers for candidates for  
 38 state-wide office shall be filed electronically and only with the secretary of  
 39 state. Reports filed by treasurers for candidates for local office shall be  
 40 filed in the office of the county election officer of the county in which the  
 41 name of the candidate is on the ballot. Except as otherwise provided by  
 42 subsection (h), all such reports shall be filed in time to be received in the  
 43 offices required on or before each of the following days:

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

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

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

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

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

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

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

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

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

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

28 (5) each contribution, rebate, refund or other receipt not otherwise  
29 listed;

30 (6) the total of all receipts;

31 (7) the name and address of each person to whom expenditures have  
32 been made in an aggregate amount or value in excess of \$50, with the  
33 amount, date, and purpose of each; the names and addresses of all persons  
34 to whom any loan or advance has been made; when an expenditure is  
35 made by payment to an advertising agency, public relations firm or  
36 political consultants for disbursement to vendors, the report of such  
37 expenditure shall show in detail the name of each such vendor and the  
38 amount, date and purpose of the payments to each;

39 (8) the name and address of each person from whom an in-kind  
40 contribution was received or who has paid for personal services provided  
41 without charge to or for any candidate, candidate committee, party  
42 committee or political committee, if the contribution is in excess of \$100  
43 and is not otherwise reported under subsection (b)(7), and the amount, date

1 and purpose of the contribution;

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

4 (10) the total of expenditures.

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

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

12 (B) the name and address of each candidate for state or local office  
13 who is the subject of an expenditure which:

14 (i) Is made without the ~~cooperation or consent~~ *coordination* of a  
15 candidate or candidate committee;

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

18 (iii) is an aggregate amount or having a fair market value in excess of  
19 \$300.

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

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

33 (e) If a contribution or other receipt from a political committee is  
34 required to be reported under subsection (b), the report shall include the  
35 full name of the organization with which the political committee is  
36 connected or affiliated or, a description of the connection to or affiliation  
37 with such organization. If, the committee is not connected or affiliated  
38 with any one organization, the report shall state the trade, profession or  
39 primary interest of the political committee as reflected by the statement of  
40 purpose of such organization.

41 (f) The commission may require any treasurer to file an amended  
42 report for any period for which the original report filed by such treasurer  
43 contains material errors or omissions. The notice of the errors or omissions

1 shall be part of the public record. The amended report shall be filed within  
2 30 days after notice by the commission.

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

7 (h) For the purpose of any report required to be filed pursuant to  
8 subsection (a) by the treasurer of any candidate seeking nomination by  
9 convention or caucus or by the treasurer of the candidate's committee or by  
10 the treasurer of any party committee or political committee, the date of the  
11 convention or caucus shall be considered the date of the primary election.

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

14 (j) Any report required by this section may be signed by the candidate  
15 in lieu of the candidate's treasurer or the treasurer of the candidate's  
16 committee.

17 Sec. 7. K.S.A. 25-4148c is hereby amended to read as follows: 25-  
18 4148c. (a) Every treasurer for a party committee or political committee  
19 shall file reports of independent expenditures as prescribed by this act.  
20 Reports shall be filed with the secretary of state. Reports required by this  
21 section shall be in addition to any other reports required by law.

22 (b) (1) The report shall contain the name and address of each party  
23 committee or political committee which has made or contracted to be  
24 made independent expenditures in an aggregate amount or value in excess  
25 of \$300 or more during the period commencing 11 days before a primary  
26 or general election at which a state or local officer is to be elected and  
27 ending at 11:59 p.m. on the Wednesday preceding the date of the election.  
28 Such report shall contain the amount, date and purpose of each such  
29 independent expenditure, as well as the name of the candidate whose  
30 nomination, election or defeat is expressly advocated. When an  
31 independent expenditure is made by payment to an advertising agency,  
32 public relations firm or political consultant for disbursement to vendors,  
33 the report of such independent expenditure shall show in detail the name  
34 of each such vendor and the amount, date and purpose of the payments to  
35 each, as well as the name of the candidate whose nomination, election or  
36 defeat is expressly advocated. The report shall be made on or before the  
37 close of business on the Thursday preceding the date of the election.

