

SENATE BILL No. 279

By Committee on Federal and State Affairs

2-26

AN ACT concerning governmental ethics; relating to the campaign finance act and the state governmental ethics law; establishing the enforcement authority of the governmental ethics commission; limiting when advisory opinions may be issued; establishing expiration dates for commission subpoenas; modifying campaign finance reporting requirements; limiting when attributions are required in internet communications; eliminating the bar on elected office candidacy for failure to pay fines imposed by the commission; amending K.S.A. 25-4119a, 25-4119d, 25-4142, 25-4148, 25-4156, 46-214a and 46-254 and K.S.A. 2024 Supp. 25-4143, 25-4158 and 25-4181 and repealing the existing sections; also repealing K.S.A. 25-4119g, 25-4148a and 25-4153b.

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

New Section 1. (a) If there is more than one reasonable interpretation of any provision of the campaign finance act, such provision shall be construed and applied to maximize the exercise of the right of freedom of speech and of the press, the right to assemble and the right to petition the government as guaranteed by the constitution of the United States and the constitution of the state of Kansas.

(b) The governmental ethics commission shall have no authority to make law or interpret the provisions of the campaign finance act through adjudicative decisions of the commission. Any rule of law that is not stated in the campaign finance act may be established by the commission by the adoption of rules and regulations in accordance with K.S.A. 25-4119a, and amendments thereto. No report, order or advisory opinion issued by the commission on or after July 1, 2024, shall be considered precedential in the interpretation of any provision of the campaign finance act, except for the purposes of:

(1) Establishing a presumption of compliance for a person who requests an advisory opinion pursuant to K.S.A. 25-4119a, and amendments thereto, or any other applicable statute; or

(2) ensuring consistency in imposing civil fines or other penalties for the same or similar violations.

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

1 New Sec. 2. (a) If there is more than one reasonable interpretation of
2 any provision of the state governmental ethics law, such provision shall be
3 construed and applied to maximize the exercise of the right of freedom of
4 speech and of the press, the right to assemble and the right to petition the
5 government as guaranteed by the constitution of the United States and the
6 constitution of the state of Kansas.

7 (b) The governmental ethics commission shall have no authority to
8 make law or interpret the provisions of the state governmental ethics law
9 through adjudicative decisions of the commission. Any rule of law that is
10 not stated in the state governmental ethics law may be established by the
11 commission by the adoption of rules and regulations in accordance with
12 K.S.A. 46-253, and amendments thereto. No report, order or advisory
13 opinion issued by the commission on or after July 1, 2024, shall be
14 considered precedential in the interpretation of any provision of the state
15 governmental ethics law, except for the purposes of:

16 (1) Establishing a presumption of compliance for a person who
17 requests an advisory opinion pursuant to K.S.A. 46-254, and amendments
18 thereto, or any other applicable statute; or

19 (2) ensuring consistency in imposing civil fines or other penalties for
20 the same or similar violations.

21 (c) This section shall be a part of and supplemental to the state
22 governmental ethics law.

23 Sec. 3. K.S.A. 25-4119a is hereby amended to read as follows: 25-
24 4119a. (a) There is hereby created the Kansas *governmental ethics*
25 ~~commission on governmental standards and conduct~~.

26 (b) On July 1, 1998, the Kansas commission on governmental
27 standards and conduct is hereby redesignated as the governmental ethics
28 commission. On and after July 1, 1998, whenever the Kansas commission
29 on governmental standards and conduct, or words of like effect, is referred
30 to or designated by a statute, contract or other document, such reference or
31 designation shall be deemed to apply to the governmental ethics
32 commission. Nothing in this act shall be construed as abolishing and
33 reestablishing the Kansas commission on governmental standards and
34 conduct. The commission shall consist of nine members of whom two
35 shall be appointed by the governor, one by the president of the senate, one
36 by the speaker of the house of representatives, one by the minority leader
37 of the house of representatives, one by the minority leader of the senate,
38 one by the chief justice of the supreme court, one by the attorney general
39 and one by the secretary of state. Nothing in this act shall be construed as
40 affecting the terms of members serving on July 1, 1998. Not more than
41 five members of the commission shall be members of the same political
42 party and the two members appointed by the governor shall not be
43 members of the same political party.

