

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2009

SENATE BILL No. 71

By Committee on Education

1-22

12 AN ACT concerning certain elections; amending K.S.A. 25-901 and re-
13 pealing the existing section.

14

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

16 Section 1. K.S.A. 25-901 is hereby amended to read as follows: 25-
17 901. (a) Every committee, club, organization, municipality or association
18 designed to promote or engaged in promoting the success or defeat of
19 any party or the election or defeat of any candidate or candidates for any
20 city of the second and third class, unified school district, except unified
21 school districts having 35,000 or more pupils regularly enrolled in the
22 preceding school year any community college or township office, or the
23 adoption or defeat of any question submitted at any city, unified school
24 district, community college, township or county election, shall have a
25 treasurer, and shall cause to be kept a detailed account of all moneys or
26 property or other thing of value received by it, and of the manner in
27 which the same shall be expended; and shall file annually with the county
28 election officer of the county in which such committee, club, organization
29 or association has its headquarters a statement of all its receipts and ex-
30 penditures, showing in detail from whom such moneys or property or
31 other thing of value were received, to whom such moneys or property or
32 other thing of value were paid, for what specific purposes each payment
33 was made, and the exact nature of the service rendered in consideration
34 thereof.

35 The annual statement herein required shall be filed on or before De-
36 cember 31, such statement shall cover the period ending on December
37 1 immediately preceding. The accounts of the state committee of each
38 political party shall be audited annually by a certified public accountant
39 and a copy of the audit filed with the secretary of state.

40 This section and K.S.A. 25-905, and amendments thereto, shall not be
41 construed to require any committee, club, organization, municipality or
42 association which is subject to the campaign finance act (K.S.A. 25-4101
43 et seq.) to file reports required by this act.

1 (b) In addition to the requirements of subsection (a), every committee,
 2 club, organization, municipality or association designed to promote or
 3 engaged in promoting the adoption or defeat of any question submitted
 4 at any city, unified school district, community college, township or county
 5 election, shall cause to be kept a detailed ~~account of~~ **statement account-**
 6 **ing for** all moneys or property or other thing of value received by it, and
 7 of the manner in which the same shall be expended; and shall file with
 8 the county election officer of the county in which such committee, club,
 9 organization, municipality or association has its headquarters ~~;~~ **(1) A**
 10 statement of all its receipts and expenditures, showing in detail from
 11 whom such moneys or property or other thing of value were received, to
 12 whom such moneys or property or other thing of value were paid, for
 13 what specific purposes each payment was made, and the exact nature of
 14 the service rendered in consideration thereof on or before the eighth day
 15 preceding the election for the period beginning January 1 of the election
 16 year and ending 12 days before the election, inclusive; **and**

17 **(2) a statement of all its receipts and expenditures, showing in**
 18 **detail from whom such moneys, property or other thing of value of**
 19 **\$300 or more were received, and to whom such moneys or property**
 20 **or other thing of value were paid, for what specific purposes each**
 21 **payment was made, and the exact nature of the service rendered in**
 22 **consideration thereof on or before the second day preceding the**
 23 **election for the period beginning 11 days before the election and**
 24 **ending three days before the election.**

25 [New Sec. 2. (a) No officer or employee of any municipality or
 26 member of the governing body thereof, shall use or authorize the
 27 use of public funds or public vehicles, machinery, equipment or
 28 supplies of any such municipality, or the time of any officer or em-
 29 ployee of any such municipality or member of the governing body
 30 thereof, for which the officer or employee or member of the govern-
 31 ing body thereof is compensated by such municipality to:

32 [(1) Expressly advocate the nomination, election or defeat of a
 33 clearly identified candidate to state office or local office. The pro-
 34 visions of this section prohibiting the use of time of any officer or
 35 employee for such purposes shall not apply to an incumbent officer
 36 campaigning for nomination or reelection to a succeeding term to
 37 such office or to members of the personal staff of any elected officer;
 38 or

39 [(2) promote or engage in promoting the success or defeat of the
 40 adoption or defeat of any question submitted at any city, unified
 41 school district, community college, township, county or state
 42 election.

43 [(b) For the purposes of this subsection, the terms “governing

- 1 ***body” and “municipality” shall have the meaning ascribed to it in***
- 2 ***K.S.A. 12-105a and amendments thereto.***
- 3 ***[(c) Any person violating the provisions of this section shall be***
- 4 ***guilty of a class C misdemeanor.]***
- 5 ***Sec. ~~2~~ [3.] K.S.A. 25-901 is hereby repealed.***
- 6 ***Sec. ~~3~~ [4.] This act shall take effect and be in force from and after***
- 7 ***its publication in the statute book.***