38 (2) In addition, a separate report shall be made on a daily basis for the  
39 Thursday, Friday, Saturday and Sunday immediately preceding the  
40 election. Each daily report shall contain the information required in  
41 paragraph (1) ~~of this section~~. Each report shall be filed by 5:00 p.m. on the  
42 next day respectively.

43 (c) Reports required by this section shall be filed by hand delivery,

1 express delivery service, facsimile transmission or any electronic method  
2 authorized by the secretary of state.

3 (d) (1) "Expenditure" ~~shall have the meaning ascribed to it~~ *means the*  
4 *same as defined* in K.S.A. 25-4143, and amendments thereto.

5 (2) "Independent expenditure" means an expenditure that is made  
6 without the ~~cooperation or consent~~ *coordination* of the candidate or agent  
7 of such candidate intended to be benefited and which expressly advocates  
8 the election or defeat of a clearly identified candidate.

9 (3) "Party committee" ~~shall have the meaning ascribed to it~~ *means the*  
10 *same as defined* in K.S.A. 25-4143, and amendments thereto.

11 (4) "Political committee" ~~shall have the meaning ascribed to it~~ *means*  
12 *the same as defined* in K.S.A. 25-4143, and amendments thereto.

13 (e) The provisions of this section shall be part of and supplemental to  
14 the campaign finance act.

15 Sec. 8. K.S.A. 25-4152 is hereby amended to read as follows: 25-  
16 4152. (a) Except as provided in subsection (b), the commission shall send  
17 a notice by registered or certified mail to any person failing to file any  
18 report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and  
19 amendments thereto, and to the candidate appointing any treasurer failing  
20 to file any such report, within the time period prescribed therefor. The  
21 notice shall state that the required report or statement has not been filed  
22 with either the office of secretary of state or county election officer or  
23 both. The person failing to file any report or statement, and the candidate  
24 appointing any such person, shall be responsible for the filing of such  
25 report or statement. The notice also shall state that such person shall have  
26 15 days from the date such notice is deposited in the mail to comply with  
27 the registration and reporting requirements before a civil penalty shall be  
28 imposed for each day that the required documents remain unfiled. If such  
29 person fails to comply within the prescribed period, such person shall pay  
30 to the state a civil penalty of \$10 per day for each day that such report or  
31 statement remains unfiled, except that no such civil penalty shall exceed  
32 \$300. The commission may waive, for good cause, payment of any civil  
33 penalty imposed by this section.

34 (b) (1) Subject to the notice provisions of subsection (a), reports that  
35 are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and  
36 amendments thereto, for candidates that appear on the ballot for the then-  
37 current primary or general election ballot and are late more than 48 hours  
38 shall be subject to civil penalties as provided in subsection (b)(2).

39 (2) The candidate shall be liable for a civil penalty of \$100 for the  
40 first day the report is more than 48 hours late and \$50 for each subsequent  
41 day the report is late, but in no case shall the civil penalty exceed \$1,000.  
42 The commission may waive, for good cause, payment of any civil penalty  
43 imposed by this section.

1 (c) (1) Subject to the notice provisions of subsection (a), reports that  
2 are due under the provisions of K.S.A. 25-4145 and 25-4148, and  
3 amendments thereto, for each political committee that anticipates receiving  
4 \$2,501 or more in any calendar year and are late more than 48 hours shall  
5 be subject to civil penalties as provided in subsection (c)(2).

6 (2) The political committee shall be liable for a civil penalty of \$100  
7 for the first day the report is more than 48 hours late and \$50 for each  
8 subsequent day the report is late, but in no case shall the civil penalty  
9 exceed \$1,000. The commission may waive, for good cause, payment of  
10 any civil penalty imposed by this section.

11 (d) Civil penalties provided for by this section shall be remitted to the  
12 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
13 amendments thereto. Upon receipt of each such remittance, the state  
14 treasurer shall deposit the entire amount in the state treasury to the credit  
15 of the ~~governmental ethics commission fee~~ *state general fund*.

16 (e) If a person fails to pay a civil penalty provided for by this section,  
17 it shall be the duty of the commission to bring an action to recover such  
18 civil penalty in the district court of the county in which such person  
19 resides.