1 (c) The terms of all subsequently appointed members shall be two
2 years commencing on February 1 of the appropriate years. Vacancies
3 occurring on the commission shall be filled for the unexpired term by the
4 same appointing officer as made the original appointment. Members shall
5 serve until their successors are appointed and qualified. The governor shall
6 designate one of the members appointed by the governor to be the
7 chairperson of the commission. A majority vote of five members of the
8 commission shall be required for any action of the commission. The
9 commission may adopt rules to govern its proceedings and may provide
10 for such officers other than the chairperson as it may determine. The
11 commission shall meet at least once each quarter, and also shall meet on
12 call of its chairperson or any four members of the commission. Members
13 of the commission attending meetings of such commission, or attending a
14 subcommittee meeting thereof authorized by such commission, shall be
15 paid compensation, subsistence allowances, mileage and other expenses as
16 provided in subsections (a) to (d), inclusive, of K.S.A. 75-3223, and
17 amendments thereto. The commission shall appoint an executive director
18 who shall be in the unclassified service and receive compensation fixed by
19 the commission, in accordance with appropriation acts of the legislature,
20 subject to approval by the governor. The commission may employ such
21 other staff and attorneys as it determines, within amounts appropriated to
22 the commission, all of whom shall be in the unclassified service and shall
23 receive compensation fixed by the commission and not subject to approval
24 by the governor.

25 (d) The commission may adopt rules and regulations for the
26 administration of the campaign finance act. Subject to K.S.A. 25-4178,
27 and amendments thereto, rules and regulations adopted by the commission
28 created prior to this act shall continue in force and effect and shall be
29 deemed to be the rules and regulations of the commission created by this
30 section of this enactment, until revised, amended, repealed or nullified
31 pursuant to law. All rules and regulations of the commission shall be
32 subject to the provisions of article 4 of chapter 77 of Kansas Statutes
33 Annotated. The commission shall continue to administer all of the acts
34 administered by the commission to which it is successor.

35 (e) *The commission shall issue an advisory opinion upon the request*
36 *of any person to which this act applies on questions concerning the*
37 *interpretation of provisions of the campaign finance act. Such advisory*
38 *opinions shall be issued in writing and only upon the receipt of such*
39 *request. Any person who acts in accordance with the provisions of any*
40 *such advisory opinion shall be presumed to have complied with the*
41 *provisions of the campaign finance act.*

42 (f) The commission may provide copies of opinions, informational
43 materials compiled and published by the commission and public records

1 filed in the office of the commission to persons requesting the same and
2 may adopt rules and regulations fixing reasonable fees therefor. All fees
3 collected by the commission under the provisions of this subsection shall
4 be remitted to the state treasurer in accordance with the provisions of
5 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
6 remittance, the state treasurer shall deposit the entire amount in the state
7 treasury to the credit of the governmental ethics commission fee fund.

8 ~~(f)~~(g) The commission shall submit an annual report and
9 recommendations in relation to all acts administered by the commission to
10 the governor and to the legislative coordinating council on or before
11 December 1 of each year. The legislative coordinating council shall
12 transmit such report and recommendations to the legislature.

