

HOUSE BILL No. 2193

By Committee on Local Government

2-2

10 AN ACT concerning campaign finance; ~~removing requirement for can-~~
11 ~~didates for certain state offices to file reports with county election~~
12 ~~officials~~; amending K.S.A. 2008 Supp. 25-4148 and repealing the ex-
13 isting section.

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

16 Section 1. K.S.A. 2008 Supp. 25-4148 is hereby amended to read as
17 follows: 25-4148. (a) Every treasurer shall file a report prescribed by this
18 section. Reports filed by treasurers for candidates for state office, other
19 than officers elected on a state-wide basis, shall be filed in ~~both~~ the office
20 of the secretary of state ~~and in the office of the county election officer of~~
21 ~~the county in which the candidate is a resident~~. Reports filed by treasurers
22 for candidates for state-wide office shall be filed only with the secretary
23 of state. Reports filed by treasurers for candidates for local office shall be
24 filed in the office of the county election officer of the county in which
25 the name of the candidate is on the ballot. Except as otherwise provided
26 by subsection (h), all such reports shall be filed in time to be received in
27 the offices required on or before each of the following days:

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

32 (2) the eighth day preceding a general election, which report shall be
33 for the period beginning 11 days before the primary election and ending
34 12 days before the general election, inclusive;

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

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

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

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

- 1 (1) Cash on hand on the first day of the reporting period;
- 2 (2) the name and address of each person who has made one or more
- 3 contributions in an aggregate amount or value in excess of \$50 during the
- 4 election period together with the amount and date of such contributions,
- 5 including the name and address of every lender, guarantor and endorser
- 6 when a contribution is in the form of an advance or loan;
- 7 (3) the aggregate amount of all proceeds from bona fide sales of po-
- 8 litical materials such as, but not limited to, political campaign pins, but-
- 9 tons, badges, flags, emblems, hats, banners and literature;
- 10 (4) the aggregate amount of contributions for which the name and
- 11 address of the contributor is not known;
- 12 (5) each contribution, rebate, refund or other receipt not otherwise
- 13 listed;
- 14 (6) the total of all receipts;
- 15 (7) the name and address of each person to whom expenditures have
- 16 been made in an aggregate amount or value in excess of \$50, with the
- 17 amount, date, and purpose of each; the names and addresses of all persons
- 18 to whom any loan or advance has been made; when an expenditure is
- 19 made by payment to an advertising agency, public relations firm or po-
- 20 litical consultants for disbursement to vendors, the report of such ex-
- 21 penditure shall show in detail the name of each such vendor and the
- 22 amount, date and purpose of the payments to each;
- 23 (8) the name and address of each person from whom an in-kind con-
- 24 tribution was received or who has paid for personal services provided
- 25 without charge to or for any candidate, candidate committee, party com-
- 26 mittee or political committee, if the contribution is in excess of \$100 and
- 27 is not otherwise reported under subsection (b)(7), and the amount, date
- 28 and purpose of the contribution;
- 29 (9) the aggregate of all expenditures not otherwise reported under
- 30 this section; and
- 31 (10) the total of expenditures.
- 32 (c) In addition to the requirements of subsection (b), every treasurer
- 33 for any political committee and party committee shall report the
- 34 following:
 - 35 (1) (A) The name and address of each candidate for state or local
 - 36 office for whom an expenditure in the form of an in-kind contribution
 - 37 has been made in an aggregate amount or having a fair market value in
 - 38 excess of \$300, with the amount, date and purpose of each. The report
 - 39 shall show in detail the specific service or product provided; and
 - 40 (B) the name and address of each candidate for state or local office
 - 41 who is the subject of an expenditure which:
 - 42 (i) Is made without the cooperation or consent of a candidate or can-
 - 43 didate committee;

- 1 (ii) expressly advocates the nomination, election or defeat of such
2 candidate; and
- 3 (iii) is an aggregate amount or having a fair market value in excess of
4 \$300.
- 5 (2) The report shall state the amount, date and purpose of the ex-
6 penditure in the form of an in-kind contribution. The report shall show
7 in detail the specific service or product provided. The reporting require-
8 ments imposed by this subsection shall be in addition to all other require-
9 ments required by this section.
- 10 (d) Treasurers of candidates and of candidate committees shall item-
11 ize the purchase of tickets or admissions to testimonial events by a person
12 who purchases such tickets or admissions in an aggregate amount or value
13 in excess of \$50 per event, or who purchases such a ticket or admission
14 at a cost exceeding \$25 per ticket or admission. All other purchases of
15 tickets or admissions to testimonial events shall be reported in an aggre-
16 gate amount and shall not be subject to the limitations specified in K.S.A.
17 25-4154, and amendments thereto.
- 18 (e) If a contribution or other receipt from a political committee is
19 required to be reported under subsection (b), the report shall include the
20 full name of the organization with which the political committee is con-
21 nected or affiliated or, a description of the connection to or affiliation
22 with such organization. If, the committee is not connected or affiliated
23 with any one organization, the report shall state the trade, profession or
24 primary interest of the political committee as reflected by the statement
25 of purpose of such organization.
- 26 (f) The commission may require any treasurer to file an amended
27 report for any period for which the original report filed by such treasurer
28 contains material errors or omissions. The notice of the errors or
29 omissions shall be part of the public record. The amended report shall
30 be filed within 30 days after notice by the commission.
- 31 (g) The commission may require any treasurer to file a report for any
32 period for which the required report is not on file. The notice of the
33 failure to file shall be part of the public record. Such report shall be filed
34 within five days after notice by the commission.
- 35 (h) For the purpose of any report required to be filed pursuant to
36 subsection (a) by the treasurer of any candidate seeking nomination by
37 convention or caucus or by the treasurer of the candidate's committee or
38 by the treasurer of any party committee or political committee, the date
39 of the convention or caucus shall be considered the date of the primary
40 election.
- 41 (i) If a report is sent by certified or registered mail on or before the
42 day it is due, the mailing shall constitute receipt by that office.
- 43 (j) Any report required by this section may be signed by the candidate