20 Sec. 9. K.S.A. 25-4153a is hereby amended to read as follows: 25-  
21 4153a. (a) No registered lobbyist, political committee or person, other than  
22 an individual, shall make a contribution after January 1 of each year and  
23 prior to adjournment sine die of the regular session of the legislature or at  
24 any other time in which the legislature is in session to a:

- 25 (1) Legislator;  
26 (2) candidate for membership in the legislature;  
27 (3) state officer elected on a statewide basis;  
28 (4) candidate for state officer elected on a statewide basis;  
29 (5) candidate committee of persons described in paragraphs (1)  
30 through (4); or  
31 (6) political committee established by a state committee of any  
32 political party and designated as a recognized political committee for the  
33 senate or house of representatives.

34 (b) No legislator, officer, candidate or committee described in  
35 subsection (a)(1) through (6) shall accept or knowingly solicit any  
36 contribution as defined by K.S.A. 25-4143, and amendments thereto, from  
37 any registered lobbyist, political committee or person, other than an  
38 individual, during such period of time described in subsection (a), except  
39 that a general public solicitation which does not solicit a specific  
40 individual and is distributed via social media shall be permissible. *No*  
41 *solicitation shall be considered a violation of this act if such solicitation is*  
42 *accompanied with a disclaimer that it is not intended for lobbyists,*  
43 *political committees or persons other than individuals.*

1 (c) For the purposes of this act, "social media" means an electronic  
2 medium which allows users to create and view user-generated content,  
3 including, but not limited to, uploaded or downloaded videos or  
4 photographs, blogs, audio files, instant messages or email.

5 Sec. 10. K.S.A. 25-4153b is hereby amended to read as follows: 25-  
6 4153b. (a) No political committee, a major purpose of which is to  
7 expressly advocate the nomination, election or defeat of a clearly  
8 identified candidate for the legislature or to make contributions or  
9 expenditures for the nomination, election or defeat of a clearly identified  
10 candidate for the legislature, shall be established by a member of or a  
11 candidate for the legislature. *No member of or candidate for the*  
12 *legislature shall serve as the treasurer or chairperson of a political*  
13 *committee. Notwithstanding any other provision of this act, nothing in this*  
14 *section shall prohibit a member of or candidate for the legislature from*  
15 *soliciting funds for or participating in the activities of a party or political*  
16 *committee.*

17 (b) Any such political committee existing prior to the effective date  
18 of this act is hereby abolished.

19 Sec. 11. K.S.A. 25-4154 is hereby amended to read as follows: 25-  
20 4154. (a) (1) No person shall make a contribution in the name of another  
21 person, and no person shall knowingly accept a contribution made by one  
22 person in the name of another.

23 (2) *As used in this subsection "contribution in the name of another"*  
24 *means a contribution given to another individual or entity for the purpose*  
25 *of concealing the original source of any funds reported on any report or*  
26 *statement filed under this act. This section shall not apply to contributions,*  
27 *expenditures or transfers subject to the requirements of this act made by*  
28 *an individual or committee otherwise reporting the contribution,*  
29 *expenditure or transfer on a report or statement filed under this act.*

30 (b) No person shall give or accept any contribution in excess of \$10  
31 unless the name and address of the contributor is made known to the  
32 individual receiving the contribution.

33 (c) The aggregate of contributions for which the name and address of  
34 the contributor is not reported under K.S.A. 25-4148, *and amendments*  
35 *thereto*, shall not exceed 50% of the amount one individual, (other than the  
36 candidate or spouse), may contribute to or for a candidate's campaign.

37 (d) No person shall copy any name of a contributor from any report  
38 or statement filed under the campaign finance act and use such name for  
39 any commercial purpose, and no person shall use any name for a  
40 commercial purpose with knowledge that such name was obtained solely  
41 by copying information relating to contributions contained in any report or  
42 statement filed under the campaign finance act.

