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MEMORANDUM

To: Chairperson Thompson
Members of the House Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 26, 2025

Subject: HB 2106 – Banning contributions from foreign nationals for the support or defeat of a proposed amendment to the Constitution of the State of Kansas.

House Bill No. 2106 (HB 2106) amends K.S.A. 25-4180 regarding campaign finance regulations on those persons who engage in promoting or opposing amendments to the Constitution of the State of Kansas (Constitution). Currently, any person engaged in such activity must submit annual, preliminary, and supplemental reports on contributions received that total in the aggregate more than \$50.

HB 2106 would prohibit the direct or indirect receipt of contributions for promoting or opposing amendments to the Constitution from foreign nationals. The House Committee on Elections amended HB 2106 to further require any donor who is not a foreign national to certify that such donor has not received contributions from foreign nationals that total in the aggregate more than \$100,000 in the four-year period preceding the donor's contribution. Violations of the prohibition on receipt of contributions from foreign nationals may be prosecuted by the Attorney General.

HB 2106 defines "foreign national" to mean any of the following:

- An individual who is not a citizen or lawful permanent resident of the United States;
- A government or subdivision of a foreign country or municipality thereof;
- A foreign political party;
- Any entity, such as a partnership, association, corporation, organization or other combination of persons, that is organized under the laws of, or has its principal place of business in, a foreign country; or

- Any United States entity, such as a partnership, association, corporation or organization, that is wholly or majority-owned by any foreign national, unless: (1) Any contribution or expenditure that such entity makes is derived entirely from funds generated by such United States entity's United States operations; and (2) all decisions concerning the contribution or expenditure are made by individuals who are United States citizens or permanent residents, except for setting overall budget amounts.

If enacted, HB 2106 would become effective on July 1, 2025.