

## HOUSE BILL No. 2509

By Committee on Federal and State Affairs

3-3

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9 AN ACT concerning campaign finance; relating to electioneering com-  
10 munications; relating to independent expenditures; relating to certain  
11 reporting requirements; relating to corrupt political advertising;  
12 amending K.S.A. 25-4148 and 25-4156 and repealing the existing  
13 sections.

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

16 New Section 1. (a) Any person who spends or contracts to spend an  
17 amount of \$300 or more per calendar year for any electioneering com-  
18 munication shall submit a report containing information as required by  
19 subsection (b). For each electioneering communication, the report shall  
20 include:

21 (1) The name of the clearly identified candidate mentioned in the  
22 electioneering communication.

23 (2) The name, street address, city, state and zipcode of each individ-  
24 ual or other entity that contributes \$50 or more per year to such person  
25 for an electioneering communication.

26 (3) The name, street address, city, state and zipcode of the vendor to  
27 whom the expenditure for such electioneering communication is made  
28 or contracted to be made.

29 (4) The amount of the expenditure on such electioneering commu-  
30 nication is made or contracted to be made. If the person making the  
31 electioneering communication is an individual, such reports shall also in-  
32 clude the occupation and employer of such individual. Reports required  
33 by this section shall be in addition to any other reports required by law.

34 (b) (1) (A) For an electioneering communication concerning a can-  
35 didate for state office, other than an officer elected on a state-wide basis,  
36 the report required by subsection (a) shall be filed in both the office of  
37 the secretary of state and in the office of the county election officer of  
38 the county in which the candidate is a resident.

39 (B) For an electioneering communication concerning a candidate for  
40 state-wide office, the report required by subsection (a) shall be filed only  
41 with the secretary of state.

42 (C) For an electioneering communication concerning a candidate for  
43 local office, the report required by subsection (a) shall be filed in the

1 office of the county election officer of the county in which the name of  
2 the candidate is on the ballot.

3 (2) Except as required by paragraph (3), each report required by sub-  
4 section (a) shall be filed in time to be received in the offices required in  
5 accordance with the times set forth in K.S.A. 25-4148 and amendments  
6 thereto.

7 (3) For any electioneering communication occurring during the 11  
8 days preceding the election, the report required by subsection (a) shall  
9 be filed within 24 hours of making or contracting to make an expenditure  
10 for such electioneering communication.

11 (c) For the purposes of this section:

12 (1) "Electioneering communication" means any communication  
13 broadcast by television or radio, printed in a newspaper or on a billboard,  
14 directly mailed or delivered by hand to personal residences or otherwise  
15 distributed that:

16 (A) Unambiguously refers to any clearly identified candidate;

17 (B) is broadcast, printed, mailed, delivered or distributed within 30  
18 days before a primary election or 60 days before a general election;

19 (C) is broadcast to, printed in a newspaper distributed to, mailed to,  
20 delivered by hand to, or otherwise distributed to an audience that includes  
21 members of the electorate for such public office.

22 (2) "Electioneering communication" does not include:

23 (A) Any news articles, editorial endorsements, opinion or commen-  
24 tary writings, or letters to the editor printed in a newspaper, magazine or  
25 other periodical not owned or controlled by a candidate or political party;

26 (B) any editorial endorsements or opinions aired by a broadcast fa-  
27 cility not owned or controlled by a candidate or political party;

28 (C) any communication by persons made in the regular course and  
29 scope of their business or any communication made by a membership  
30 organization solely to members of such organization and their families;

31 (D) any communication that refers to any candidate only as part of  
32 the popular name of a bill or statute;

33 (E) any communication made solely to promote a candidate debate  
34 or forum that is made by or on behalf of the person sponsoring such  
35 debate or forum; or

36 (F) any communication made as part of a nonpartisan activity de-  
37 signed to encourage individuals to vote or register to vote.

38 (d) The provisions of this section shall be part of and supplemental  
39 to the campaign finance act.

40 New Sec. 2. (a) Every treasurer for a party committee or political  
41 committee shall file reports of independent expenditures as prescribed  
42 by this act. Reports shall be filed with the secretary of state. Reports  
43 required by this section shall be in additions to any other reports required

1 by law.

