

**25-4119h. Application of the Kansas administrative procedure act, the Kansas code of civil procedure and the Kansas judicial review act to actions of the commission; limitations; waiver of any civil or legal right of respondent prohibited rules and regulations to provide standards of recusal of members and employees.**

- (a) The provisions of the Kansas administrative procedure act, the Kansas code of civil procedure and the Kansas judicial review act shall apply to actions by the governmental ethics commission or commission staff, including, but not limited to, applications for judicial relief in district court. ~~All actions filed by the commission in district court after a complaint has been filed pursuant to this act shall constitute a claim for purposes of the Kansas public speech protection act.~~
- (b) Any action before the commission shall be brought within five years of the act giving rise to the cause of action or complaint.
  - 1. In the event that an act giving rise to a cause of action or complaint is not discovered at the time it occurs due to misrepresentation, concealment, or fraud, then an action before the commission may be brought after five years of the discovery of the fraudulent act if the commission finds that equitable tolling is appropriate
  - 2. To request equitable tolling, a complainant must allege, in the complaint, facts sufficient to demonstrate the misrepresentation, concealment, or fraud that delayed the discovery of the act giving rise to the cause of action or complaint.
- (c) No action by the commission, including, but not limited to, the issuance of any consent order, order dismissing a complaint or any other preliminary or final order by the commissions, shall require a respondent to waive any civil or legal rights to judicial recourse in any manner.
- (d) The commission shall provide by rules and regulations the standards by which any member of the commission, the executive director or any other person employed or engaged by the commission shall recuse themselves from any matter before the commission by reason of a conflict of interest, appearance of impropriety or other basis affecting the ability of the commission to neutrally and fairly enforce the campaign finance act.

**25-4143. Campaign finance; definitions.**

As used in the campaign finance act, unless the context otherwise requires:

(a) “Agent” means an individual who is:

- (1) A candidate;
- (2) a chairperson of a candidate, political or party committee;
- (3) a treasurer; or
- (4) any director, officer, employee, paid consultant or other person who is authorized to act on behalf of persons listed in this subsection.

(b) “Candidate” means an individual who:

- (1) Appoints a treasurer or a candidate committee;
- (2) makes a public announcement of intention to seek nomination or election to state or local office;
- (3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or
- (4) files a declaration or petition to become a candidate for state or local office.

(c) “Candidate committee” means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(d) “Clearly identified candidate” means a candidate who has been identified by the:

- (1) Use of the name of the candidate;
- (2) use of a photograph or drawing of the candidate; or
- (3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(e) “Commission” means the governmental ethics commission.

(f)(1) “Contribution” means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office;

(B) any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office; including any coordinated expenditure as defined by K.S.A. 25-####;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events; or

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) “Contribution” does not include:

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

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

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning; or

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

(g) “Election” means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(h)(1) “Expenditure” means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office;

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

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees; or

(F) any independent expenditure, which is an expenditure by a person that:

(1) expressly advocates the nomination, election or defeat of a clearly identified candidate; and

(2) does not meet the definition of coordinated expenditure as defined in K.S.A. 25-####.

(2) “Expenditure” does not include:

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

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

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

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

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate; or

(i) “Expressly advocate the nomination, election or defeat of a clearly identified candidate” means any communication that uses phrases including, but not limited to:

(1) “Vote for the secretary of state”;

(2) “re-elect your senator”;

(3) “support the democratic nominee”;

(4) “cast your ballot for the republican challenger for governor”;

(5) “Smith for senate”;

(6) “Bob Jones in ‘98”;

(7) “vote against Old Hickory”;

(8) “defeat” accompanied by a picture of one or more candidates; ~~or~~

(9) “Smith's the one;” or

(10) within 90 days of an election, a communication that could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly

identified candidates because the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning, and reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates or encourages some other kind of action.

(###) “In-kind contribution” means a contribution of goods, services, or anything of value to a candidate, candidate committee, party committee, or any representative of them without charge or provision of such items at a charge to the recipient of less than the fair market value, or the use of any goods, services, or anything of value, or the spending of any money, for the benefit of any candidate, candidate committee, party committee, or political committee when the use or expenditure is a coordinated expenditure as defined in K.S.A. 25-####.

(j) “Party committee” means:

- (1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
- (2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
- (3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;
- (4) the political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;
- (5) the political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or
- (6) the political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

(k) “Person” means any individual, committee, corporation, partnership, trust, organization or association.

(l)(1) “Political committee” means any combination of two or more individuals or any person other than an individual, organized or maintained to receive and expend contributions for the major purpose of expressly advocating the nomination, election or defeat of a clearly identified candidate for state or local office. The term shall not include a campaign committee, federal political committee, out-of-state political committee, political party committee, inaugural committee, or married couple.

(2) “The major purpose” means that more than 50% of the committee’s expenditures are made in the form of contributions to candidates, candidate committees, party committees, or political committees registered in Kansas, and are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office. Administrative expenditures and the transfer of funds between affiliated or connected organizations shall not be considered in determining the committee’s major purpose. The major purpose of the

committee shall be determined based on the entirety of the committee’s organization. If such a determination poses an unreasonable burden based on the scope of records, or such records do not exist, the previous five years shall be used to determine the major purpose of the committee.

(3) In determining whether a person constitutes a political committee that should be registered but is not, if a person has expended in excess of \$2,500 in contributions or expenditures expressly advocating the nomination, election or defeat of a clearly identified candidate for state or local office in an election period, a rebuttable presumption of reasonable suspicion shall exist that the person is a political committee.

