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6TH DISTRICT

Chairman Thompson and Members of the Committee,

Thank you for the opportunity to submit written testimony in opposition to HB 2054. There is no question as to whether or not Kansas has lower than average limits on campaign contributions to candidates. The current contribution limits to candidates are adequate, the increased limits on contributions to candidates is not a major area of concern.

On the Federal level there are two main types of Political Action Committees. Most PACs have contribution limits. SuperPACs do not have limits. Most PACs can both give to candidates and committees, and spend funds to advocate for or against a candidate or issue. The key difference is that SuperPACs can only use their funds as independent expenditures to advocate for or against a candidate or issue. Federal SuperPACs are not allowed to coordinate.

In Kansas, we have PACs. These PACs can operate like a normal Federal PAC, but like SuperPACs they have no contribution limit.

Removing campaign contribution limits for a Party Committee creates a major loophole for Kansas PACs to use unlimited funds to coordinate with a Party Committee to advocate for or against a candidate or issue. While on the surface this may not seem like a major concern, there are advantages that Party Committees have that PACs do not have. Such as the use of their indicia – allowing far lower costs for mail. Additionally this would allow a PAC to fly under the radar when supporting a candidate or an issue due to the fact that the “paid for by” requirement would be attributed the Party Committee, even if the Party Committee is being used as a passthrough for PAC funds. In order to avoid further corruption within the process, there are three options to fix this legislation:

1. Keep the current law in place in regard to Party Committees.
2. Limit contribution limits on Kansas Political Action Committees to match Federal Contribution limits to non SuperPACs.
3. Put the same requirements as Federal SuperPACs on Kansas PACs, which would allow unlimited contributions but would only allow them to spend the money as an independent expenditure.

There are claims on the Constitutional aspect of limiting Kansas PACs. Limiting the aggregated amount an individual can contribute across the board has been ruled to be unconstitutional. That does not mean limiting the amount contributed to a PAC is unconstitutional. Especially when Kansas allows independent expenditures by a “Person Other Than a Candidate or Committee” allowing the “person” to be an out of state PAC, business, corporation, or person.

When you work this bill in committee, my hope is that you take into consideration the flaws currently in this legislation. Thank you for allowing me to submit opposition testimony.

Sincerely,

Representative Samantha M. Poetter Parshall