13 ~~(g) Whenever the Kansas commission on governmental standards and~~
14 ~~conduct, or words of like effect, is referred to or designated by a statute,~~
15 ~~contract or other document, such reference or designation shall be deemed~~
16 ~~to apply to the governmental ethics commission.~~

17 Sec. 4. K.S.A. 25-4119d is hereby amended to read as follows: 25-
18 4119d. ~~(a) From and after the effective date of this act, no person shall be~~
19 ~~appointed to membership on the commission who has held the office of~~
20 ~~chairperson, vice chairperson or treasurer of any county, district or state~~
21 ~~political party committee, or who within five years preceeding the date of~~
22 ~~such appointment has been a candidate for or the holder of any partisan~~
23 ~~political office or who has within three years preceeding the date of such~~
24 ~~appointment: (1) Held an elective state office; (2) held the office of~~
25 ~~secretary of any department of state government; (3) been a lobbyist as~~
26 ~~defined by K.S.A. 46-222, and amendments thereto; (4) been an officer or~~
27 ~~employee who directly participated in the making of a contract on behalf~~
28 ~~of a vendor of goods and services with the state of Kansas or any agency~~
29 ~~thereof; or (5) provided services under contract to the state of Kansas or~~
30 ~~any agency thereof.~~

31 ~~(b) While serving on the commission created by K.S.A. 25-4119a,~~
32 ~~and amendments thereto, no member shall:~~

33 (1) Be an individual subject to the provisions of the campaign finance
34 law or the provisions of K.S.A. 46-215 et seq., and amendments thereto,
35 administered or enforced by the commission;

36 (2) Serve as a chairperson or treasurer for any candidate or committee
37 subject to the provisions of the campaign finance act;

38 ~~(3)~~(2) actively solicit contributions subject to the provisions of the
39 campaign finance act;

40 ~~(4)~~(3) be a lobbyist as defined by K.S.A. 46-222, and amendments
41 thereto;

42 ~~(5)~~(4) be an officer or employee who directly participated in the
43 making of a contract on behalf of a vendor of goods and services with the

1 state of Kansas or any agency thereof;

2 ~~(6)~~(5) provide services under contract to the state of Kansas or any
3 agency thereof;

4 ~~(7)~~(6) be a candidate for or the holder of any partisan political office;

5 ~~(8)~~(7) be the chairperson, vice chairperson or treasurer of any county,
6 district or state political party committee;

7 ~~(9)~~(8) directly or indirectly solicit contributions for any partisan
8 political party or any organization thereof or any candidate for partisan
9 political office; or

10 ~~(10)~~(9) endorse any candidate for any partisan political office subject
11 to the provisions of this act.

12 ~~(e)~~(b) Whenever any member of the commission is ineligible to serve
13 as a member thereof under the provisions of ~~subsections~~ subsection (a) ~~and~~
14 ~~(b) of this section~~, the membership of such person shall terminate and such
15 person shall no longer be eligible to participate in any action or proceeding
16 by the commission. Such vacancy shall be filled in the manner prescribed
17 by K.S.A. 25-4119a, and amendments thereto.

18 (c) *For purposes of this section:*

19 (1) *"Partisan political office" means any office for which any*
20 *candidate is nominated or elected as representing a party of whose*
21 *candidates for presidential elector received votes in the last preceding*
22 *election at which presidential electors were selected.*

23 (2) *"Partisan political office" does not include any office or position*
24 *within a political party or affiliated organization, including, but not*
25 *limited to, precinct, county, congressional district or state party committee*
26 *members.*

27 Sec. 5. K.S.A. 25-4142 is hereby amended to read as follows: 25-
28 4142. K.S.A. ~~25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187~~
29 ~~and K.S.A. 25-4153b~~ 25-4119a through 25-4189, and amendments
30 thereto, and section 1, and amendments thereto, shall be known and may
31 be cited as the campaign finance act.

32 Sec. 6. K.S.A. 2024 Supp. 25-4143 is hereby amended to read as
33 follows: 25-4143. As used in the campaign finance act, unless the context
34 otherwise requires:

35 (a) "Agent" means an individual who is:

36 (1) A candidate;

37 (2) a chairperson of a candidate, political or party committee;

38 (3) a treasurer; or

39 (4) any director, officer, employee, paid consultant or other person
40 who is authorized to act on behalf of persons listed in this subsection.