(4) If a person should register as a political committee and does not, and at least one political committee receipts and expenditures report was not filed before an election when it should have been, the Commission may assess a civil fine, after proper notice and an opportunity to be heard, against the person in an amount not to exceed three times the total amount that the person expended expressly advocating the nomination, election or defeat of a clearly identified candidate for state and local office and direct contributions during the period at issue, in addition to any other penalty or fine assessed under the campaign finance act.

~~any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.~~

(5) “Political committee” shall not include a candidate committee or a party committee.

(m) “Receipt” means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(n) “State office” means any state office as defined in K.S.A. 25-2505, and amendments thereto.

(o) “Testimonial event” means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. “Testimonial events” includes, but are not limited to, dinners, luncheons, rallies, barbecues and picnics.

(p) “Treasurer” means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to K.S.A. 25-4172(a)(2), and amendments thereto.

(q) “Local office” means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

**25-4144. Appointment of campaign treasurer or candidate committee; reports to secretary of state and county election officer; governor candidate's responsibilities.**

Not later than 10 days after becoming a candidate, every candidate shall appoint a treasurer or in lieu thereof shall appoint a candidate committee. The treasurer so appointed may be the candidate making such appointment. No candidate shall appoint more than one candidate committee to exist at the same time. If a candidate appoints a candidate committee, such candidate shall appoint a chairperson and a treasurer thereof, and the treasurer so appointed may be the candidate. No person who is registered as a lobbyist in accordance with K.S.A. 46-265, and amendments thereto, shall be eligible for appointment as treasurer for any candidate or candidate committee. The name, address and email address, ~~which such email address shall be optional,~~ of each treasurer and chairperson appointed under this section by a candidate for a state office shall be reported to the secretary of state by the candidate not later than 10 days after such appointment. The name address and email address, ~~which such email address shall be optional,~~ of each treasurer and chairperson appointed under this section by a candidate for a local office shall be reported to the county election officer by the candidate not later than 10 days after such appointment. The candidate for governor shall carry out the requirements and responsibilities of the candidate under the campaign finance act, for the pair of candidates for governor and lieutenant governor, unless another specific provision applies.

**25-4145. Party and political committees; appointment of chairperson and treasurer; statement of organization; contents; supplemental statements; political committees annual registration, form and content; registration fees, amount and disposition.**

(a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee which anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee which anticipates receiving contributions or making expenditures for any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee. The name of the committee shall reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with any one organization, the name shall reflect the trade, profession or primary interest of the committee as reflected by the statement of purpose of such organization;

(2) the names, addresses, and email addresses, ~~which such email addresses shall be optional,~~ of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

(d) (1) Each political committee ~~which anticipates receiving contributions~~ shall register annually with the commission on or before July 1 of each year until such political committee has been terminated. Each political committee registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a political committee anticipating the receipt of more than \$15,000 in any calendar year shall be accompanied by an annual registration fee of \$750.

(3) Each registration by a political committee anticipating the receipt of more than \$7,500 but less than \$15,001 in any calendar year shall be accompanied by an annual registration fee of \$500.

(4) Each registration by a political committee anticipating the receipt of more than \$2,500 but less than \$7,501 in any calendar year shall be accompanied by an annual registration fee of \$250.



(5) Each registration by a political committee anticipating the receipt of \$2,500 or less in any calendar year shall be accompanied by an annual registration fee of \$50.

(6) Any political committee that is currently registered under subsection (d)(4) or (d)(5) and that receives contributions in excess of the registered amount for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form that shall be accompanied by an additional fee for such year equal to the difference between the fee owed and the amount of the fee that accompanied the current registration.

(e) All such fees received by or for the commission shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

(f) A political committee may only be terminated by filing at termination report or through administrative termination as outlined in K.S.A. 25-4157(d).

**25-4146. Removal of treasurer or chairperson; filling vacancy of treasurer; substantiation of records of treasurer; notification to secretary of state or county election officer; receipts and expenditures, when.**

(a) A candidate may remove any treasurer or chairperson that such candidate has appointed, and a party committee or political committee may remove its chairperson or treasurer. ~~A candidate shall remove any treasurer, that such candidate has appointed, against whom a civil penalty has been imposed pursuant to K.S.A. 25-4152, and amendments thereto.~~ In case of a vacancy in the position of treasurer of a candidate before all of the obligations of the treasurer have been performed, such candidate shall be such candidate's own treasurer from the date of such vacancy until such time as the candidate appoints a successor and reports the name and address of the treasurer to the secretary of state if the candidate is a candidate for state office or to the county election officer if the candidate is a candidate for local office. In case of a vacancy in the position of treasurer of a candidate committee, the candidate shall be treasurer from the date of vacancy or removal, until such time as the candidate appoints a successor and reports the name and address of the treasurer to the secretary of state if the candidate is a candidate for state office or to the county election officer if the candidate is a candidate for local office. In case of a vacancy in the position of treasurer of a party committee or political committee, such committee chairperson shall be treasurer from the date of vacancy or removal until such time as the committee appoints a successor and reports the name and address of the treasurer: (1) To the secretary of state if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for state office; or (2) to the county election officer if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for local office. An individual who vacates the position of treasurer by reason of removal or resignation shall substantiate the accuracy of such person's records to the succeeding treasurer. No resignation of a treasurer shall be effective until a written statement of resignation of such treasurer has been filed with the secretary of state if the treasurer is that of a candidate or committee involving a candidate for state office or with the county election officer if the treasurer is that of a candidate or committee involving a candidate for local office. No removal of a treasurer of a candidate or candidate committee shall be effective until a written statement of such removal from the candidate has been filed with: (1) The secretary of state if the candidate is a candidate for state office; or (2) with the county election officer if the candidate is a candidate for local office. No removal of a treasurer of a party committee or political committee shall be effective until a written statement of such removal from the party committee or political committee has been filed with: (1) The secretary of state if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for state office; or (2) with the county election officer if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for local office. The succeeding treasurer shall not be held responsible for the accuracy of the predecessor treasurer's records.

