Session of 2025

SENATE BILL No. 279

By Committee on Federal and State Affairs

2-26

AN ACT concerning governmental ethics; relating to the campaign finance act and the state governmental ethics law; establishing the enforcement authority of the governmental ethics commission; limiting when advisory opinions may be issued; establishing expiration dates for commission subpoenas; modifying campaign finance reporting requirements; limiting when attributions are required in internet communications; eliminating the bar on elected office candidacy for failure to pay fines imposed by the commission; amending K.S.A. 25-4119a, 25-4119d, 25-4142, 25-4148, 25-4156, 46-214a and 46-254 and K.S.A. 2024 Supp. 25-4143, 25-4158 and 25-4181 and repealing the existing sections; also repealing K.S.A. 25-4119g, 25-4148a and 25-4153b.

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

New Section 1. (a) If there is more than one reasonable interpretation of any provision of the campaign finance act, such provision shall be construed and applied to maximize the exercise of the right of freedom of speech and of the press, the right to assemble and the right to petition the government as guaranteed by the constitution of the United States and the constitution of the state of Kansas.

(b) The governmental ethics commission shall have no authority to make law or interpret the provisions of the campaign finance act through adjudicative decisions of the commission. Any rule of law that is not stated in the campaign finance act may be established by the commission by the adoption of rules and regulations in accordance with K.S.A. 25-4119a, and amendments thereto. No report, order or advisory opinion issued by the commission on or after July 1, 2024, shall be considered precedential in the interpretation of any provision of the campaign finance act, except for the purposes of:

(1) Establishing a presumption of compliance for a person who requests an advisory opinion pursuant to K.S.A. 25-4119a, and amendments thereto, or any other applicable statute; or

(2) ensuring consistency in imposing civil fines or other penalties for the same or similar violations.

(c) This section shall be a part of and supplemental to the campaign finance act.

New Sec. 2. (a) If there is more than one reasonable interpretation of any provision of the state governmental ethics law, such provision shall be construed and applied to maximize the exercise of the right of freedom of speech and of the press, the right to assemble and the right to petition the government as guaranteed by the constitution of the United States and the constitution of the state of Kansas.

(b) The governmental ethics commission shall have no authority to make law or interpret the provisions of the state governmental ethics law through adjudicative decisions of the commission. Any rule of law that is not stated in the state governmental ethics law may be established by the commission by the adoption of rules and regulations in accordance with K.S.A. 46-253, and amendments thereto. No report, order or advisory opinion issued by the commission on or after July 1, 2024, shall be considered precedential in the interpretation of any provision of the state governmental ethics law, except for the purposes of:

(1) Establishing a presumption of compliance for a person who requests an advisory opinion pursuant to K.S.A. 46-254, and amendments thereto, or any other applicable statute; or

(2) ensuring consistency in imposing civil fines or other penalties for the same or similar violations.

(c) This section shall be a part of and supplemental to the state governmental ethics law.

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

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

(c) The terms of all subsequently appointed members shall be two years commencing on February 1 of the appropriate years. Vacancies occurring on the commission shall be filled for the unexpired term by the same appointing officer as made the original appointment. Members shall serve until their successors are appointed and qualified. The governor shall designate one of the members appointed by the governor to be the chairperson of the commission. A majority vote of five members of the commission shall be required for any action of the commission. The commission may adopt rules to govern its proceedings and may provide for such officers other than the chairperson as it may determine. The commission shall meet at least once each quarter, and also shall meet on call of its chairperson or any four members of the commission. Members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in subsections (a) to (d), inclusive, of K.S.A. 75-3223, and amendments thereto. The commission shall appoint an executive director who shall be in the unclassified service and receive compensation fixed by the commission, in accordance with appropriation acts of the legislature, subject to approval by the governor. The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the commission, all of whom shall be in the unclassified service and shall receive compensation fixed by the commission and not subject to approval by the governor.