2 (b) The report shall contain the name and address of each party com-  
3 mittee or political committee which has made or contracted to be made  
4 independent expenditures in an aggregate amount or value in excess of  
5 \$300 or more during the period commencing 11 days before a primary  
6 or general election at which a state or local officer is to be elected and  
7 ending upon the day before such election. Such report shall contain the  
8 amount, date and purpose of each such independent expenditure, as well  
9 as the name of the candidate whose nomination, election or defeat is  
10 expressly advocated. When an independent expenditure is made by pay-  
11 ment to an advertising agency, public relations firm or political consultant  
12 for disbursement to vendors, the report of such independent expenditure  
13 shall show in detail the name of each such vendor and the amount, date  
14 and purpose of the payments to each, as well as the name of the candidate  
15 whose nomination, election or defeat is expressly advocated. The report  
16 shall be made on or before the close of the second business day following  
17 the day in which any independent expenditure is made.

18 (c) Reports required by this section shall be filed by hand delivery,  
19 express delivery service, facsimile transmission or by any electronic  
20 method authorized by the commission.

21 (d) (1) "Expenditure" shall have the meaning ascribed to it in K.S.A.  
22 25-4143 and amendments thereto.

23 (2) "Independent expenditure" means an expenditure that is not con-  
24 trolled by or coordinated with any candidate or agent of such candidate.

25 (3) "Party committee" shall have the meaning ascribed to it in K.S.A.  
26 25-4143 and amendments thereto.

27 (4) "Political committee" shall have the meaning ascribed to it in  
28 K.S.A. 25-4143 and amendments thereto.

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

31 New Sec. 3. (a) Every treasurer for a candidate for state or local  
32 office shall file reports of campaign contributions as prescribed by this  
33 act. Reports filed by treasurers for candidates for state office, other than  
34 officers elected on a state-wide basis, shall be filed in both the office of  
35 the secretary of state and in the office of the county election officer of  
36 the county in which the candidate is a resident. Reports filed by treasurers  
37 for candidates for state-wide office shall be filed only with the secretary  
38 of state. Reports filed by treasurers for candidates for local office shall be  
39 filed in the office of the county election officer of the county in which  
40 the name of the candidate is on the ballot. Reports required by this sec-  
41 tion shall be in addition to any other reports required by law.

42 (b) The report shall contain the name and address of each person  
43 who has made one or more contributions in an aggregate amount or value

1 of \$300 or more during the period commencing 11 days before a primary  
2 or general election at which a state or local officer is to be elected and  
3 ending upon the day of such election. The report shall be made on or  
4 before the close of the next business day in which any contribution is  
5 received. The report shall contain the amount and date of the contribu-  
6 tion, including the name and address of every lender, guarantor and en-  
7 dorser when the contribution is in the form of an advance or loan.

8 (c) Reports required by this section shall be filed via e-mail, facsimile  
9 transmission, telegram or express delivery service.

10 (d) (1) "Local office" shall have the meaning ascribed to it in K.S.A.  
11 25-4143 and amendments thereto.

12 (2) "State office" shall have the meaning ascribed to it in K.S.A. 25-  
13 4143 and amendments thereto.

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

16 New Sec. 4. (a) Every person, other than a candidate for the office  
17 of precinct committeeman or committeewoman, who spends an aggregate  
18 amount of \$100 or more to expressly advocate the nomination, election  
19 or defeat of a clearly identified candidate for precinct committeeman or  
20 committeewoman shall keep, or cause to be kept, a detailed account of  
21 all moneys received by such person and all expenditures made by such  
22 person to expressly advocate the nomination, election or defeat of any  
23 candidate for precinct committeeman or committeewoman and shall file  
24 a report thereof as required by subsection (b).

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

27 (A) the name and address of each person who made any contribution  
28 in an amount of \$50 or more during the primary election period;

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

30 (C) an itemized listing of all expenditures made by such person to  
31 expressly advocate the nomination, election or defeat of any candidate for  
32 precinct committeeman or committeewoman.

33 (2) The report required by this subsection shall be filed with the  
34 county election official of the county of residence of the candidate for  
35 the office of precinct committeeman or committeewoman whose candi-  
36 dacy was affected not later than 10 days after the date of the primary  
37 election.

38 (c) In addition to the requirements of subsection (b), each person  
39 who spends an aggregate amount of \$100 or more to expressly advocate  
40 the nomination, election or defeat of any candidate for precinct commit-  
41 teeman or committeewoman prior to the ninth day preceding the primary  
42 election shall file a report containing the information required by para-  
43 graph (1) of subsection (b). Such report shall be filed with the county

1 election official of the county of residence of the candidate for the office  
2 of precinct committeeman or committeewoman whose candidacy was af-  
3 fected not later than the ninth day preceding the primary election. The  
4 report required by this subsection shall be in addition to, and not in lieu  
5 of, the report required by subsection (b).