(b) No contribution or other receipt shall be received or expenditure made, by or on behalf of a candidate, pair of candidates or candidate committee, except receipt or payment of a filing fee:

(1) Until such candidate appoints a treasurer and makes the report required by K.S.A. 25-4144, and amendments thereto; and

(2) unless by or through such treasurer.

(c) No contribution or other receipt shall be received or expenditure made by or on behalf of a party committee or political committee:

(1) Until the chairperson and treasurer of such committee are appointed;

(2) until the chairperson of the party committee or a political committee has filed a statement of organization required by K.S.A. 25-4145, and amendments thereto; and

(3) unless by or through the treasurer of such committee.

**25-4147. Treasurer; accounts required; inspection; all receipts to be forwarded to treasurer; commingling of funds prohibited; contributions from political committees to be accompanied by name or description of interest group with which affiliated.**

- (a) Every treasurer shall keep detailed accounts of all contributions and other receipts received and all expenditures made by or on behalf of the treasurer's candidate or committee.
- (b) Accounts of any treasurer may be inspected under conditions determined by the commission, and shall be preserved for a period to be designated by the commission.
- (c) An individual may serve as treasurer for a candidate, candidate committee, party committee or political committee or of any two or more such committees or candidates.
- (d) Every person who receives a contribution for a candidate, candidate committee, party committee or political committee more than five days prior to the ending date of any period for which a report is required by K.S.A. 25-4148, and amendments thereto, on demand of the treasurer, or in any event on or before the ending date of the reporting period, shall remit the same and render to the treasurer an account thereof, including the amount, the name and address of the person, if known, making the contribution and the date received.
- (e) No contribution or other receipt received by a candidate, candidate committee, party committee or political committee shall be commingled with personal funds of the candidate or the treasurer or other officers or members of such committee.
- (f) No candidate, candidate committee, party committee or political committee shall receive any contribution or other receipt from a political committee unless accompanied by the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the political committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.
- (g) An individual who vacates the position of treasurer by reason of removal or resignation shall substantiate the accuracy of his or her accounts and transfer them to the succeeding treasurer. Upon the dissolution of a committee or the position of a candidate's treasurer, the last treasurer of record is responsible for the preservation of the required accounts.

**25-4148. Reports required of treasurer; when filed; contents; electronic filing, when required.**

(a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, party committees or political committees expressly advocating for the nomination, election or defeat of a clearly identified candidate for state office or making contribution to or expenditures for the nomination, election or defeat of a clearly identified candidate for state office ~~other than offices elected on a state wide basis, shall be filed in both\* with the office of the secretary of state. Reports filed by treasurers for candidates for state wide office shall be filed electronically and only with the secretary of state.~~ Party committees defined by K.S.A. 25-4143(j)(2) are not required to submit reports electronically. Reports filed by treasurers for candidates for local office or for political committees expressly advocating for the nomination, election or defeat of a clearly identified candidate for local office or making contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

- (1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;
- (2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;
- (3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;
- (4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;
- (5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Treasurers for party committees and political committees shall file the report required by this section in time to be received in the offices required on or before each of the days in subsections (a)(1) through (a)(3) regardless of whether the candidates the PAC contributes to or expends funds to support are on the ballot for a primary or general election.

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

- (1) Cash on hand on the first day of the reporting period;
- (2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection ~~(b)(7)~~(c)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

~~(e)~~ (d) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:

(1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and

(B) the name and address of each candidate for state or local office who is the subject of an expenditure which:

(i) Is made without the cooperation or consent of a candidate or candidate committee;

(ii) expressly advocates the nomination, election or defeat of such candidate; and

(iii) is an aggregate amount or having a fair market value in excess of \$300.

(2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.

~~(d)~~ (e) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or

admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

~~(e)~~ (f) If a contribution or other receipt from a political committee is required to be reported under subsection ~~(b)~~ (c), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

~~(f)~~ (g) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

~~(g)~~ (h) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

~~(h)~~ (i) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

~~(i)~~ (j) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

~~(j)~~ (k) Any report required by this section may be signed by the chairperson of a party committee or political committee in lieu of the political committee or party committee's treasurer and may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.

**25-4148c. Independent expenditures by party or political committees; reporting requirements.**

(a) Every treasurer for a party committee or political committee shall file reports of independent expenditures as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in addition to any other reports required by law.

(b)(1) The report shall contain the name and address of each party committee or political committee which has made or contracted to be made independent expenditures in an aggregate amount or value in excess of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of the election. Such report shall contain the amount, date and purpose of each such independent expenditure, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. When an independent expenditure is made by payment to an advertising agency, public relations firm or political consultant for disbursement to vendors, the report of such independent expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. The report shall be made on or before the close of business on the Thursday preceding the date of the election.

(2) In addition, a separate report shall be made on a daily basis for the Thursday, Friday, Saturday and Sunday immediately preceding the election. Each daily report shall contain the information required in paragraph (1) of this section. Each report shall be filed by 5:00 p.m. on the next day respectively.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d)(1) “Expenditure” shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(2) “Independent expenditure” ~~means an expenditure that is made without the cooperation or consent of the candidate or agent of such candidate intended to be benefited and which expressly advocates the election or defeat of a clearly identified candidate~~ shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

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

(4) “Political committee” shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

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



**25-4150. Contributions and expenditures by persons other than candidates and committees; reports, contents and filing.**

Every person, other than a candidate or a candidate committee, party committee or political committee, who makes independent expenditures in an aggregate amount of \$1,000 or more within a calendar year shall file a report prescribed by this section. Reports of independent expenditures for or against a candidate for state office shall be filed with the office of the secretary of state. Reports of independent expenditures for or against a candidate for local office shall be filed with the office of the county election officer of the county in which the name of the affected candidate is on the ballot. Reports filed pursuant to this section shall be filed within 10 days of the expenditure, or filed on or before the close of business the day preceding the date of the next election in which the affected candidate is on the ballot, whichever is earlier.