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

(e) *The commission shall issue an advisory opinion upon the request of any person to which this act applies on questions concerning the interpretation of provisions of the campaign finance act. Such advisory opinions shall be issued in writing and only upon the receipt of such request. Any person who acts in accordance with the provisions of any such advisory opinion shall be presumed to have complied with the provisions of the campaign finance act.*

(f) The commission may provide copies of opinions, informational materials compiled and published by the commission and public records

filed in the office of the commission to persons requesting the same and may adopt rules and regulations fixing reasonable fees therefor. All fees collected by the commission under the provisions of this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

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

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

Sec. 4. K.S.A. 25-4119d is hereby amended to read as follows: 25-4119d. (a) ~~From and after the effective date of this act, no person shall be appointed to membership on the commission who has held the office of chairperson, vice chairperson or treasurer of any county, district or state political party committee, or who within five years preceding the date of such appointment has been a candidate for or the holder of any partisan political office or who has within three years preceding the date of such appointment: (1) Held an elective state office; (2) held the office of secretary of any department of state government; (3) been a lobbyist as defined by K.S.A. 46-222, and amendments thereto; (4) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the state of Kansas or any agency thereof; or (5) provided services under contract to the state of Kansas or any agency thereof.~~

~~(b)~~ While serving on the commission ~~created by K.S.A. 25-4119a, and amendments thereto~~, no member shall:

(1) ~~Be an individual subject to the provisions of the campaign finance law or the provisions of K.S.A. 46-215 et seq., and amendments thereto, administered or enforced by the commission;~~

~~(2)~~ Serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act;

~~(3)~~*(2)* actively solicit contributions subject to the provisions of the campaign finance act;

~~(4)~~*(3)* be a lobbyist as defined by K.S.A. 46-222, and amendments thereto;

~~(5)~~*(4)* be an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services with the

state of Kansas or any agency thereof;

~~(6)~~*(5)* provide services under contract to the state of Kansas or any agency thereof;

~~(7)~~*(6)* be a candidate for or the holder of any partisan political office;

~~(8)~~*(7)* be the chairperson, vice chairperson or treasurer of any county, district or state political party committee;

~~(9)~~*(8)* directly or indirectly solicit contributions for any partisan political party or any organization thereof or any candidate for partisan political office; or

~~(10)~~*(9)* endorse any candidate for any partisan political office subject to the provisions of this act.

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

(c) For purposes of this section:

(1) "Partisan political office" means any office for which any candidate is nominated or elected as representing a party of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected.

(2) "Partisan political office" does not include any office or position within a political party or affiliated organization, including, but not limited to, precinct, county, congressional district or state party committee members.

Sec. 5. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. ~~25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and K.S.A. 25-4153b~~ *25-4119a through 25-4189, and amendments thereto, and section 1*, and amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 6. K.S.A. 2024 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Agent" means an individual who is:

(1) A candidate;

(2) a chairperson of a candidate, political or party committee;

(3) a treasurer; or

(4) any director, officer, employee, paid consultant or other person who is authorized to act on behalf of persons listed in this subsection.

(b) "Candidate" means an individual who:

(1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or

election to state or local office;

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

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

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

(d) "Clearly identified candidate" means a candidate who has been identified by the:

(1) Use of the name of the candidate;

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

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

(e) "Commission" means the governmental ethics commission.

(f) (1) "Contribution" means:

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

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

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

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

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

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

(2) "Contribution" does not include:

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

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

(C) payment by a candidate or candidate's spouse for personal meals,

lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning; or

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of $50 per event.

(g) "Election" means:

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

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

(h) (1) "Expenditure" means:

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

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

(C) any contract to make an expenditure;

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

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

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

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

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of $50 per event; ~~or~~

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate*;*

(F) any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless such facilities are owned or controlled by any political party, political committee or candidate; or

(G) any internet communications, except for moneys paid for express advocacy communications placed or promoted for a fee on another person's website, digital device, application or advertising platform. A communication is promoted for a fee when moneys are paid to a website, digital device, application or advertising platform for increased circulation, prominence or availability of such communication on such website, digital device, application or advertising platform.

(i) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication that uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

(8) "defeat" accompanied by a picture of one or more candidates; or

(9) "Smith's the one."

(j) "Party committee" means:

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

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

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

(4) the political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) the political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or

(6) the political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

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

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

to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.