41 (b) "Candidate" means an individual who:

42 (1) Appoints a treasurer or a candidate committee;

43 (2) makes a public announcement of intention to seek nomination or

1 election to state or local office;

2 (3) makes any expenditure or accepts any contribution for such
3 person's nomination or election to any state or local office; or

4 (4) files a declaration or petition to become a candidate for state or
5 local office.

6 (c) "Candidate committee" means a committee appointed by a
7 candidate to receive contributions and make expenditures for the
8 candidate.

9 (d) "Clearly identified candidate" means a candidate who has been
10 identified by the:

11 (1) Use of the name of the candidate;

12 (2) use of a photograph or drawing of the candidate; or

13 (3) unambiguous reference to the candidate whether or not the name,
14 photograph or drawing of such candidate is used.

15 (e) "Commission" means the governmental ethics commission.

16 (f) (1) "Contribution" means:

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

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

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

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

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

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

38 (2) "Contribution" does not include:

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

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

43 (C) payment by a candidate or candidate's spouse for personal meals,

1 lodging and travel by personal automobile of the candidate or candidate's
2 spouse while campaigning; or

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

6 (g) "Election" means:

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

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

10 (h) (1) "Expenditure" means:

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

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

20 (C) any contract to make an expenditure;

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

23 (E) payment of a candidate's filing fees.

24 (2) "Expenditure" does not include:

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

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

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

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

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

40 (F) *any news story, commentary or editorial distributed through the*
41 *facilities of any broadcasting station, newspaper, magazine or other*
42 *periodical publication, unless such facilities are owned or controlled by*
43 *any political party, political committee or candidate; or*

1 (G) *any internet communications, except for moneys paid for express*
2 *advocacy communications placed or promoted for a fee on another*
3 *person's website, digital device, application or advertising platform. A*
4 *communication is promoted for a fee when moneys are paid to a website,*
5 *digital device, application or advertising platform for increased*
6 *circulation, prominence or availability of such communication on such*
7 *website, digital device, application or advertising platform.*

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

- 11 (1) "Vote for the secretary of state";
- 12 (2) "re-elect your senator";
- 13 (3) "support the democratic nominee";
- 14 (4) "cast your ballot for the republican challenger for governor";
- 15 (5) "Smith for senate";
- 16 (6) "Bob Jones in '98";
- 17 (7) "vote against Old Hickory";
- 18 (8) "defeat" accompanied by a picture of one or more candidates; or
- 19 (9) "Smith's the one."

20 (j) "Party committee" means:

21 (1) The state committee of a political party regulated by article 3 of
22 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

23 (2) the county central committee or the state committee of a political
24 party regulated under article 38 of chapter 25 of the Kansas Statutes
25 Annotated, and amendments thereto;

26 (3) the bona fide national organization or committee of those political
27 parties regulated by the Kansas Statutes Annotated;

28 (4) the political committee established by the state committee of any
29 such political party and designated as a recognized political committee for
30 the senate;

31 (5) the political committee established by the state committee of any
32 such political party and designated as a recognized political committee for
33 the house of representatives; or

34 (6) the political committee per congressional district established by
35 the state committee of a political party regulated under article 38 of
36 chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and
37 designated as a congressional district party committee.

38 (k) "Person" means any individual, committee, corporation,
39 partnership, trust, organization or association.

40 (l) (1) "Political committee" means any combination of two or more
41 individuals or any person other than an individual, a major purpose of
42 which is to expressly advocate the nomination, election or defeat of a
43 clearly identified candidate for state or local office or make contributions

1 to or expenditures for the nomination, election or defeat of a clearly
2 identified candidate for state or local office.

3 (2) "Political committee" shall not include a candidate committee or a
4 party committee.