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

(1) The name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 for the independent expenditure, together with the amount and date of such contributions, including the name and address of every lender, guarantor, and endorser when a contribution is in the form of an advance or loan;

(2) the name and address of each person from whom an in-kind contribution was received for the independent expenditure or who has paid for personal services provided without charge, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(3), and the amount, date and purpose of the contribution;

(3) The name and address of each person to whom expenditures have been made for the independent expenditure in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each regardless of whether payment has already been tendered;

(4) The total of all contributions and expenditures for the independent expenditure.

(c) The commission may require any person filing a report required by this section to file an amended report for any expenditure for which the original report filed by such person contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(d) The commission may require any person to file a report for any expenditure for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

~~who makes contributions or expenditures, other than by contribution to a candidate or a candidate committee, party committee or political committee, in an aggregate amount of \$100 or more within a calendar year shall make statements containing the information required by K.S.A. 25-4148, and amendments thereto. Such statements shall be filed in the office or offices required so that each such statement is in such office or offices on the day specified in K.S.A. 25-4148, and amendments thereto. If such contributions are received or expenditures are made to~~

~~expressly advocate the nomination, election or defeat of a clearly identified candidate for state office, other than that of an officer elected on a state-wide basis such statement shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. If such contributions are received or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for state-wide office such statement shall be filed only in the office of the secretary of state. If such contributions or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for local office such statement shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports made under this section need not be cumulative.~~

**25-4151. Reports; declaration of correctness; forms; late filing; preservation.**

(a) Every report or statement made under the campaign finance act shall be made on forms prescribed by the commission, and contain substantially the following:

"I declare that this (report) (statement), including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor."

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(Date) (Signature)

Every report or statement shall be dated and signed by: (1) The treasurer or candidate for any report required by K.S.A. 25-4148; (2) the candidate, for any report required by K.S.A. 25-4144; ~~or~~ (3) the chairperson of the committee, for any statement required by K.S.A. 25-4145, or (4) the individual completing the report, for any report required by K.S.A. 25-4150. If the form is not available, the report or statement to which it relates shall be made as required, but in such form as the person signing such report or statement chooses, and the commission may require any such report or statement to be replaced after filing by a report or statement on the forms provided by the commission.

(b) Records in support of every report or statement filed under the campaign finance act shall be maintained and preserved by the person who files it for a period of time to be designated by the commission.

(c) Delay in filing a report or statement beyond the time required by law shall not prevent the acceptance of the report or statement.

(d) No treasurer shall accept or permit to be accepted any contributions or make or permit to be made any expenditures unless all reports or statements required of such treasurer prior to the time of such contributions or expenditures have been filed.

**25-4152. Failure to file certain reports; notice; late filings; civil penalties; waiver or collection of penalties.**

(a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, and to the candidate or chairperson appointing any treasurer failing to file any such report, within the time period prescribed therefor. The notice shall state that the required report or statement has not been filed with either the office of secretary of state or county election officer or both. The person failing to file any report or statement, and the candidate or chairperson appointing any such person, shall be responsible for the filing of such report or statement. The notice also shall state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b)(1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and amendments thereto, for candidates that appear on the ballot for the then-current primary or general election ballot and are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2) The candidate shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(c)(1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4145 and 25-4148, and amendments thereto, for each political committee that anticipates receiving \$2,501 or more in any calendar year and are late more than 48 hours shall be subject to civil penalties as provided in subsection (c)(2).

(2) The political committee shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(d) Civil penalties provided for by this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

(e) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

**25-4153. Contributions; limitations on amounts and use; minors under 18 years of age; cash contributions.**

(a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any political committee or any person except a party committee, the candidate or the candidate's spouse, shall not exceed the following:

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

(2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(3) For the office of state senator or member of the state board of education, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

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

(c) For the purposes of this section, all contributions made by unemancipated children under 18 years of age shall be considered to be contributions made by the parent or parents of such children. The total amount of such contribution shall be attributed to a single custodial parent and 50% of such contribution to each of two parents.

(d) For the purposes of this section, all contributions made by an entity that is disregarded as an entity separate from its owner for federal income tax purposes, as defined in 26 CFR 301.7701-3(a), shall be considered to be contributions made by the owner as an individual, unless such entity has elected to be classified as an entity separate from its owner.

(e) For the purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of another person, including contributions that are earmarked or otherwise directed through an intermediary or conduit to such recipient person, shall be treated as contributions from such person to such recipient person. The intermediary or conduit contributor shall report the original source of the intended recipient of such contribution to the intended recipient.

(f) For the purposes of the limitations imposed by this section, a coordinated expenditure shall be considered a contribution to such candidate or person.

~~(d)~~ (g) The aggregate amount contributed to a state party committee by a person other than a national party committee or a political committee shall not exceed \$15,000 in each calendar year; and the aggregate amount contributed to any other party committee by a person other than a national party committee or a political committee shall not exceed \$5,000 in each calendar year.

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

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

~~(e)~~ (h) Any political funds which have been collected and were not subject to the reporting requirements of this act shall be deemed a person subject to these contribution limitations.

