

As Amended by Senate Committee

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2106

By Committee on Elections

Requested by Representative Waggoner

1-28

1 AN ACT concerning campaign finance; relating to support for or
2 opposition to proposed amendments to the Kansas constitution;
3 banning contributions from foreign nationals *and out-of-state persons*;
4 amending K.S.A. 25-4180 and repealing the existing section.
5

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

7 Section 1. K.S.A. 25-4180 is hereby amended to read as follows: 25-
8 4180. (a) ~~(H)~~ Every person who engages in any activity promoting or
9 opposing the adoption or repeal of any provision of the **constitution of the**
10 **state of Kansas** ~~constitution~~ and who accepts moneys or property for the
11 purpose of engaging in such activity shall make an annual report to the
12 secretary of state of individual contributions or contributions in kind in an
13 aggregate amount or value in excess of \$50 received during the preceding
14 calendar year for such purposes. The report shall show the name and
15 address of each contributor for the activity and the amount or value of the
16 individual contribution made, together with a total value of all
17 contributions received, and also shall account for expenditures in an
18 aggregate amount or value in excess of \$50 from such contributions, by
19 showing the amount or value expended to each payee and the purpose of
20 each such expenditure, together with a total value of all expenditures
21 made. **Each person who submits a report shall certify that:**

22 **(1) Such person has not knowingly accepted contributions or**
23 **expenditures either directly or indirectly from a foreign national or an**
24 **out-of-state person; and**

25 **(2) each donor named in such report is not a foreign national or**
26 **an out-of-state person and has not knowingly accepted contributions or**
27 **expenditures either directly or indirectly from any foreign national or**
28 **an out-of-state person that in the aggregate exceed \$100,000 within the**
29 **four-year period immediately preceding the date of such donor's**
30 **contribution or expenditure.** The annual report shall be filed on or before
31 February 15 of each year for the preceding calendar year.

32 ~~(2) No contribution may be accepted from a foreign national.~~

33 ~~(3) (A) Every person who accepts moneys or property in excess of~~

~~\$500 from another person shall require such other person to provide an affidavit that no portion of the money came from a foreign national.~~

~~(B)~~—(b) Each person who accepts contributions or expenditures as described in subsection (a) shall require each donor to certify that such donor is not a foreign national *or an out-of-state person* and has not knowingly accepted contributions or expenditures either directly or indirectly from any foreign national *or an out-of-state person* that in the aggregate exceed \$100,000 within the four-year period immediately preceding the date of such donor's contribution or expenditure.

(c) Each person making an independent expenditure for any activity promoting or opposing the adoption or repeal of any provision of the constitution of the state of Kansas shall, within 48 hours of making such expenditure, certify to the commission that such person has not knowingly accepted any moneys either directly or indirectly from any foreign national *or an out-of-state person* that in the aggregate exceed \$100,000 within the four-year period immediately preceding the date of such person's expenditure and shall not accept any such moneys during the remainder of the calendar year in which the question of amending the constitution of the state of Kansas is on the ballot.

(d) (1) No person shall accept, directly or indirectly, any contribution or expenditure from a foreign national *or an out-of-state person* made for any activity promoting or opposing the adoption or repeal of any provision of the constitution of the state of Kansas.

(2) The attorney general may prosecute any person who violates this subsection. Any person who believes the provisions of this subsection have been violated may file a complaint with the attorney general.

(3) In any civil action brought by the commission or the attorney general against a person who violates this subsection, the court may award injunctive relief sufficient to prevent any subsequent violations of this subsection by such person and statutory damages of not to exceed an amount that is twice the amount of the prohibited contribution or expenditure.

(e) As used in this section:

(1) "Foreign national" means:

~~(i)(1)~~(A) An individual who is not a citizen or lawful permanent resident of the United States;

~~(ii)(2)~~(B) a government or subdivision of a foreign country or municipality thereof;

~~(iii)(3)~~(C) a foreign political party;

~~(iv)(4)~~(D) any entity, such as a partnership, association, corporation,

1 organization or other combination of persons, that is organized under the
2 laws of, or has its principal place of business in, a foreign country; or

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

11 (2) "Out-of-state person" means any:

12 (A) Individual who is not a resident of this state; or

13 (B) entity, such as a partnership, association, corporation,
14 organization or other combination of persons, that is organized under
15 the laws of, has its principal place of business in or is otherwise domiciled
16 in a state other than this state.

17 ~~(+)(f)~~ In addition to the annual report, a person engaging in an
18 activity promoting the adoption or repeal of a provision of the Kansas
19 constitution who accepts any contributed moneys for such activity shall
20 make a preliminary report to the secretary of state 15 days prior to each
21 election at which a proposed constitutional amendment is submitted. Such
22 report shall show the name and address of each individual contributor,
23 together with the amount contributed or contributed in kind in an
24 aggregate amount or value in excess of \$50, ~~and~~ the expenditures in an
25 aggregate amount or value in excess of \$50 from such contributions, by
26 showing the amount paid to each payee, and the purpose of the
27 expenditure. A supplemental report in the same format as the preliminary
28 report shall be filed with the secretary of state within 15 days after any
29 election on a constitutional proposition where contributed funds are
30 received and expended in opposing or promoting such proposition.

31 ~~(5)(g)~~ Any person who engages in any activity promoting or opposing
32 the adoption or repeal of any provision of the Kansas constitution shall be
33 considered engaged in such activity upon the date *that* the concurrent
34 resolution passes the Kansas house of representatives and *the* senate in its
35 final form. Upon such date, if the person has funds in the constitutional
36 amendment campaign treasury, such person shall be required to report
37 such funds as provided by this section.

38 ~~(b)(h)~~ (1) The commission shall send a notice by registered or
39 certified mail to any person failing to file any report required by
40 subsection (a) within the time period prescribed therefor. The notice shall
41 state that the required report has not been filed with the office of the
42 secretary of state. The notice also shall state that such person shall have 15
43 days from the date *that* such notice is deposited in the mail to comply with

1 the reporting requirements before a civil penalty shall be imposed for each
2 day that the required documents remain unfiled. If such person fails to
3 comply within the prescribed period, such person shall pay to the state a
4 civil penalty of \$10 per day for each day that such report remains unfiled,
5 except that no such civil penalty shall exceed \$300. The commission may
6 waive, for good cause, payment of any civil penalty imposed by this
7 section.

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

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

17 ~~(e)~~(i) The intentional failure to file any report required by subsection
18 (a) is a class A misdemeanor.

19 ~~(d)~~(j) *The provisions of this section are severable. If any portion of*
20 *this section is declared unconstitutional or invalid, or the application of*
21 *any portion of this section to any person or circumstance is held*
22 *unconstitutional or invalid, the invalidity shall not affect other portions*
23 *of this section that can be given effect without the invalid portion or*
24 *application, and the applicability of such other portions of this section to*
25 *any person or circumstance shall remain valid and enforceable.*

26 (k) This section shall be a part of and supplemental to the campaign
27 finance act.

28 Sec. 2. K.S.A. 25-4180 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its
30 publication in the statute book.