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

8 (n) "State office" means any state office as defined in K.S.A. 25-
9 2505, and amendments thereto.

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

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

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

23 Sec. 7. K.S.A. 25-4148 is hereby amended to read as follows: 25-
24 4148. (a) Every treasurer shall file a report prescribed by this section.
25 Reports filed by treasurers for candidates for state office, other than
26 officers elected on a state-wide basis, shall be filed ~~in both~~ with the office
27 of the secretary of state. Reports filed by treasurers for candidates for
28 state-wide office shall be filed electronically and only with the secretary of
29 state. Reports filed by treasurers for candidates for local office shall be
30 filed in the office of the county election officer of the county in which the
31 name of the candidate is on the ballot. Except as otherwise provided by
32 subsection (h), all such reports shall be filed in time to be received in the
33 offices required on or before each of the following days:

34 (1) The eighth day preceding the primary election, which report shall
35 be for the period beginning on January 1 of the election year for the office
36 the candidate is seeking and ending 12 days before the primary election,
37 inclusive;

38 (2) the eighth day preceding a general election, which report shall be
39 for the period beginning 11 days before the primary election and ending 12
40 days before the general election, inclusive;

41 (3) January 10 of the year after an election year, which report shall be
42 for the period beginning 11 days before the general election and ending on
43 December 31, inclusive;

1 (4) for any calendar year when no election is held, a report shall be
2 filed on the next January 10 for the preceding calendar year;

3 (5) a treasurer shall file only the annual report required by subsection
4 (4) for those years when the candidate is not participating in a primary or
5 general election.

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

7 (1) Cash on hand on the first day of the reporting period;

8 (2) the name and address of each person who has made one or more
9 contributions in an aggregate amount or value in excess of ~~\$50~~ \$150
10 during the election period together with the amount and date of such
11 contributions, including the name and address of every lender, guarantor
12 and endorser when a contribution is in the form of an advance or loan;

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

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

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

20 (6) the total of all receipts;

21 (7) the name and address of each person to whom expenditures have
22 been made in an aggregate amount or value in excess of ~~\$50~~ \$150, with
23 the amount, date, and purpose of each; the names and addresses of all
24 persons to whom any loan or advance has been made; when an
25 expenditure is made by payment to an advertising agency, public relations
26 firm or political consultants for disbursement to vendors, the report of such
27 expenditure shall show in detail the name of each such vendor and the
28 amount, date and purpose of the payments to each;

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

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

37 (10) the total of expenditures.

38 (c) In addition to the requirements of subsection (b), every treasurer
39 for any political committee and party committee shall report the following:

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

1 in detail the specific service or product provided; and

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

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

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

8 (iii) is an aggregate amount or having a fair market value in excess of
9 \$300.

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

15 (d) Treasurers of candidates and of candidate committees shall
16 itemize the purchase of tickets or admissions to testimonial events by a
17 person who purchases such tickets or admissions in an aggregate amount
18 or value in excess of ~~\$50~~ \$150 per event, or who purchases such a ticket or
19 admission at a cost exceeding \$25 per ticket or admission. All other
20 purchases of tickets or admissions to testimonial events shall be reported
21 in an aggregate amount and shall not be subject to the limitations specified
22 in K.S.A. 25-4154, and amendments thereto.

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

31 (f) The commission may require any treasurer to file an amended
32 report for any period for which the original report filed by such treasurer
33 contains material errors or omissions. The notice of the errors or omissions
34 shall be part of the public record. The amended report shall be filed within
35 30 days after notice by the commission.

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

40 (h) For the purpose of any report required to be filed pursuant to
41 subsection (a) by the treasurer of any candidate seeking nomination by
42 convention or caucus or by the treasurer of the candidate's committee or by
43 the treasurer of any party committee or political committee, the date of the

1 convention or caucus shall be considered the date of the primary election.

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

4 (j) Any report required by this section may be signed by the candidate
5 in lieu of the candidate's treasurer or the treasurer of the candidate's
6 committee.