43 Sec. 12. K.S.A. 25-4157a is hereby amended to read as follows: 25-



1 4157a. (a) No moneys received by any candidate or candidate committee  
2 of any candidate as a contribution under this act shall be used or be made  
3 available for the personal use of the candidate and no such moneys shall be  
4 used by such candidate or the candidate committee of such candidate  
5 except for:

6 (1) Legitimate campaign purposes;  
7 (2) expenses of holding political office;  
8 (3) contributions to the party committees of the political party of  
9 which such candidate is a member;

10 (4) any membership dues related to the candidate's campaign paid to  
11 a community service or civic organization in the name of the candidate;

12 (5) any donations paid to any organization which is recognized as a  
13 501(c)(3) tax exempt organization or any religious organization,  
14 community service or civic organization in the name of the candidate or  
15 candidate committee of any candidate but only if the candidate receives no  
16 goods or services unrelated to the candidate's campaign as a result of the  
17 payment of such donations;

18 (6) expenses incurred in the purchase of tickets to meals and special  
19 events sponsored by any organization the major purpose of which is to  
20 promote or facilitate the social, business, commercial or economic well  
21 being of the local community; ~~or~~

22 (7) expenses incurred in the purchase and mailing of greeting cards to  
23 voters and constituents;

24 (8) *expenses, compensation or gifts provided to any volunteer, staff*  
25 *member or contractor of the candidate's campaign or provided to any*  
26 *volunteer or staff of the candidate's political office;*

27 (9) *payment of any civil penalty imposed by the commission pursuant*  
28 *to this act;*

29 (10) *payment of legal fees related to any matter under this act; or*

30 (11) *expenses incurred for family caregiving services when such*  
31 *expenses are incurred as a result of the candidate's candidacy for office or*  
32 *holding office and are directly related to or have an effect on the*  
33 *candidate's campaign activities or duties as an office holder.*

34 (b) (1) For the purpose of this subsection, expenditures for "personal  
35 use" shall include expenditures to defray normal living expenses for the  
36 candidate or the candidate's family and expenditures for the personal  
37 benefit of the candidate having no direct connection with or effect upon  
38 the campaign of the candidate or the holding of public office.

39 (2) *"Personal use" does not include any uses listed in subsection (a)*  
40 *(1).*

41 (3) *"Family caregiving services" means the provision of care for an*  
42 *individual who is an immediate family member of the candidate and who*  
43 *is:*

1 (A) Under 13 years of age;

2 (B) disabled; or

3 (C) qualified for senior care services; and

4 (4) "Immediate family member" means a spouse, parent, stepparent,  
5 grandparent, sibling, child, stepchild, grandchild, former spouse or any  
6 individual living in the same residence as the candidate.

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

11 ~~(e)~~(d) No candidate or candidate committee shall accept from any  
12 other candidate or candidate committee for any candidate for local, state or  
13 national office, any moneys received by such candidate or candidate  
14 committee as a campaign contribution. The provisions of this subsection  
15 shall not be construed to prohibit a candidate or candidate committee from  
16 accepting moneys from another candidate or candidate committee if such  
17 moneys constitute a reimbursement for one candidate's proportional share  
18 of the cost of any campaign activity participated in by both candidates  
19 involved. Such reimbursement shall not exceed an amount equal to the  
20 proportional share of the cost directly benefiting and attributable to the  
21 personal campaign of the candidate making such reimbursement.

22 ~~(d)~~(e) At the time of the termination of any campaign and prior to the  
23 filing of a termination report in accordance with K.S.A. 25-4157, and  
24 amendments thereto, all residual funds otherwise not obligated for the  
25 payment of expenses incurred in such campaign or the holding of office  
26 shall be contributed to a charitable organization, as defined by the laws of  
27 the state, contributed to a party committee or returned as a refund in whole  
28 or in part to any contributor or contributors from whom received or paid  
29 into the general fund of the state.

30 (f) (1) *Nothing in this section shall prohibit a candidate or candidate  
31 campaign from contributing moneys received by such candidate or  
32 candidate committee as a campaign contribution to a party or political  
33 committee, and nothing in this section shall prohibit a party or political  
34 committee from accepting a contribution from a candidate or candidate  
35 committee, provided that the contribution is not contractually restricted to  
36 uses for a specific purpose.*

37 (2) *"Contractually restricted to uses for a specific purpose" means  
38 only a binding and legally enforceable limitation on the manner in which  
39 a contribution may be used and does not include suggestions, advice,  
40 requests or other non-binding statements made by the candidate,  
41 candidate committee or agent thereof regarding the potential use of the  
42 funds.*

43 Sec. 13. K.S.A. 25-4158 is hereby amended to read as follows: 25-

1 4158. (a) The secretary of state shall:

2 (1) Furnish forms prescribed and provided by the commission for  
3 making reports and statements required to be filed in the office of the  
4 secretary of state by the campaign finance act; and

5 (2) make such reports and statements available for public inspection  
6 and copying during regular office hours.