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

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

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

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

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

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

Sec. 7. K.S.A. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed ~~in both~~ with the office of the secretary of state. Reports filed by treasurers for candidates for state-wide office shall be filed electronically and only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

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

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

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

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

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

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

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

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of ~~$50~~ *$150* during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

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

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

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

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of ~~$50~~ *$150*, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

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

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

(10) the total of expenditures.

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

(1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of $300, with the amount, date and purpose of each. The report shall show

in detail the specific service or product provided; and

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

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

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

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

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

(d) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of ~~$50~~ *$150* per event, or who purchases such a ticket or admission at a cost exceeding $25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

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

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

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

(h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the

convention or caucus shall be considered the date of the primary election.

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

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

Sec. 8. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

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

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

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

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

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

(D) *(i)* publishing or causing to be published any brochure, flier or other political fact sheet that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless

such matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name ~~of the chairperson or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

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

(E) *(i)* making or causing to be made any website, e-mail or other type of internet communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless the matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name ~~of the chairperson or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(ii) The provisions of this subparagraph (E) requiring the disclosure of the name of an individual shall apply only to any website, email or other type of *paid* internet communication that is made by the candidate, the candidate's candidate committee, a political committee or a party committee and ~~the~~ *such* website, email or other internet communication *is* viewed by or disseminated to at least 25 individuals. For the purposes of this subparagraph, the terms "candidate," "candidate committee," "party committee" and "political committee" ~~shall have the meanings ascribed to them~~ *mean the same as defined* in K.S.A. 25-4143, and amendments thereto.

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

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

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

Sec. 9. K.S.A. 2024 Supp. 25-4158 is hereby amended to read as follows: 25-4158. (a) The secretary of state shall:

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

(2) make such reports and statements available for public inspection

and copying during regular office hours.

(b) The county election officer shall:

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

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

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

(d) (1) After a preliminary investigation of any matter reported to the commission pursuant to subsection (c), and upon specific written findings of fact and conclusions of law by the commission that there is a reasonable suspicion that a violation of the campaign finance act has occurred, the commission or any officer designated by the commission may apply to the district court of Shawnee county for an order to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commission deems relevant or material to the investigation. All applications for a court order shall be made under seal of the court. The commission shall reimburse the reasonable costs of production of documents subject to subpoena. All subpoenas and subpoenas duces tecum issued under this section shall be authorized by the affirmative vote of not less than $^2/_3$ of the members of the commission. Subpoenas duces tecum shall be limited to items reasonably relevant to such alleged violations. No subpoena or other process issued by the commission pursuant to this section shall be served upon any person unless an application has been filed in the district court of Shawnee county pursuant to this section.

(2) Upon application by the commission or any officer designated by the commission for a court order pursuant to paragraph (1), the district court of Shawnee county, after review of the sufficiency of the written findings of fact and conclusions of law, the record before the commission and the reasonableness and scope of the subpoena, shall issue to that person an order requiring the person to appear before the commission or any officer designated by the commission, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punished by the court as a contempt of court. Upon the filing of an application for a court order pursuant to paragraph (1), the commission shall provide a copy of the written findings of fact and conclusions of law

relating to the alleged violation and persons under investigation along with a copy of the issued subpoena and notices required by paragraph (5) to the recipient of the subpoena.

(3) The commission shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. Any person subject to a subpoena shall be informed that such person may apply to the district court for relief on the basis that responding to the subpoena will cause an undue burden or expense. The district court on review of any such application for relief, may impose an appropriate sanction on the commission including an order requiring the commission to reimburse the person for lost earnings and attorney fees.

(4) Any person subpoenaed to testify or produce documents under this section shall be informed that the person has a right to be advised by counsel and that the person may not be required to make any self-incriminating statements. Upon a request by such person for counsel, no further examination of the witness shall take place until counsel is present. In the event that counsel of the witness' choice is not available, the person shall be required to obtain other counsel within three days in order that the examination may proceed. If such person is indigent and unable to obtain the services of counsel, the judge shall appoint counsel to assist the person who shall be compensated as counsel appointed for indigent defendants in the district court. Counsel for any witness shall be present while the witness is testifying and may interpose objections on behalf of the witness. Counsel shall not be permitted to examine or cross-examine the client or any other witness during the examination.

