

SENATE Substitute for HOUSE BILL No. 2082

By Committee on Ethics and Elections

3-11

9 AN ACT concerning campaign finance; relating to electioneering com-
10 munication; establishing certain reporting requirements.

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

13 Section 1. (a) Any person who spends or contracts to spend an
14 amount of \$500 or more per calendar year for any electioneering com-
15 munication shall submit a campaign finance report prescribed and pro-
16 vided by the governmental ethics commission for each electioneering
17 communication, which shall include:

18 (1) The name of the clearly identified candidate mentioned in the
19 electioneering communication;

20 (2) the name, street address, city, state and zip code of each individual
21 or other entity that contributes more than \$500 per year to such person
22 for an electioneering communication. In addition, the report shall list the
23 occupation of any individual who contributed \$500 or more;

24 (3) the name, street address, city, state and zip code of the vendor to
25 whom a payment of more than \$500 for such electioneering communi-
26 cation is made or contracted to be made; and

27 (4) the amount spent on or contracted to be spent on such election-
28 eering communication. If the person making the electioneering com-
29 munication is an individual, such reports shall also include the occupation
30 of such individual. Reports required by this section shall be in addition
31 to any other reports required by law.

32 (b) (1) (A) For an electioneering communication concerning a can-
33 didate for state office, the report required by subsection (a) shall be filed
34 only with the secretary of state.

35 (B) For an electioneering communication concerning a candidate for
36 local office, the report required by subsection (a) shall be filed in the
37 office of the county election officer of the county in which the name of
38 the candidate is on the ballot.

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

43 (3) For any electioneering communication occurring during the 11

1 days preceding the election, the report required by subsection (a) shall
2 be filed on or before the close of the second business day following the
3 day in which such funds are spent or contracted to be spent for such
4 electioneering communication.

5 (c) For the purpose of this section:

6 (1) "Electioneering communication" means any communication that
7 reaches 500 or more persons broadcast by television or radio, printed in
8 a newspaper or on a billboard, directly mailed or delivered by hand to
9 personal residences or otherwise distributed that:

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

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

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

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

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

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

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

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

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

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

32 (d) Any federally registered political action committee that pays for
33 electioneering communications in Kansas, which has reported all of its
34 contributions and expenditures to the federal elections commission in
35 compliance with the federal elections campaign act (FECA) shall not be
36 subject to the disclosures to the state of Kansas under section (a), but
37 shall be subject to all other disclosures under this section.

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

40 Sec. 2. This act shall take effect and be in force from and after its
41 publication in the statute book.