7 (b) The county election officer shall:

8 (1) Furnish forms prescribed and provided by the commission for  
9 making reports and statements required to be filed in the office of the  
10 county election officer by the campaign finance act; and

11 (2) make such reports and statements available for public inspection  
12 and copying during regular office hours.

13 (c) The commission may investigate, or cause to be investigated, any  
14 matter required to be reported upon by any person under the provisions of  
15 the campaign finance act, or any matter to which the campaign finance act  
16 applies irrespective of whether a complaint has been filed in relation  
17 thereto.

18 ~~(d)(1) After a preliminary investigation of any matter reported to the~~  
19 ~~commission pursuant to subsection (c), and upon specific written findings~~  
20 ~~of fact and conclusions of law by the commission that there is a reasonable~~  
21 ~~suspicion that a violation of the campaign finance act has occurred, the~~  
22 ~~commission or any officer designated by the commission may administer~~  
23 ~~oaths and affirmations, subpoena witnesses, compel their attendance, take~~  
24 ~~evidence, and require the production of any books, papers,~~  
25 ~~correspondence, memoranda, agreements, or other documents or records~~  
26 ~~which the commission deems relevant or material to the investigation. The~~  
27 ~~commission shall reimburse the reasonable costs of production of~~  
28 ~~documents subject to subpoena. All subpoenas and subpoenas duces tecum~~  
29 ~~issued under this section shall be authorized by the affirmative vote of not~~  
30 ~~less than  $\frac{3}{4}$  of the members of the commission. Any vote authorizing the~~  
31 ~~issuance of a subpoena or subpoena duces tecum shall be taken at a~~  
32 ~~meeting where the commissioners are in physical presence. Subpoenas~~  
33 ~~duces tecum shall be limited to items reasonably relevant to such alleged~~  
34 ~~violations. Upon the request of any person subpoenaed to appear and give~~  
35 ~~testimony or to produce books, papers or documents, the commission shall~~  
36 ~~provide a copy of the written findings of facts and conclusions of laws~~  
37 ~~relating to the alleged violation committed by such person.~~

38 ~~(2) In case of contumacy by, or refusal to obey a subpoena issued to~~  
39 ~~any person, the district court of Shawnee county, upon application by the~~  
40 ~~commission, or any officer designated by the commission, may issue to~~  
41 ~~that person an order requiring the person to appear before the commission~~  
42 ~~or any officer designated by the commission, there to produce~~  
43 ~~documentary evidence if so ordered or to give evidence touching the~~

1 ~~matter under investigation or in question. Any failure to obey the order of~~  
2 ~~the court may be punished by the court as a contempt of court. The~~  
3 ~~commission shall not have the power to issue any subpoena prior to the~~  
4 ~~determination of probable cause on a filed complaint pursuant to K.S.A.~~  
5 ~~25-4161(e), and amendments thereto. The commission may request that~~  
6 ~~the attorney general or a county or district attorney file an application for~~  
7 ~~an inquisition in a district court of competent jurisdiction pursuant to~~  
8 ~~K.S.A. 22-3101, and amendments thereto, for the purpose of the attorney~~  
9 ~~general or county or district attorney investigating potential violations of~~  
10 ~~the campaign finance act.~~

11 *(e) The provisions of K.S.A. 25-4160a, and amendments thereto, shall*  
12 *apply to any actions by the commission or commission staff pursuant to*  
13 *this section.*

14 Sec. 14. K.S.A. 25-4161 is hereby amended to read as follows: 25-  
15 4161. (a) If a complaint is filed and the commission determines that such  
16 verified complaint does not allege facts, directly or upon information and  
17 belief, sufficient to constitute a violation of any provision of the campaign  
18 finance act, it shall dismiss the complaint and notify the complainant and  
19 respondent thereof.