6 (d) Any candidate for election to precinct committeeman or precinct  
7 committeewoman shall not be subject to the reporting requirements of  
8 subsections (b) and (c) if such candidate's total aggregate expenditures  
9 for such candidate's election are less than \$100.

10 (e) The terms "contribution," "expenditure," "expressly advocate the  
11 nomination, election or defeat of a clearly identified candidate" and "per-  
12 son" shall have the meaning ascribed to them in K.S.A. 25-4143 and  
13 amendments thereto.

14 (f) Violation of this section is a class C misdemeanor.

15 (g) The provisions of this section shall be part of and supplemental  
16 to the Kansas campaign finance act.

17 Sec. 5. K.S.A. 25-4148 is hereby amended to read as follows: 25-

18 4148. (a) (1) Every treasurer shall file a report prescribed by this section.  
19 Reports filed by treasurers for candidates for state office, other than of-  
20 ficers elected on a state-wide basis, shall be filed in both the office of the  
21 secretary of state and in the office of the county election officer of the  
22 county in which the candidate is a resident. Reports filed by treasurers  
23 for candidates for state-wide office shall be filed only with the secretary  
24 of state. Reports filed by treasurers for candidates for local office shall be  
25 filed in the office of the county election officer of the county in which  
26 the name of the candidate is on the ballot.

27 (2) Except as otherwise provided by subsection (h), all such reports  
28 shall be filed in time to be received in the offices required on or before  
29 each of the following days:

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

34 ~~(2)~~ (B) The eighth day preceding a general election, ~~which. Such~~  
35 report shall be for the period beginning 11 days before the primary elec-  
36 tion and ending 12 days before the general election, inclusive;

37 ~~(3)~~ (C) January 10 of the year after an election year, ~~which. Such~~  
38 report shall be for the period beginning 11 days before the general elec-  
39 tion and ending on December 31, inclusive;

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

42 ~~—(5)—~~ A treasurer shall file ~~only~~ the annual report required by ~~subsec-~~  
43 ~~tion (4) this subparagraph only~~ for those years when the candidate is not

- 1 participating in a primary or general election.
- 2 (b) Each report required by this section shall state:
- 3 (1) Cash on hand on the first day of the reporting period;
- 4 (2) *Except as provided in subsection (c)*, the name and address of  
5 each person who has made one or more contributions in an aggregate  
6 amount or value in excess of \$50 during the election period together with  
7 the amount and date of such contributions, including the name and ad-  
8 dress of every lender, guarantor and endorser when a contribution is in  
9 the form of an advance or loan;
- 10 (3) The aggregate amount of all proceeds from bona fide sales of  
11 political materials such as, but not limited to, political campaign pins,  
12 buttons, badges, flags, emblems, hats, banners and literature;
- 13 (4) The aggregate amount of contributions for which the name and  
14 address of the contributor is not known;
- 15 (5) Each contribution, rebate, refund or other receipt not otherwise  
16 listed;
- 17 (6) The total of all receipts;
- 18 (7) The name and address of each person to whom expenditures have  
19 been made in an aggregate amount or value in excess of \$50, with the  
20 amount, date, and purpose of each; the names and addresses of all persons  
21 to whom any loan or advance has been made; when an expenditure is  
22 made by payment to an advertising agency, public relations firm or po-  
23 litical consultants for disbursement to vendors, the report of such ex-  
24 penditure shall show in detail the name of each such vendor and the  
25 amount, date and purpose of the payments to each;
- 26 (8) The name and address of each person from whom an in-kind  
27 contribution was received or who has paid for personal services provided  
28 without charge to or for any candidate, candidate committee, party com-  
29 mittee or political committee, if the contribution is in excess of \$50 and  
30 is not otherwise reported under ~~subsection (b)(7)~~ *paragraph (7) of sub-*  
31 *section (b)*, and the amount, date and purpose of the contribution;
- 32 (9) (A) *The name and address of each candidate for state or local*  
33 *office for whom an expenditure in the form of an in-kind contribution has*  
34 *been made in an aggregate amount or having a fair market value in excess*  
35 *of \$300, with the amount, date and purpose of each. The report shall show*  
36 *in detail the specific service or product provided; and*
- 37 (B) *the name and address of each candidate for state or local office*  
38 *who is the subject of an expenditure which:*
- 39 (i) *Is made without the cooperation or consent of a candidate or can-*  
40 *didate committee;*
- 41 (ii) *expressly advocates the nomination, election or defeat of such can-*  
42 *didate; and*
- 43 (iii) *is an aggregate amount or having a fair market value in excess*

1 of \$300.