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

~~(g)~~ (i) The amount contributed by each individual party committee of the same political party other than a national party committee to any candidate for office, for any primary election at which two or more candidates are seeking the nomination of such party shall not exceed the following:

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

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

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

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

~~(i)~~ (k) No person shall make any contribution or contributions to any candidate or the candidate committee of any candidate in the form of money or currency of the United States which in the aggregate exceeds \$100 for any one primary or general election, and no candidate or candidate committee of any candidate shall accept any contribution or contributions in the form of money or currency of the United States which in the aggregate exceeds \$100 from any one person for any one primary or general election.

**25-4153a. Contributions; limitations during legislative sessions.**

(a) No registered lobbyist, political committee or person, other than an individual, shall make a contribution after January 1 of each year and prior to adjournment sine die of the regular session of the legislature or at any other time in which the legislature is in session to a:

- (1) Legislator;
- (2) candidate for membership in the legislature;
- (3) state officer elected on a statewide basis;
- (4) candidate for state officer elected on a statewide basis;
- (5) candidate committee of persons described in paragraphs (1) through (4); or
- (6) political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.

(b) No legislator, officer, candidate or committee described in subsection (a)(1) through (6) shall accept or knowingly solicit any contribution as defined by K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee or person, other than an individual, during such period of time described in subsection (a), except that a general public solicitation which does not solicit a specific individual and is distributed via social media shall be permissible. No solicitation shall be considered a violation of this act if such solicitation is accompanied with a disclaimer that it is not intended for lobbyists, political committees or persons other than individuals.

(c) For the purposes of this act, “social media” means an electronic medium which allows users to create and view user-generated content, including, but not limited to, uploaded or downloaded videos or photographs, blogs, audio files, or instant messages ~~or email~~.

**25-4153b. Contributions and expenditures; legislators, candidates; prohibitions.**

- (a) No political committee, ~~a~~the major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for the legislature or to make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature, shall be established by a member of or a candidate for the legislature.
- (b) Any such political committee existing prior to the effective date of this act is hereby abolished.



**25-4154. Contributions in name of another prohibited; anonymous contributions, aggregate, maximum; copying names of contributors for commercial purpose prohibited.**

- (a) No person shall make a contribution in the name of another person, ~~and no person shall~~ or knowingly permit his or her name to be used to effect such a contribution, ~~and no person shall~~ knowingly accept a contribution made by one person in the name of another person.
- (b) Examples of contributions in the name of another include, but are not limited to:
  - (1) Giving money or anything of value, all or part of which was provided to the contributor by the true contributor without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made, or
  - (2) Making a contribution and attributing as the source of the contribution to another person when in fact the contributor is the original source.
- (c) No person shall give or accept any contribution in excess of \$10 unless the name and address of the contributor is made known to the individual receiving the contribution.
- (d) The aggregate of contributions for which the name and address of the contributor is not reported under K.S.A. 25-4148 shall not exceed 50% of the amount one individual (other than the candidate or spouse) may contribute to or for a candidate's campaign.
- (e) No person shall copy any name of a contributor from any report or statement filed under the campaign finance act and use such name for any commercial purpose, and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report or statement filed under the campaign finance act.
- (f) All contributions by a person made on behalf of or to a candidate, including contributions which are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit, are contributions from the person to the candidate.
  - (1) For purposes of this section, “earmarked” means a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate, candidate committee, party committee, or political committee.

A contributor's authorization that a commercial payment processor, whose usual and normal business is to process payments, transmit funds from the contributor to the designated candidate or authorized committee in the commercial payment processor's ordinary course of business does not in itself constitute an earmark.

- (2) For purposes of this section, “conduit” or “intermediary” means any person who receives and forwards an earmarked contribution to a candidate, a candidate committee, a party committee, or a political committee, except as provided in paragraph (f)(2)(A) of this section. For purposes of this section, the following persons shall not be considered conduits or intermediaries:
  - (A) An individual who is an employee or a full-time volunteer working for the candidate, candidate committee, party committee or political committee

- provided that the individual is not acting in his or her capacity as a representative of a person prohibited from making contributions;
- (B) A commercial fundraising firm retained by the candidate, candidate committee, party committee or political committee to assist in fundraising; and
  - (C) An individual who is expressly authorized by the candidate, the candidate's authorized committee, a party committee or a political committee to engage in fundraising, provided that the individual is not acting in his or her capacity as a representative of a person prohibited from making contributions.
- (g) Reporting earmarked contributions. The intermediary or conduit of the earmarked contribution shall report the original source and the recipient candidate or committee to the recipient candidate or committee when the earmarked contribution is forwarded to the recipient. The recipient candidate or committee shall report the original source of the contribution.
- (h) Direction or control. A conduit's or intermediary's contribution limits are not affected by the forwarding of an earmarked contribution except where the conduit or intermediary exercises any direction or control over the choice of the recipient candidate. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or committee, the earmarked contribution shall be considered a contribution by both the original contributor and the conduit or intermediary. If the conduit or intermediary exercises any direction or control over the choice of the recipient candidate, the report filed by the conduit or intermediary and the report filed by the recipient candidate or authorized committee shall indicate that the earmarked contribution is made by both the original contributor and the conduit or intermediary, and that the entire amount of the contribution is attributed to each.

**25-4156. Charges for space in newspapers and other periodicals; excess charges; corrupt political advertising; misdemeanor.**

(a)(1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

~~(b)(1) Except as provided in paragraph (2),~~ Corrupt political advertising of a state or local office is publishing or causing to be published a matter that expressly advocates the nomination, election, or defeat of a clearly identified candidate for state or local office unless such matter includes a “paid for” disclaimer pursuant to this section.

