

SENATE Substitute for HOUSE BILL

No. 2079

By Committee on Ethics and Elections

3-19

12 AN ACT concerning the campaign finance act; pertaining to coverage
13 for certain retention elections; amending K.S.A. 25-4153 and K.S.A.
14 2009 Supp. 25-4143 and repealing the existing sections.

15

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

17 Section 1. K.S.A. 2009 Supp. 25-4143 is hereby amended to read as
18 follows: 25-4143. As used in the campaign finance act, unless the context
19 otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

43 (B) Any advance, conveyance, deposit, distribution, gift, loan or pay-

- 1 ment of money or any other thing of value made to expressly advocate
2 the nomination, election or defeat of a clearly identified candidate for a
3 state or local office;
- 4 (C) a transfer of funds between any two or more candidate commit-
5 tees, party committees or political committees;
- 6 (D) the payment, by any person other than a candidate, candidate
7 committee, party committee or political committee, of compensation to
8 an individual for the personal services rendered without charge to or for
9 a candidate's campaign or to or for any such committee;
- 10 (E) the purchase of tickets or admissions to, or advertisements in
11 journals or programs for, testimonial events;
- 12 (F) a mailing of materials designed to expressly advocate the nomi-
13 nation, election or defeat of a clearly identified candidate, which is made
14 and paid for by a party committee with the consent of such candidate.
- 15 (2) "Contribution" does not include:
- 16 (A) The value of volunteer services provided without compensation;
- 17 (B) costs to a volunteer related to the rendering of volunteer services
18 not exceeding a fair market value of \$50 during an allocable election
19 period as provided in K.S.A. 25-4149, and amendments thereto;
- 20 (C) payment by a candidate or candidate's spouse for personal meals,
21 lodging and travel by personal automobile of the candidate or candidate's
22 spouse while campaigning;
- 23 (D) the value of goods donated to events such as testimonial events,
24 bake sales, garage sales and auctions by any person not exceeding a fair
25 market value of \$50 per event.
- 26 (f) "Election" means:
- 27 (1) A primary or general election for state or local office; ~~and~~
- 28 (2) a convention or caucus of a political party held to nominate a
29 candidate for state or local office; *and*
- 30 (3) *an election to determine the retention of an incumbent:*
- 31 (A) *Justice of the supreme court who is subject to election upon the*
32 *question of retention pursuant to K.S.A. 25-111, and amendments thereto;*
- 33 (B) *judge of the court of appeals who is subject to election upon the*
34 *question of retention pursuant to K.S.A. 20-3006, and amendments*
35 *thereto;*
- 36 (C) *district court judge who is subject to election upon the question*
37 *of retention pursuant to either K.S.A. 20-2908 or 25-113, and amendments*
38 *thereto; and*
- 39 (D) *district magistrate judge who is subject to election upon the ques-*
40 *tion of retention pursuant to either K.S.A. 20-337 or 20-2908, and amend-*
41 *ments thereto.*
- 42 (g) (1) "Expenditure" means:
- 43 (A) Any purchase, payment, distribution, loan, advance, deposit or

1 gift of money or any other thing of value made by a candidate, candidate
2 committee, party committee or political committee for the express pur-
3 pose of nominating, electing or defeating a clearly identified candidate
4 for a state or local office.

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

9 (C) any contract to make an expenditure;

10 (D) a transfer of funds between any two or more candidate commit-
11 tees, party committees or political committees; or

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

13 (2) "Expenditure" does not include:

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

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

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

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

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

29 (h) "Expressly advocate the nomination, *retention or nonretention*,
30 election or defeat of a clearly identified candidate" means any commu-
31 nication which uses phrases including, but not limited to:

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

33 (2) "re-elect your senator";

34 (3) "support the democratic nominee";

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

36 (5) "Smith for senate";

37 (6) "Bob Jones in '98";

38 (7) "vote against Old Hickory";

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

40 (9) "Smith's the one";

41 (10) "*retain judge or justice Smith*";

42 (11) "*retire judge or justice Smith*"; or

43 (12) "*reject judge or justice Smith*".

- 1 (i) “Party committee” means:
- 2 (1) The state committee of a political party regulated by article 3 of
- 3 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
- 4 (2) the county central committee or the state committee of a political
- 5 party regulated under article 38 of chapter 25 of the Kansas Statutes
- 6 Annotated, and amendments thereto;
- 7 (3) the bona fide national organization or committee of those political
- 8 parties regulated by the Kansas Statutes Annotated;
- 9 (4) not more than one political committee established by the state
- 10 committee of any such political party and designated as a recognized
- 11 political committee for the senate;
- 12 (5) not more than one political committee established by the state
- 13 committee of any such political party and designated as a recognized
- 14 political committee for the house of representatives; or
- 15 (6) not more than one political committee per congressional district
- 16 established by the state committee of a political party regulated under
- 17 article 38 of chapter 25 of the Kansas Statutes Annotated, and amend-
- 18 ments thereto, and designated as a congressional district party committee.
- 19 (j) “Person” means any individual, committee, corporation, partner-
- 20 ship, trust, organization or association.
- 21 (k) (1) “Political committee” means any combination of two or more
- 22 individuals or any person other than an individual, a major purpose of
- 23 which is to expressly advocate the nomination, *retention or nonretention*,
- 24 election or defeat of a clearly identified candidate for state or local office
- 25 or make contributions to or expenditures for the nomination, *retention*
- 26 *or nonretention*, election or defeat of a clearly identified candidate for
- 27 state or local office.
- 28 (2) “Political committee” shall not include a candidate committee or
- 29 a party committee.
- 30 (l) “Receipt” means a contribution or any other money or thing of
- 31 value, but not including volunteer services provided without compensa-
- 32 tion, received by a treasurer in the treasurer’s official capacity.
- 33 (m) “State office” means ~~any state office as defined in K.S.A. 25-2505,~~
- 34 ~~and amendments thereto~~ *the state officers elected on a statewide basis,*
- 35 *members of the house of representatives and state senators, members of*
- 36 *the state board of education, justices of the supreme court, judges of the*
- 37 *court of appeals, district judges, district magistrate judges and district*
- 38 *attorneys.*
- 39 (n) “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) “Treasurer” means a treasurer of a candidate or of a candidate

