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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

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

From: The Office of Revisor of Statutes

Date: March 12, 2025

Subject: HB 2206 – Renaming the Kansas governmental ethics commission to the Kansas public disclosure commission, defining terms in the campaign finance act, requiring the filing of statements of independent expenditures and prohibiting agreements requiring contributions in the name of another.

House Bill No. 2206 (HB 2206) makes various amendments to the Campaign Finance Act, the State Governmental Ethics Law, and other statutes to change the name of the Kansas Governmental Ethics Commission to the Kansas Public Disclosure Commission. The bill also redefines certain terms under the Campaign Finance Act, modifies the requirements for filing statements for independent expenditures, and prohibits certain agreements regarding contributions to a candidate.

First, HB 2206 changes the name of the Kansas Governmental Ethics Commission to the Kansas Public Disclosure Commission. This appears in Section 1 of the bill and in several other amended statutes to change the reference where applicable.

Second, HB 2206 amends K.S.A. 25-4143, which provides relevant definitions for the Campaign Finance Act. The bill adds a new definition of “cooperation or consent” for purposes of determining whether an expenditure is an independent expenditure for reporting purposes. The phrase means expenditures made at the request or recommendation, or with the assent of the candidate or a party committee. The new definition specifically excludes various types of expenditures that do not fall within the new definition.

HB 2206 also amends the definition of “political committee.” Under current law, a “political committee” means any combination of two or more individuals or any organization that has the major purpose of expressly advocating or making contributions or expenditures for

the election or defeat of a candidate. The amended definition requires aggregate contributions or expenditures of at least \$3,000 in one year and that there is explicit documentation that the organization's major purpose is express advocacy for candidates, or that the organization spends at least 50% of its total program spending on contributions or expenditures. The bill further specifies what is included in an organization's total program spending and that only grants made for purposes of contributions or expenditures in Kansas on state elections are to be included.

Third, HB 2206 amends K.S.A. 25-4150 to increase the reporting threshold for reporting independent expenditures from \$100 per year to \$1,000 per year. The bill also requires that each report include the name and address of each person receiving payment in excess of \$500 for an independent expenditure and the date, amount, and purpose of each independent expenditure.

Finally, HB 2206 amends K.S.A. 25-4154, which generally prohibits making contributions in the name of another person. The bill prohibits agreements or any other form of condition or stipulation that a contribution is to be subsequently contributed to another candidate or committee. Any such agreement or condition is declared void. HB 2206 also defines "contributions in the name of another" to specify that such contributions are done to conceal the original source of contributions when reported.

The House Committee on Elections amended HB 2206 to change the political committee contribution threshold from \$5,000 to \$3,000, and change the total program spending period to a five-year look back.

HB 2206 passed the House of Representatives on a final action vote of 74-45.

If enacted, HB 2206 would become effective on July 1, 2025.