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

24 (c) If a complaint is filed and the commission determines that such  
25 verified complaint does allege facts, directly or upon information and  
26 belief, sufficient to constitute a violation of any of the provisions of the  
27 campaign finance act, the commission shall promptly investigate the  
28 alleged violation.

29 (d) The commission shall notify the attorney general of any apparent  
30 violation of criminal law or other laws not administered by the  
31 commission, which is discovered during the course of any such  
32 investigation.

33 (e) If after the investigation, the commission finds that probable cause  
34 does not exist for believing the allegations of the complaint, the  
35 commission shall dismiss the complaint. If after such investigation, the  
36 commission finds that probable cause exists for believing the allegations  
37 of the complaint, such complaint shall no longer be confidential and may  
38 be disclosed. Upon making any such finding, the commission shall fix a  
39 time for a hearing of the matter, which shall be not more than 30 days after  
40 such finding. In either event the commission shall notify the complainant  
41 and respondent of its determination.

42 (f) The remedies and protections provided by K.S.A. 75-2973, and  
43 amendments thereto, shall be available to any state employee against

1 whom disciplinary action has been taken for filing a complaint pursuant to  
2 this act.

3 (g) *Any attorney or staff member representing the complainant before*  
4 *the commission shall not engage in ex parte communications with or*  
5 *otherwise advise, represent or assist the commission regarding any matter*  
6 *before the commission. The commission shall obtain separate independent*  
7 *legal counsel in the event any attorney or staff member employed by the*  
8 *commission represents the complainant in any matter before the*  
9 *commission.*

10 (h) (1) *All hearings conducted under this act shall be in accordance*  
11 *with the provisions of the Kansas administrative procedure act and the*  
12 *Kansas code of civil procedure. Upon the request of the respondent, any*  
13 *hearing held under this act may be removed for hearing before a presiding*  
14 *officer from the office of administrative hearings. The commission shall*  
15 *review an initial order resulting from a hearing under this section.*

16 (2) *The commission is hereby authorized to enter into a contract with*  
17 *the office of administrative hearings and to provide for reimbursement for*  
18 *actual and necessary expenses and compensation for such person serving*  
19 *as a presiding officer.*

20 (i) *The duties of confidentiality under this section shall apply only to*  
21 *members of the commission, the executive director or any person*  
22 *employed or engaged by the commission.*

23 Sec. 15. K.S.A. 25-4163 is hereby amended to read as follows: 25-  
24 4163. (a) After a verified complaint alleging violation of a provision of the  
25 campaign finance act has been filed with the commission, the respondent  
26 shall be entitled to examine and make copies of all evidence in the  
27 possession of the commission relating to the complaint, including the  
28 transcript of the hearing, if any. If a hearing is to be held pursuant to  
29 K.S.A. 25-4161, *and amendments thereto, the ~~commission~~ presiding*  
30 *officer, before the hearing has commenced, shall issue subpoenas and*  
31 *subpoenas duces tecum at the request of any party, subject to the*  
32 *provisions of the Kansas administrative procedure act, the Kansas code of*  
33 *civil procedure act and all other general laws applicable to issuance and*  
34 *quashing of subpoenas. The commission shall reimburse the reasonable*  
35 *costs of production of documents subject to subpoena. Any hearing held*  
36 *under K.S.A. 25-4161, and amendments thereto, may be conducted and*  
37 *held by a subcommittee of not less than five members of the commission,*  
38 *of whom not more than a majority shall be of the same political party.*  
39 *Prior to the commencement of any hearing before the commission, upon*  
40 *the request of any party, any hearing held under this act may be removed*  
41 *for hearing and pre-hearing procedure before a presiding officer from the*  
42 *office of administrative hearings, as provided in K.S.A. 25-4161, and*  
43 *amendments thereto. The presiding officer shall conduct the hearing in the*