~~(A) Publishing or causing to be published in a newspaper or other periodical any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word “advertisement” or the abbreviation “adv.” in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;~~

~~(B) broadcasting or causing to be broadcast by any radio or television station any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;~~

~~(C) telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement that states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;~~

~~(D) publishing or causing to be published any brochure, flier or other political fact sheet that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that states: “Paid for” or “Sponsored by” followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.~~

~~The provisions of this subparagraph (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than~~

~~\$2,500 within a calendar year; or~~

~~(E) making or causing to be made any website, e-mail or other type of internet communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless the matter is followed by a statement that states: “Paid for” or “Sponsored by” followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.~~

~~The provisions of this subparagraph (E) requiring the disclosure of the name of an individual shall apply only to any website, email or other type of internet communication that is made by the candidate, the candidate's candidate committee, a political committee or a party committee and the website, email or other internet communication viewed by or disseminated to at least 25 individuals. For the purposes of this subparagraph, the terms “candidate,” “candidate committee,” “party committee” and “political committee” shall have the meanings ascribed to them in K.S.A. 25-4143, and amendments thereto.~~

~~(2) The provisions of subsections (b)(1)(C) and (E) shall not apply to the publication of any communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office, if such communication is made over any social media provider which has a character limit of 280 characters or fewer.~~

(c) A “paid for” disclaimer shall appear on the matter in a separate line with “paid for” or “sponsored by” together with the name of the sponsoring organization and chairperson or treasurer of the sponsoring organization, the name of the candidate or candidate committee who is responsible therefor, of the name of the individual who is responsible therefor.

(d) “Paid for” disclaimers shall be required on:

1. Paid matters published in a newspaper or periodical, broadcast over radio or television, or communicated telephonically or through text message.

2. Any brochure, flier, or political fact sheet, except for matters for which the responsible person is a non-candidate individual making expenditures of less than \$2,500 in a calendar year, and

3. Any website, email, or other type of internet communication, if the responsible person for such matter is a candidate, political committee, or party committee, and such communication is viewed by or disseminated to 25 or more people.

(e) For newspaper, periodical, radio, television, brochure, flier, or political fact sheet matters, the disclaimer shall appear at the end of the matter. For telephonic and text message communications, the disclaimer shall appear at the beginning of the matter. For electronic communications, the disclaimer shall appear in a clear and conspicuous location.

(3) Corrupt political advertising of a state or local office is a class C misdemeanor.

(f) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section that can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

**25-4157. Termination of Accounts. ~~report.~~**

(a) Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) If a candidate dies with an open candidate committee account which contains campaign funds, the executor or administrator of the candidate's estate shall be responsible for terminating the candidate committee and disposing of the residual funds.

(c) Candidate or candidate committee campaign accounts shall be terminated the later of either six years after the conclusion of the candidate's most recent term of office or six years after the date of the last primary or general election in which the candidate last filed as a candidate.

(d) The executive director of the commission may administratively terminate a candidate, candidate committee, party committee or political committee if the person has failed to file the preceding two reports required by K.S.A. 25-4148, or one report if the person filed an affidavit of exemption pursuant to K.S.A. 25-4173 or K.S.A. 25-4175 in the preceding calendar year, and such termination is not disputed by the candidate, chairperson, or treasurer within 15 days.

**25-4158. Reports and statements required to be filed; furnishing forms; public inspection and copying; duties of secretary of state and county election officer; investigations by commission; administration of oaths and subpoena of witnesses, documents and records for purposes of investigations.**

(a) The secretary of state shall:

- (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the secretary of state by the campaign finance act; and
- (2) make such reports and statements available for public inspection and copying during regular office hours.

(b) The county election officer shall:

- (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the county election officer by the campaign finance act; and
- (2) make such reports and statements available for public inspection and copying during regular office hours.

(c) The commission may investigate, or cause to be investigated, any matter required to be reported upon by any person under the provisions of the campaign finance act, or any matter to which the campaign finance act applies irrespective of whether a complaint has been filed in relation thereto.

(d)(1) After a preliminary investigation of any matter reported to the commission pursuant to subsection (c), and upon specific written findings of fact and conclusions of law by the commission that there is a reasonable suspicion that a violation of the campaign finance act has occurred, the commission or any officer designated by the commission may apply to the district court of Shawnee county for an order to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commission deems relevant or material to the investigation. All applications for a court order shall be made under seal of the court. The commission shall reimburse the reasonable costs of production of documents subject to subpoena. All subpoenas and subpoenas duces tecum issued under this section shall be authorized by the affirmative vote of not less than 2 /3 of the members of the commission. Subpoenas duces tecum shall be limited to items reasonably relevant to such alleged violations. ~~No subpoena or other process issued by the commission pursuant to this section shall be served upon any person unless an application has been filed in the district court of Shawnee county pursuant to this section.~~

(2) Upon application by the commission or any officer designated by the commission for a court order pursuant to paragraph (1), the district court of Shawnee county, after review of the sufficiency of the written findings of fact and conclusions of law, the record before the commission and the reasonableness and scope of the subpoena, shall issue to that person an order requiring the person to appear before the commission or any officer designated by the commission, there to produce documentary evidence if so ordered or to give evidence touching

the matter under investigation or in question. Any failure to obey the order of the court may be punished by the court as a contempt of court. Upon the filing of an application for a court order pursuant to paragraph (1), the commission shall provide a copy of the written findings of fact and conclusions of law relating to the alleged violation and persons under investigation along with a copy of the issued subpoena and notices required by paragraph (5) to the recipient of the subpoena.

(3) The commission shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. Any person subject to a subpoena shall be informed that such person may apply to the district court for relief on the basis that responding to the subpoena will cause an undue burden or expense. The district court on review of any such application for relief, may impose an appropriate sanction on the commission including an order requiring the commission to reimburse the person for lost earnings and attorney fees.