2 *The report shall state the amount, date and purpose of each. The report*  
3 *shall show in detail the specific service or product provided. The reporting*  
4 *requirements imposed by this paragraph shall be in addition to all other*  
5 *requirements required by this section. The provisions of this paragraph*  
6 *shall apply only to political committees and party committees.*

7 ~~(9) (10) The aggregate of all expenditures not otherwise reported~~  
8 ~~under this section; and.~~

9 ~~(10) (11) The total of expenditures.~~

10 (c) Treasurers of candidates and of candidate committees shall be  
11 ~~required to itemize, as provided in subsection (b)(2), only~~ *itemize* the  
12 purchase of tickets or admissions to testimonial events by a person who  
13 purchases such tickets or admissions in an aggregate amount or value in  
14 excess of \$50 per event, or who purchases such a ticket or admission at  
15 a cost exceeding \$25 per ticket or admission. All other purchases of tickets  
16 or admissions to testimonial events shall be reported in an aggregate  
17 amount and shall not be subject to the limitations specified in K.S.A. 25-  
18 4154, and amendments thereto.

19 (d) If a contribution or other receipt from a political committee is  
20 required to be reported under subsection (b), the report shall include the  
21 full name of the organization with which the political committee is con-  
22 nected or affiliated or, ~~name or a description sufficiently describing the~~  
23 ~~affiliation or, if of the connection to or affiliation with such organization.~~  
24 *If the committee is not connected or affiliated with any one organization,*  
25 *the report shall state the trade, profession or primary interest of the po-*  
26 *litical committee as reflected by the statement of purpose of such*  
27 *organization.*

28 (e) The commission may require any treasurer to file an amended  
29 report for any period for which the original report filed by such treasurer  
30 contains material errors or omissions, ~~and.~~ *The notice of the errors or*  
31 *omissions shall be part of the public record. The amended report shall*  
32 *be filed within 30 days after notice by the commission.*

33 (f) The commission may require any treasurer to file a report for any  
34 period for which the required report is not on file, ~~and.~~ *The notice of the*  
35 *failure to file shall be part of the public record. Such report shall be filed*  
36 *within five days after notice by the commission.*

37 (g) For the purpose of any report required to be filed pursuant to  
38 subsection (a) by the treasurer of any candidate seeking nomination by  
39 convention or caucus or by the treasurer of the candidate's committee or  
40 by the treasurer of any party committee or political committee, the date  
41 of the convention or caucus shall be considered the date of the primary  
42 election.

43 (h) If a report is sent by certified or registered mail on or before the

1 day it is due, the mailing shall constitute receipt by that office.

2 Sec. 6. K.S.A. 25-4156 is hereby amended to read as follows: 25-  
3 4156. (a) (1) Whenever any person sells space in any newspaper, magazine  
4 or other periodical to a candidate or to a candidate committee, party  
5 committee or political committee, the charge made for the use of such  
6 space shall not exceed the charges made for comparable use of such space  
7 for other purposes.

8 (2) Intentionally charging an excessive amount for political advertis-  
9 ing is a class A misdemeanor.

10 (b) (1) Corrupt political advertising of a state or local office is:

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

18 (B) broadcasting or causing to be broadcast by any radio or television  
19 station any paid matter which expressly advocates the nomination, elec-  
20 tion or defeat of a clearly identified candidate for a state or local office,  
21 unless such matter is followed by a statement which states: "Paid for" or  
22 "Sponsored by" followed by the name of the sponsoring organization and  
23 the name of the chairperson or treasurer of the political or other organ-  
24 ization sponsoring the same or the name of the individual who is respon-  
25 sible therefor; ~~or~~

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

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

41 The provisions of this subsection ~~(C)~~ (D) requiring the disclosure of  
42 the name of an individual shall not apply to individuals making expendi-  
43 tures in an aggregate amount of less than \$2,500 within a calendar year.

- 1     (2) Corrupt political advertising of a state or local office is a class C
- 2     misdemeanor.
- 3     (c) If any provision of this section or application thereof to any person
- 4     or circumstance is held invalid, such invalidity does not affect other pro-
- 5     visions or applications of this section which can be given effect without
- 6     the invalid application or provision, and to this end the provisions of this
- 7     section are declared to be severable.
- 8     Sec. 7. K.S.A. 25-4148 and 25-4156 are hereby repealed.
- 9     Sec. 8. This act shall take effect and be in force from and after its
- 10    publication in the statute book.