1 in lieu of the candidate’s treasurer or the treasurer of the candidate’s
2 committee.

3 **[New Sec. 2. (a) Any person who spends or contracts to spend**
4 **an amount of \$500 or more per calendar year for any electioneer-**
5 **ing communication shall submit a campaign finance report pre-**
6 **scribed and provided by the governmental ethics commission for**
7 **each electioneering communication, which shall include:**

8 **[(1) The name of the clearly identified candidate mentioned in**
9 **the electioneering communication.**

10 **[(2) The name, street address, city, state and zip code of each**
11 **individual or other entity that contributes more than \$50 per year**
12 **to such person for an electioneering communication. In addition,**
13 **the report shall list the occupation of any individual who contrib-**
14 **uted \$150 or more.**

15 **[(3) The name, street address, city, state and zip code of the**
16 **vendor to whom a payment of more than \$50 for such election-**
17 **eering communication is made or contracted to be made.**

18 **[(4) The amount spent on or contracted to be spent on such**
19 **electioneering communication. If the person making the election-**
20 **eering communication is an individual, such reports shall also in-**
21 **clude the occupation and employer of such individual. Reports re-**
22 **quired by this section shall be in addition to any other reports**
23 **required by law.**

24 **[(b) (1) (A) For an electioneering communication concerning**
25 **a candidate for state office, the report required by subsection (a)**
26 **shall be filed only with the secretary of state.**

27 **[(B) For an electioneering communication concerning a can-**
28 **didate for local office, the report required by subsection (a) shall**
29 **be filed in the office of the county election officer of the county in**
30 **which the name of the candidate is on the ballot.**

31 **[(2) Except as required by paragraph (3), each report required**
32 **by subsection (a) shall be filed in time to be received in the offices**
33 **required in accordance with the times set forth in K.S.A. 25-4148**
34 **and amendments thereto.**

35 **[(3) For any electioneering communication occurring during**
36 **the 11 days preceding the election, the report required by subsec-**
37 **tion (a) shall be filed on or before the close of the second business**
38 **day following the day in which such funds are spent or contracted**
39 **to be spent for such electioneering communication.**

40 **[(c) For the purposes of this section:**

41 **[(1) “Electioneering communication” means any communica-**
42 **tion that reaches 300 or more persons broadcast by television or**
43 **radio, printed in a newspaper or on a billboard, directly mailed or**

1 **delivered by hand to personal residences or otherwise distributed**
2 **that:**
3 **[(A) Unambiguously refers to any clearly identified candidate;**
4 **[(B) is broadcast, printed, mailed, delivered or distributed**
5 **within 30 days before a primary election or 60 days before a gen-**
6 **eral election;**
7 **[(C) is broadcast to, printed in a newspaper distributed to,**
8 **mailed to, delivered by hand to, or otherwise distributed to an**
9 **audience that includes members of the electorate for such public**
10 **office.**
11 **[(2) “Electioneering communication” does not include:**
12 **[(A) Any news articles, editorial endorsements, opinion or com-**
13 **mentary writings, or letters to the editor printed in a newspaper,**
14 **magazine or other periodical not owned or controlled by a can-**
15 **didate or political party;**
16 **[(B) any editorial endorsements or opinions aired by a broad-**
17 **cast facility not owned or controlled by a candidate or political**
18 **party;**
19 **[(C) any communication by persons made in the regular course**
20 **and scope of their business or any communication made by a mem-**
21 **bership organization solely to members of such organization and**
22 **their families;**
23 **[(D) any communication that refers to any candidate only as**
24 **part of the popular name of a bill or statute;**
25 **[(E) any communication made solely to promote a candidate**
26 **debate or forum that is made by or on behalf of the person spon-**
27 **soring such debate or forum; or**
28 **[(F) any communication made as part of a nonpartisan activity**
29 **designed to encourage individuals to vote or register to vote.**
30 **[(d) The provisions of this section shall be part of and supple-**
31 **mental to the campaign finance act.]**
32 **Sec. 2 [3]. K.S.A. 2008 Supp. 25-4148 is hereby repealed.**
33 **Sec. 3 [4]. This act shall take effect and be in force from and after**
34 **its publication in the statute book.**