

HOUSE BILL No. 2350

By Committee on Governmental Organization and Elections

2-8

9 AN ACT concerning elections; relating to campaign finance; amending
10 K.S.A. 25-904 and K.S.A. 2004 Supp. 25-4143 and repealing the ex-
11 isting sections.
12

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

14 Section 1. K.S.A. 25-904 is hereby amended to read as follows: 25-
15 904. (a) Every candidate for election to any city of the second and third
16 class, unified school district, community college or township office subject
17 to this act who intends to expend or have expended on such person's
18 behalf an aggregate amount or value of less than ~~\$500~~ \$100, exclusive of
19 such candidate's filing fee, and who intends to receive or have received
20 on such person's behalf contributions in an aggregate amount or value of
21 less than ~~\$500~~ \$100 in each the primary and the general election shall
22 file, not later than the ninth day preceding the primary election, an affi-
23 davit of such intent with the county election officer of the county of
24 residence of the candidate. No report required by subsection (b) shall be
25 required to be filed by or for such candidate.

26 (b) Except as provided in subsection (a), it shall be the duty of every
27 candidate for nomination or for election to any city of the second and
28 third class, unified school district, community college or township office
29 subject to this act, ~~within 30 days after each primary, general or special~~
30 ~~election,~~ to file with the county election officer an itemized statement
31 under oath stating the name and address of each person who has made
32 any contribution in excess of \$50 during the election period together with
33 the amount and date of such contributions and an itemized statement of
34 all expenditures made by such candidate or obligations contracted or in-
35 curred by such candidate in connection with each primary, general or
36 special election. *In addition, such statement shall contain any other in-*
37 *formation specified in K.S.A. 25-4148, and amendments thereto. Such*
38 *statement shall be filed not later than 10 days after each primary, general*
39 *or special election.*

40 (c) No candidate which is subject to the provisions of the campaign
41 finance act (K.S.A. 25-4142 *et seq.*, and amendments thereto) shall be
42 required to file any report required by this section.

43 (d) Any candidate who has signed an affidavit pursuant to subsection

1 (a) and who incurs expenses in excess of or receives contributions in
2 excess of \$500, exclusive of such candidate's filing fee for either the pri-
3 mary or the general election, shall file the report required by subsection
4 (b).

5 New Sec. 2. (a) Every person, other than a candidate for an office
6 specified in K.S.A. 25-901, and amendments thereto, who spends an ag-
7 gregate amount of \$100 or more to expressly advocate the nomination,
8 election or defeat of a clearly identified candidate for an office specified
9 in K.S.A. 25-901, and amendments thereto, shall keep, or cause to be
10 kept, a detailed account of all moneys received by such person and all
11 expenditures made by such person to expressly advocate the nomination,
12 election or defeat of any such candidate and shall file a report thereof as
13 required by subsection (b).

14 (b) (1) The report required by subsection (a) shall contain the fol-
15 lowing information:

16 (A) The name and address of each person who made any contribution
17 in an amount of \$50 or more during the primary, general or special elec-
18 tion period;

19 (B) the date such contribution was made; and

20 (C) an itemized listing of all expenditures made by such person to
21 expressly advocate the nomination, election or defeat of any candidate for
22 an office specified in K.S.A. 25-901, and amendments thereto.

23 (2) The report required by this subsection shall be filed with the
24 county election officer of the county of residence of the candidate whose
25 candidacy was affected not later than 10 days after the date of the primary,
26 general or special election.

27 (c) Violation of this section is a class C misdemeanor.

28 New Sec. 3. (a) Criminal political advertising is:

29 (1) Publishing or causing to be published in a newspaper or other
30 periodical any paid matter which expressly advocates the nomination,
31 election or defeat of a clearly identified candidate for an office specified
32 in K.S.A. 25-901, and amendments thereto, unless such matter is followed
33 by the word "advertisement" or the abbreviation "adv." in a separate line
34 together with the name of the chairperson or treasurer of the political or
35 other organization sponsoring the same or the name of the individual who
36 is responsible therefor;