7 Sec. 8. K.S.A. 25-4156 is hereby amended to read as follows: 25-
8 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
9 or other periodical to a candidate or to a candidate committee, party
10 committee or political committee, the charge made for the use of such
11 space shall not exceed the charges made for comparable use of such space
12 for other purposes.

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

15 (b) (1) Except as provided in paragraph (2), corrupt political
16 advertising of a state or local office is:

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

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

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

41 (D) (i) publishing or causing to be published any brochure, flier or
42 other political fact sheet that expressly advocates the nomination, election
43 or defeat of a clearly identified candidate for a state or local office, unless

1 such matter is followed by a statement that states: "Paid for" or
2 "Sponsored by" followed by the name of the chairperson or treasurer of the
3 political or other organization sponsoring the same or the name of the
4 individual who is responsible therefor.

5 (ii) The provisions of this subparagraph (D) requiring the disclosure
6 of the name of an individual shall not apply to individuals making
7 expenditures in an aggregate amount of less than \$2,500 within a calendar
8 year; or

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

16 (ii) The provisions of this subparagraph (E) requiring the disclosure
17 of the name of an individual shall apply only to any website, email or other
18 type of *paid* internet communication that is made by the candidate, the
19 candidate's candidate committee, a political committee or a party
20 committee and ~~the such~~ website, email or other internet communication *is*
21 viewed by or disseminated to at least 25 individuals. For the purposes of
22 this subparagraph, the terms "candidate," "candidate committee," "party
23 committee" and "political committee" ~~shall have the meanings ascribed to~~
24 ~~them~~ *mean the same as defined* in K.S.A. 25-4143, and amendments
25 thereto.

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

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

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

38 Sec. 9. K.S.A. 2024 Supp. 25-4158 is hereby amended to read as
39 follows: 25-4158. (a) The secretary of state shall:

40 (1) Furnish forms prescribed and provided by the commission for
41 making reports and statements required to be filed in the office of the
42 secretary of state by the campaign finance act; and

43 (2) make such reports and statements available for public inspection

1 and copying during regular office hours.

2 (b) The county election officer shall:

3 (1) Furnish forms prescribed and provided by the commission for
4 making reports and statements required to be filed in the office of the
5 county election officer by the campaign finance act; and

6 (2) make such reports and statements available for public inspection
7 and copying during regular office hours.

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

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

32 (2) Upon application by the commission or any officer designated by
33 the commission for a court order pursuant to paragraph (1), the district
34 court of Shawnee county, after review of the sufficiency of the written
35 findings of fact and conclusions of law, the record before the commission
36 and the reasonableness and scope of the subpoena, shall issue to that
37 person an order requiring the person to appear before the commission or
38 any officer designated by the commission, there to produce documentary
39 evidence if so ordered or to give evidence touching the matter under
40 investigation or in question. Any failure to obey the order of the court may
41 be punished by the court as a contempt of court. Upon the filing of an
42 application for a court order pursuant to paragraph (1), the commission
43 shall provide a copy of the written findings of fact and conclusions of law

1 relating to the alleged violation and persons under investigation along with
2 a copy of the issued subpoena and notices required by paragraph (5) to the
3 recipient of the subpoena.

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

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

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

35 (e) *Any subpoena or subpoena duces tecum issued pursuant to this*
36 *section shall expire and be invalid six months from the date of issuance*
37 *unless an order to enforce such subpoena is issued by the Shawnee county*
38 *district court prior to the date of expiration. Any subpoena or subpoena*
39 *duces tecum issued by the commission prior to July 1, 2025, is hereby*
40 *declared invalid by law.*

41 Sec. 10. K.S.A. 2024 Supp. 25-4181 is hereby amended to read as
42 follows: 25-4181. (a) The commission, in addition to any other penalty
43 prescribed under the campaign finance act, may assess a civil fine, after