1 *manner prescribed by the Kansas administrative procedure act.* Final  
2 determination of all complaints shall be made by the commission as a  
3 whole. ~~The chairperson of the commission or other member presiding over~~  
4 ~~the commission or the presiding member of any subcommittee of the~~  
5 ~~commission shall have the power to: (1) Administer oaths and~~  
6 ~~affirmations; and (2) compel, by subpoena, the attendance of witnesses and~~  
7 ~~the production of pertinent books, papers and documents. Witnesses shall~~  
8 ~~be entitled to receive fees and mileage as provided by law for witnesses in~~  
9 ~~civil actions, which shall be paid out of appropriations to the commission.~~  
10 ~~Depositions may be taken and used in the same manner as in civil actions.~~  
11 ~~Any person subpoenaed to appear and give testimony or to produce books,~~  
12 ~~papers or documents, who fails or refuses to appear or to produce such~~  
13 ~~books, papers or documents, or any person, having been sworn to testify,~~  
14 ~~who refuses to answer any proper question, may be cited for contempt of~~  
15 ~~the district court of Shawnee county, Kansas. The commission shall report~~  
16 ~~to such court the facts relating to any such contempt. Thereupon~~  
17 ~~proceedings before such court shall be had as in cases of other civil~~  
18 ~~contempt. The commission shall not conduct another hearing on the~~  
19 ~~matter but shall make final determination based on the record of the~~  
20 ~~hearing before the presiding officer or subcommittee of the commission.~~

21 (b) At every hearing held ~~by the commission under this act.~~

22 (1) Oral evidence shall be taken only on oath or affirmation.

23 (2) Each party shall have the right to be represented by legal counsel,  
24 to call and examine witnesses, to introduce evidence and to cross-examine  
25 opposing witnesses.

26 (3) *The provisions of K.S.A. 25-4161(g), and amendments thereto,*  
27 *shall apply to legal counsel representing a complainant employed or*  
28 *engaged by the commission.*

29 (c) All hearings shall be open to the public.

30 Sec. 16. K.S.A. 25-4165 is hereby amended to read as follows: 25-  
31 4165. (a) The commission shall maintain a record of its investigations,  
32 inquiries, and proceedings. All records, complaints, documents, reports  
33 filed with or submitted to or made by the commission, and all records and  
34 transcripts of any investigations, inquiries or hearings of the commission  
35 under the campaign finance act shall be confidential and shall not be open  
36 to inspection by any individual other than a member of the commission, an  
37 employee of the commission, or a state officer or employee designated to  
38 assist the commission, except as otherwise specifically provided in the  
39 campaign finance act. The commission may, by adoption of a resolution,  
40 authorize the release to the attorney general or to the county or district  
41 attorney of the appropriate county of any information, records, complaints,  
42 documents, reports, and transcripts in its possession material to any matter  
43 pending before the attorney general or any county or district attorney. All

1 matters presented at a public hearing of the commission and all reports of  
2 the commission stating a final finding of fact pursuant to K.S.A. 25-4164,  
3 *and amendments thereto*, shall be public records and open to public  
4 inspection.

5 (b) *The duties under this section shall apply only to members of the*  
6 *commission, the executive director or any person employed or engaged by*  
7 *the commission.*

8 Sec. 17. K.S.A. 25-4170 is hereby amended to read as follows: 25-  
9 4170. (a) Excessive campaign contribution is:

10 (a)(1) Intentionally making any contribution in violation of any  
11 provision of K.S.A. 25-4153, or

12 (b)(2) intentionally accepting any contribution made in violation of  
13 any provision of K.S.A. 25-4153.

14 (b) *Nothing in this section shall prohibit a contribution, expenditure*  
15 *or transfer of money between party or political committees and candidates*  
16 *and candidate committees made in compliance with K.S.A. 25-4154, and*  
17 *amendments thereto.*

18 (c) Excessive campaign contribution is a class A misdemeanor.