(4) Any person subpoenaed to testify or produce documents under this section shall be informed that the person has a right to be advised by counsel and that the person may not be required to make any self-incriminating statements. Upon a request by such person for counsel, no further examination of the witness shall take place until counsel is present. In the event that counsel of the witness' choice is not available, the person shall be required to obtain other counsel within three days in order that the examination may proceed. ~~If such person is indigent and unable to obtain the services of counsel, the judge shall appoint counsel to assist the person who shall be compensated as counsel appointed for indigent defendants in the district court.~~ Counsel for any witness shall be present while the witness is testifying and may interpose objections on behalf of the witness. Counsel shall not be permitted to examine or cross-examine the client or any other witness during the examination.

(5) Every subpoena issued by the commission pursuant to paragraph (1) shall be accompanied by a notice containing the information required to be provided under paragraphs (3) and (4) and the following statement: "This subpoena is not enforceable unless a district court of competent jurisdiction issues an order to enforce the subpoena. The recipient of this subpoena has rights under law including those listed in K.S.A. 25-4158(d)(3), and amendments thereto, and other laws to seek relief from complying with this subpoena, as well as a right to be ~~represented~~ advised by counsel in this matter pursuant to K.S.A. 25-4158(d)(4), and amendments thereto.

**25-4161. Complaint, confidentiality and determination of sufficiency; investigation; notification of attorney general of violation of other laws; dismissal or hearing on complaint; remedies and protections for state employees filing complaints.**

- (a) If a complaint is filed and the commission determines that such verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any provision of the campaign finance act, it shall dismiss the complaint and notify the complainant and respondent thereof.
- (b) Whenever a complaint is filed with the commission alleging a violation of a provision of the campaign finance act, such filing and the allegations therein shall be confidential and shall not be disclosed except as provided in the campaign finance act.
- (c) If a complaint is filed and the commission determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of the campaign finance act, the commission shall promptly investigate the alleged violation.
- (d) The commission shall notify the attorney general of any apparent violation of criminal law or other laws not administered by the commission, which is discovered during the course of any such investigation.
- (e) If after the investigation, the commission finds that probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint. If after such investigation, the commission finds by an affirmative vote of not less than 2 /3 of the members of the commission that probable cause exists for believing the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, a hearing shall be ordered pursuant to this act. In either event the commission shall notify the complainant and respondent of its determination.
- (f) The remedies and protections provided by K.S.A. 75-2973, and amendments thereto, shall be available to any state employee against whom disciplinary action has been taken for filing a complaint pursuant to this act.
- (g) Any attorney or staff member representing the complainant before the commission in any matter shall not engage in ex parte communications with or otherwise advise, represent or assist the commission regarding the same or related matter before the commission. The commission shall obtain separate independent legal counsel when needed to comply with this section.
- (h)(1) All hearings conducted under this act shall be in accordance with the provisions of the Kansas administrative procedure act. ~~and the Kansas code of civil procedure.~~ Upon the request of the respondent, any hearing held under this act may be removed for hearing before a presiding officer from the office of administrative hearings. The commission shall review an initial order resulting from a hearing under this section.
- (2) The commission is hereby authorized to enter into a contract with the office of administrative hearings and to provide for reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer.
- (i) The duties of confidentiality under this section shall apply only to members of the commission, the executive director or any person employed or engaged by the commission.



(j) Complaints solely alleging violations of K.S.A. 25-4152 may be handled summarily, subject to a party's request for a hearing on the order, using the summary proceedings of K.S.A. 77-537 through K.S.A. 77-542 and amendments thereto, of the Kansas administrative procedure act.

**25-4173. Candidate's affidavit of intent to expend and receive less than \$1,000; filing; certain reports not required.**

(a) Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than \$1,000 in each of the primary and general elections shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices. In the case of a candidate for a local office, such affidavit also shall be filed with the county election officer of the county in which the name of the candidate is on the ballot. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such, other than reports that were due prior to the filing of the affidavit. A candidate shall remain liable for any report required by K.S.A. 25-4148, and amendments thereto, unless the affidavit allowed by this section is signed by the candidate, dated, and notarized.

(b) The affidavit allowed by this section is effective through December 31st of the calendar year in which the affidavit is filed unless superseded by K.S.A. 25-4174.

**25-4174. Same; when amount exceeded; filing of past and future reports.**

Any candidate who has signed an affidavit pursuant to K.S.A. 25-4173, and amendments thereto, and who incurs expenses in excess of or receives contributions in excess of ~~\$500~~1000, exclusive of such candidate's filing fee, for either the primary or the general election shall, within three days of the date when expenditures or contributions exceed such amount, file all past due reports and shall be required to file all future reports on the dates required by K.S.A. 25-4148, and amendments thereto.

**25-4175. Affidavit of intent by treasurer of party or political committee to expend and receive less than \$500 and not more than \$50 from any one contributor; filing; certain reports not required.**

(a) \_\_\_\_ For any calendar year during which a party or political committee intends to expend an aggregate amount or value of less than \$500, exclusive of such committee's registration fee, and intends to receive contributions in an aggregate amount or value of less than \$500 and during which such party or political committee intends to receive no contributions in excess of \$50 from any one contributor, the treasurer of such party or political committee shall file an affidavit of such intent with the secretary of state if such committee is a party committee or a political committee which expressly advocates the nomination, election or defeat of a clearly identified candidate for state office and with the county election officer if the committee is a political committee which expressly advocates the nomination, election or defeat of a clearly identified candidate for local office. Such treasurer shall not be required to file the reports required by K.S.A. 25-4148, and amendments thereto, for the year for which such affidavit is filed, other than reports that were due prior to the filing of the affidavit. A party committee or political committee shall remain liable for any report required by K.S.A. 25-4148, and amendments thereto, unless the affidavit allowed by this section is signed by the treasurer, dated, and notarized. Such affidavit may be filed at any time not later than the ninth day preceding the primary election.