37 (2) broadcasting or causing to be broadcast by any radio or television
38 station any paid matter which expressly advocates the nomination, elec-
39 tion or defeat of a clearly identified candidate for an office specified in
40 K.S.A. 25-901, and amendments thereto, unless such matter is followed
41 by a statement which states: "Paid for" or "Sponsored by" followed by
42 the name of the sponsoring organization and the name of the chairperson
43 or treasurer of the political or other organization sponsoring the same or

1 the name of the individual who is responsible therefor; or
2 (3) publishing or causing to be published any brochure, flier or other
3 political fact sheet which expressly advocates the nomination, election or
4 defeat of a clearly identified candidate for an office specified in K.S.A.
5 25-901, and amendments thereto, unless such matter is followed by the
6 name of the chairperson or treasurer of the political or other organization
7 sponsoring the same or the name of the individual who is responsible
8 therefor.

9 The provisions of this subsection (3) requiring the disclosure of the
10 name of an individual shall not apply to individuals making expenditures
11 in an aggregate amount of less than \$2,500 within a calendar year.

12 (b) Criminal political advertising is a class C misdemeanor.

13 (c) If any provision of this section or application thereof to any person
14 or circumstance is held invalid, such invalidity does not affect other pro-
15 visions or applications of this section which can be given effect without
16 the invalid application or provision, and to this end the provisions of this
17 section are declared to be severable.

18 Sec. 4. K.S.A. 2004 Supp. 25-4143 is hereby amended to read as
19 follows: 25-4143. As used in the campaign finance act, unless the context
20 otherwise requires:

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

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

25 (3) makes any expenditure or accepts any contribution for such per-
26 son's nomination or election to any state or local office; or

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

29 (b) "Candidate committee" means a committee appointed by a can-
30 didate to receive contributions and make expenditures for the candidate.

31 (c) "Clearly identified candidate" means a candidate who has been
32 identified by the:

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

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

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

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

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

39 (A) Any advance, conveyance, deposit, distribution, gift, loan or pay-
40 ment of money or any other thing of value given to a candidate, candidate
41 committee, party committee or political committee for the express pur-
42 pose of nominating, electing or defeating a clearly identified candidate
43 for a state or local office.

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

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

- 1 (6) not more than one political committee per congressional district
2 established by the state committee of a political party regulated under
3 article 38 of chapter 25 of the Kansas Statutes Annotated, and amend-
4 ments thereto, and designated as a congressional district party committee.
- 5 (j) "Person" means any individual, committee, corporation, partner-
6 ship, trust, organization or association.
- 7 (k) (1) "Political committee" means any combination of two or more
8 individuals or any person other than an individual, a major purpose of
9 which is to expressly advocate the nomination, election or defeat of a
10 clearly identified candidate for state or local office or make contributions
11 to or expenditures for the nomination, election or defeat of a clearly
12 identified candidate for state or local office.
- 13 (2) "Political committee" shall not include a candidate committee or
14 a party committee.
- 15 (l) "Receipt" means a contribution or any other money or thing of
16 value, but not including volunteer services provided without compensa-
17 tion, received by a treasurer in the treasurer's official capacity.
- 18 (m) "State office" means any state office as defined in K.S.A. 25-2505,
19 and amendments thereto.
- 20 (n) "Testimonial event" means an event held for the benefit of an
21 individual who is a candidate to raise contributions for such candidate's
22 campaign. Testimonial events include but are not limited to dinners,
23 luncheons, rallies, barbecues and picnics.
- 24 (o) "Treasurer" means a treasurer of a candidate or of a candidate
25 committee, a party committee or a political committee appointed under
26 the campaign finance act or a treasurer of a combination of individuals
27 or a person other than an individual which is subject to paragraph (2) of
28 subsection (a) of K.S.A. 25-4172, and amendments thereto.
- 29 (p) "Local office" means a *precinct committeeman*, *precinct commit-*
30 *teewoman*, member of the governing body of a city of the first class, any
31 elected office of a unified school district having 35,000 or more pupils
32 regularly enrolled in the preceding school year, a county or of the board
33 of public utilities.
- 34 Sec. 5. K.S.A. 25-904 and K.S.A. 2004 Supp. 25-4143 are hereby
35 repealed.
- 36 Sec. 6. This act shall take effect and be in force from and after its
37 publication in the statute book.