19 Sec. 18. K.S.A. 25-4181 is hereby amended to read as follows: 25-  
20 4181. (a) The commission, in addition to any other penalty prescribed  
21 under the campaign finance act, may assess a civil fine, after proper notice  
22 and an opportunity to be heard, against any person for a violation of the  
23 campaign finance act in an amount not to exceed \$5,000 for the first  
24 violation, \$10,000 for the second violation and \$15,000 for the third  
25 violation and for each subsequent violation. *The fine imposed by the*  
26 *commission in any one matter shall not exceed an amount that is double*  
27 *the applicable fine for a single violation in such matter. Nothing in this*  
28 *section shall prevent the imposition of a separate fine by a court in a*  
29 *criminal proceeding.* Whenever any civil fine or penalty is proposed to be  
30 assessed against the treasurer of any candidate who is not also the  
31 candidate, such notice shall be given to both the treasurer and the  
32 candidate prior to the assessment of such fine or penalty. All fines assessed  
33 and collected under this section shall be remitted to the state treasurer in  
34 accordance with the provisions of K.S.A. 75-4215, and amendments  
35 thereto. Upon receipt of each such remittance, the state treasurer shall  
36 deposit the entire amount in the state treasury to the credit of the  
37 ~~governmental ethics commission fee~~ *state general fund.*

38 (b) No individual who has failed to pay any civil penalty or civil fine  
39 assessed, or failed to file any report required to be filed under the  
40 campaign finance act, unless such penalty or fine has been waived or is  
41 under appeal, shall be eligible to become a candidate for state office or  
42 local office until such penalty or fine has been paid or such report has been  
43 filed or both such penalty or fine has been paid and such report filed.

1       (c) *The commission shall not reduce, waive or otherwise modify any*  
2 *fine previously imposed pursuant to a consent decree or final order.*

3       (d) *The commission shall not order community service or any other*  
4 *specific performance in lieu of a civil fine as part of a consent decree or*  
5 *final order.*

6       (e) *The commission shall not enter into any agreement with any*  
7 *person that legally binds the commission from enforcing any law against*  
8 *that person in exchange for the person's cooperation with or assistance of*  
9 *the commission in any matter.*

10       Sec. 19. K.S.A. 25-4182 is hereby amended to read as follows: 25-  
11 4182. (a) If the commission determines after notice and opportunity for a  
12 hearing that any person has engaged or is engaging in any act or practice  
13 constituting a violation of any provision of the campaign finance act or  
14 any rule and regulation or order hereunder, the commission by order may  
15 require that such person cease and desist from the unlawful act or practice  
16 and take such affirmative action as in the judgment of the commission will  
17 carry out the purposes of such act.

18       (b) If the commission makes written findings of fact that the public  
19 interest will be irreparably harmed by delay in issuing an order under  
20 subsection (a), the commission may issue an emergency temporary cease  
21 and desist order. Such order, even when not an order within the meaning of  
22 K.S.A. 77-502, and amendments thereto, shall be subject to the same  
23 procedures as an emergency order issued under K.S.A. 77-536, and  
24 amendments thereto. Upon the entry of such an order, the commission  
25 shall promptly notify the person subject to the order that it has been  
26 entered, of the reasons therefor and that upon written request the matter  
27 will be set for a hearing which shall be conducted in accordance with the  
28 provisions of the Kansas administrative procedure act. *Upon the request of*  
29 *the respondent, any hearing held under this act may be removed for*  
30 *hearing before a presiding officer from the office of administrative*  
31 *hearings as provided in K.S.A. 25-4161, and amendments thereto.* If no  
32 hearing is requested and none is ordered by the commission, the order will  
33 remain in effect until it is modified or vacated by the commission. If a  
34 hearing is requested or ordered, the commission, after notice of and  
35 opportunity for hearing to the person subject to the order, shall by written  
36 findings of fact and conclusions of law vacate, modify or make permanent  
37 the order. Any such order shall be enforceable in any court of competent  
38 jurisdiction.

39       Sec. 20. K.S.A. 25-4185 is hereby amended to read as follows: 25-  
40 4185. Any person aggrieved by any order of the commission pursuant to  
41 this act may appeal such order in accordance with the provisions of the  
42 Kansas judicial review act. *Any appeal to the district court shall be a trial*  
43 *de novo.*



1       Sec. 21. K.S.A. 25-4119a, 25-4119d, 25-4143, 25-4145, 25-4148, 25-  
2 4148c, 25-4152, 25-4153a, 25-4153b, 25-4154, 25-4157a, 25-4158, 25-  
3 4161, 25-4163, 25-4165, 25-4170, 25-4181, 25-4182 and 25-4185 are  
4 hereby repealed.

5       Sec. 22. This act shall take effect and be in force from and after its  
6 publication in the statute book.