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

5 (p) “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. 2. K.S.A. 25-4153 is hereby amended to read as follows: 25-
10 4153. (a) The aggregate amount contributed to a candidate and such
11 candidate’s candidate committee and to all party committees and political
12 committees and dedicated to such candidate’s campaign, by any political
13 committee or any person except a party committee, the candidate or the
14 candidate’s spouse, shall not exceed the following:

15 (1) For the pair of offices of governor and lieutenant governor or for
16 other state officers elected from the state as a whole, \$2,000 for each
17 primary election (or in lieu thereof a caucus or convention of a political
18 party) and an equal amount for each general election;

19 (2) *for a justice of the supreme court or a judge of the court of appeals,*
20 *\$2,000 for each retention election;*

21 (3) *for a district judge or a district magistrate judge, \$1,000 for each*
22 *retention election;*

23 (4) For the office of member of the house of representatives, district
24 judge, district magistrate judge, district attorney, ~~member of the state~~
25 ~~board of education~~ or a candidate for local office, \$500 for each primary
26 election (or in lieu thereof a caucus or convention of a political party) and
27 an equal amount for each general election.

28 ~~(5)~~ (5) For the office of state senator [***or member of the state board***
29 ***of education***], \$1,000 for each primary election (or in lieu thereof a
30 caucus or convention of a political party) and an equal amount for each
31 general election.

32 (b) For the purposes of this section, the face value of a loan at the
33 end of the period of time allocable to the primary or general election is
34 the amount subject to the limitations of this section. A loan in excess of
35 the limits herein provided may be made during the allocable period if
36 such loan is reduced to the permissible level, when combined with all
37 other contributions from the person making such loan, at the end of such
38 allocable period.

39 (c) For the purposes of this section, all contributions made by une-
40 mancipated children under 18 years of age shall be considered to be
41 contributions made by the parent or parents of such children. The total
42 amount of such contribution shall be attributed to a single custodial par-
43 ent and 50% of such contribution to each of two parents.

1 (d) The aggregate amount contributed to a state party committee by
2 a person other than a national party committee or a political committee
3 shall not exceed \$15,000 in each calendar year; and the aggregate amount
4 contributed to any other party committee by a person other than a na-
5 tional party committee or a political committee shall not exceed \$5,000
6 in each calendar year.

7 The aggregate amount contributed by a national party committee to a
8 state party committee shall not exceed \$25,000 in any calendar year, and
9 the aggregate amount contributed to any other party committee by a
10 national party committee shall not exceed \$10,000 in any calendar year.

11 The aggregate amount contributed to a party committee by a political
12 committee shall not exceed \$5,000 in any calendar year.

13 (e) Any political funds which have been collected and were not sub-
14 ject to the reporting requirements of this act shall be deemed a person
15 subject to these contribution limitations.

16 (f) Any political funds which have been collected and were subject to
17 the reporting requirements of the campaign finance act shall not be used
18 in or for the campaign of a candidate for a federal elective office.

19 (g) The amount contributed by each individual party committee of
20 the same political party other than a national party committee to any
21 candidate for office, for any primary election at which two or more can-
22 didates are seeking the nomination of such party shall not exceed the
23 following:

24 (1) For the pair of offices of governor and lieutenant governor and
25 for each of the other state officers elected from the state as a whole,
26 \$2,000 for each primary election (or in lieu thereof a caucus or convention
27 of a political party);

28 (2) For the office of member of the house of representatives, district
29 judge, district magistrate judge, district attorney, ~~member of the state~~
30 ~~board of education~~ or a candidate for local office, \$500 for each primary
31 election (or in lieu thereof a caucus or convention of a political party).

32 (3) For the office of state senator [*or member of the state board*
33 *of education*], \$1,000 for each primary election (or in lieu thereof a
34 caucus or convention of a political party).

35 (h) When a candidate for a specific cycle does not run for office, the
36 contribution limitations of this section shall apply as though the individual
37 had sought office.

38 (i) No person shall make any contribution or contributions to any
39 candidate or the candidate committee of any candidate in the form of
40 money or currency of the United States which in the aggregate exceeds
41 \$100 for any one primary or general election, and no candidate or can-
42 didate committee of any candidate shall accept any contribution or con-
43 tributions in the form of money or currency of the United States which

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1 in the aggregate exceeds \$100 from any one person for any one primary
2 or general election.

3 Sec. 3. K.S.A. 25-4153 and K.S.A. 2009 Supp. 25-4143 are hereby
4 repealed.

5 Sec. 4. This act shall take effect and be in force from and after its
6 publication in the Kansas register.