(5) Every subpoena issued by the commission pursuant to paragraph (l) shall be accompanied by a notice containing the information required to be provided under paragraphs (3) and (4) and the following statement: "This subpoena is not enforceable unless a district court of competent jurisdiction issues an order to enforce the subpoena. The recipient of this subpoena has rights under law including those listed in K.S.A. 25-4158(d)(3), and amendments thereto, and other laws to seek relief from complying with this subpoena, as well as a right to be represented by counsel in this matter pursuant to K.S.A. 25-4158(d)(4), and amendments thereto."

(e) Any subpoena or subpoena duces tecum issued pursuant to this section shall expire and be invalid six months from the date of issuance unless an order to enforce such subpoena is issued by the Shawnee county district court prior to the date of expiration. Any subpoena or subpoena duces tecum issued by the commission prior to July 1, 2025, is hereby declared invalid by law.

Sec. 10. K.S.A. 2024 Supp. 25-4181 is hereby amended to read as follows: 25-4181. (a) The commission, in addition to any other penalty prescribed under the campaign finance act, may assess a civil fine, after

proper notice and an opportunity to be heard, against any person for a violation of the campaign finance act in an amount not to exceed $5,000 for the first violation, $10,000 for the second violation and $15,000 for the third violation and for each subsequent violation. Except as otherwise provided, the fine imposed by the commission in any one matter shall not exceed an amount that is triple the applicable fine for a single violation in such matter. In the event the respondent derived pecuniary gain from the specific violations, then, in lieu of the above fine amounts, the fine imposed may be fixed at an amount greater than that provided in this section, but in no event shall such amount exceed double the pecuniary gain derived from the violation by the respondent. Nothing in this section shall prevent the imposition of a separate fine by a court in a criminal proceeding. Whenever any civil fine or penalty is proposed to be assessed against the treasurer of any candidate who is not also the candidate, such notice shall be given to both the treasurer and the candidate prior to the assessment of such fine or penalty. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

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

~~(e)~~ The commission shall not order community service or any other specific performance in lieu of a civil fine as part of a consent decree or final order. Nothing in this section shall prohibit the commission from requiring training regarding or compliance with any provision of this act as part of a consent decree or final order.

~~(d)~~*(c)* The commission shall not enter into any agreement with any person that legally binds the commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of the commission in any matter unless such person has received immunity from criminal prosecution in the same matter from a county or district attorney or the attorney general pursuant to K.S.A. 22-3415, and amendments thereto.

Sec. 11. K.S.A. 46-214a is hereby amended to read as follows: 46-214a. K.S.A. 46-215 through 46-293~~ and K.S.A. 46-237a~~, and amendments thereto, *and section 2, and amendments thereto,* shall be known and may be cited as the state governmental ethics law.

Sec. 12. K.S.A. 46-254 is hereby amended to read as follows: 46-254.

The commission ~~upon its own initiative may, and~~ *shall issue an advisory opinion* upon the request of any ~~individual~~ *person* to which this act applies ~~shall, render an opinion in writing~~ on questions concerning the interpretation of *provisions of* this act. *Such advisory opinions shall be issued in writing and only upon the receipt of such request.* Any person who acts in accordance with the provisions of such an opinion~~,~~ shall be presumed to have complied with the provisions of this act. A copy of every opinion rendered by the commission shall be filed with the secretary of state, and any opinion so filed shall be open to public inspection. The secretary of state shall publish all opinions rendered under this section monthly and each such publication shall be cumulative. Copies of each opinion shall be filed with the secretary of the senate and the chief clerk of the house on the same date as the same are filed with the secretary of state. The secretary of state shall cause adequate copies of all filings under this section to be supplied to the state library.

Sec. 13. K.S.A. 25-4119a, 25-4119d, 25-4119g, 25-4142, 25-4148, 25-4148a, 25-4153b, 25-4156, 46-214a and 46-254 and K.S.A. 2024 Supp. 25-4143, 25-4158 and 25-4181 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.