(b) The affidavit allowed by this section is effective through December 31st of the calendar year in which the affidavit is filed unless superseded by K.S.A. 25-4176.

**25-4181. Violations of campaign finance act; civil fine; person failing to pay fine ineligible to become candidate.**

- (a) The commission, in addition to any other penalty prescribed under the campaign finance act, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of the campaign finance act in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. Except as otherwise provided, the fine imposed by the commission in any one matter shall not exceed an amount that is triple the applicable fine for a single violation in such matter. In the event the respondent derived pecuniary gain from the specific violations, then, in lieu of the above fine amounts, the fine imposed may be fixed at an amount greater than that provided in this section, but in no event shall such amount exceed double the pecuniary gain derived from the violation by the respondent. In the event the respondent was willful and wanton when committing a violation of the campaign finance act, then, in lieu of the above fine amounts and limitations, the fine imposed for campaign finance violations committed willfully and wantonly shall not exceed \$15,000.00 per violation or triple the pecuniary gain derived from the violation by the respondent. Nothing in this section shall prevent the imposition of a separate fine by a court in a criminal proceeding. Whenever any civil fine or penalty is proposed to be assessed against the treasurer of any candidate who is not also the candidate, such notice shall be given to both the treasurer and the candidate prior to the assessment of such fine or penalty. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.
- (b) No individual who has failed to pay any civil penalty or civil fine assessed, or failed to file any report required to be filed under the campaign finance act, unless such penalty or fine has been waived or is under appeal, shall be eligible to become a candidate for state office or local office until such penalty or fine has been paid or such report has been filed or both such penalty or fine has been paid and such report filed.
- (c) The commission shall not order community service or any other specific performance in lieu of a civil fine as part of a consent decree or final order. Nothing in this section shall prohibit the commission from requiring training regarding or compliance with any provision of this act as part of a consent decree or final order.
- (d) The commission shall not enter into any agreement with any person that legally binds the commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of the commission in any matter unless such person has received immunity from criminal prosecution in the same matter from a county or district attorney or the attorney general pursuant to K.S.A. 22-3415, and amendments thereto.

**25-####. Coordination of Expenditures.**

- (a) For the purposes of this section, "Consulting services" means the following services involving campaign strategy: polling, communications planning and design, advertising, and messaging. Consulting services does not mean printing or mailing campaign material, legal services that do not involve campaign strategy, accounting services, or costs for the use of a medium for communications purposes.
- (b) An expenditure described in this section that expressly advocates for the nomination or election of a state or local candidate or the defeat of a state or local candidate's opponent is a contribution to the beneficiary candidate.
- (c) **Shared vendor.** An expenditure is coordinated if the expenditure is made for consulting services from a consultant who has also provided consulting services to the candidate or the candidate's opponent during the preceding 120 days. This section does not apply when:
  - (1) The consultant assigns separate personnel to the spender and the candidate,
  - (2) The consultant has a written policy that effectively prohibits the flow of information between the personnel providing services to the spender and the personnel providing services to the candidate,
  - (3) The written policy has been distributed to all personnel, the candidate, and the spender,
  - (4) The consultant has implemented the measures described in the written policy, and
  - (5) No material information has been shared between the spender and the personnel that provided services to the spender and the candidate and the personnel providing services to the candidate.
- (d) **Nonpublic information from candidate.** An expenditure is a coordinated expenditure if the expenditure is made after the spender receives from the candidate information that is not publicly available regarding the candidate's campaign plans, strategy, or needs.
- (e) **Nonpublic information from spender.** An expenditure is a coordinated expenditure if the expenditure is made when the spender provides information to the candidate regarding the expenditure's contents, intended audience, timing, location, or mode, volume, or frequency, and the information is provided to the candidate before the expenditure is communicated to the public.
- (f) **Candidate participation.** An expenditure is a coordinated expenditure if the expenditure is made after a candidate's request or suggestion, or with the candidate's participation in the following:
  - (1) Any of the processes required for the creation and development of the expenditure, including budgeting decisions, media design, acquisition of graphics and text, production, and distribution of the final product; or
  - (2) any decision regarding the content, timing, location, intended audience, volume of distribution, or frequency of the expenditure.
- (g) For the purposes of this section, candidate and spender include any agent thereof.
- (h) Any of the following activities, taken alone, do not establish that an expenditure made by a spender is coordinated with a candidate:

- (1) a candidate asks a spender not to make any expenditure to support the candidate or oppose the candidate's opponent;
- (2) a candidate provides to a spender names of potential donors, as long as the spender does not state or suggest to the candidate that funds received from use of the donor list will be used for independent expenditures to benefit the candidate;
- (3) an expenditure uses a photograph, video, or audio recording obtained from a publicly available source or public event;
- (4) an expenditure uses information obtained from a biography, position paper, press release, or similar material about the candidate from a publicly available source or public event;
- (5) the spender contributes to the candidate, makes an in-kind donation to the candidate, or endorses the candidate;
- (6) an expenditure includes a hyperlink to the candidate's website or social media page;
- (7) an expenditure appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication;
- (8) the spender discusses the candidate's position on a legislative or policy matter with the candidate. This clause includes the sending, completion, and return of a survey conducted by the spender to determine whether to endorse the candidate; or
- (9) the spender invites the candidate to appear before the spender's members, employees, or shareholders, including the candidate's participation in the event, unless the event promotes the election of the candidate or the defeat of the candidate's opponent, or the candidate requests or accepts campaign contributions at the event.