1 proper notice and an opportunity to be heard, against any person for a
2 violation of the campaign finance act in an amount not to exceed \$5,000
3 for the first violation, \$10,000 for the second violation and \$15,000 for the
4 third violation and for each subsequent violation. Except as otherwise
5 provided, the fine imposed by the commission in any one matter shall not
6 exceed an amount that is triple the applicable fine for a single violation in
7 such matter. In the event the respondent derived pecuniary gain from the
8 specific violations, then, in lieu of the above fine amounts, the fine
9 imposed may be fixed at an amount greater than that provided in this
10 section, but in no event shall such amount exceed double the pecuniary
11 gain derived from the violation by the respondent. Nothing in this section
12 shall prevent the imposition of a separate fine by a court in a criminal
13 proceeding. Whenever any civil fine or penalty is proposed to be assessed
14 against the treasurer of any candidate who is not also the candidate, such
15 notice shall be given to both the treasurer and the candidate prior to the
16 assessment of such fine or penalty. All fines assessed and collected under
17 this section shall be remitted to the state treasurer in accordance with the
18 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
19 each such remittance, the state treasurer shall deposit the entire amount in
20 the state treasury to the credit of the state general fund.

21 ~~(b) No individual who has failed to pay any civil penalty or civil fine~~
22 ~~assessed, or failed to file any report required to be filed under the~~
23 ~~campaign finance act, unless such penalty or fine has been waived or is~~
24 ~~under appeal, shall be eligible to become a candidate for state office or~~
25 ~~local office until such penalty or fine has been paid or such report has been~~
26 ~~filed or both such penalty or fine has been paid and such report filed.~~

27 ~~(e)~~—The commission shall not order community service or any other
28 specific performance in lieu of a civil fine as part of a consent decree or
29 final order. Nothing in this section shall prohibit the commission from
30 requiring training regarding or compliance with any provision of this act as
31 part of a consent decree or final order.

32 ~~(d)~~(c) The commission shall not enter into any agreement with any
33 person that legally binds the commission from enforcing any law against
34 that person in exchange for the person's cooperation with or assistance of
35 the commission in any matter unless such person has received immunity
36 from criminal prosecution in the same matter from a county or district
37 attorney or the attorney general pursuant to K.S.A. 22-3415, and
38 amendments thereto.

39 Sec. 11. K.S.A. 46-214a is hereby amended to read as follows: 46-
40 214a. K.S.A. 46-215 through 46-293—~~and K.S.A. 46-237a~~, and
41 amendments thereto, *and section 2, and amendments thereto*, shall be
42 known and may be cited as the state governmental ethics law.

43 Sec. 12. K.S.A. 46-254 is hereby amended to read as follows: 46-254.

1 The commission ~~upon its own initiative may, and shall issue an advisory~~
2 *opinion* upon the request of any ~~individual person~~ to which this act applies
3 ~~shall, render an opinion in writing~~ on questions concerning the
4 interpretation of *provisions of* this act. *Such advisory opinions shall be*
5 *issued in writing and only upon the receipt of such request.* Any person
6 who acts in accordance with the provisions of such an opinion; shall be
7 presumed to have complied with the provisions of this act. A copy of every
8 opinion rendered by the commission shall be filed with the secretary of
9 state, and any opinion so filed shall be open to public inspection. The
10 secretary of state shall publish all opinions rendered under this section
11 monthly and each such publication shall be cumulative. Copies of each
12 opinion shall be filed with the secretary of the senate and the chief clerk of
13 the house on the same date as the same are filed with the secretary of state.
14 The secretary of state shall cause adequate copies of all filings under this
15 section to be supplied to the state library.

16 Sec. 13. K.S.A. 25-4119a, 25-4119d, 25-4119g, 25-4142, 25-4148,
17 25-4148a, 25-4153b, 25-4156, 46-214a and 46-254 and K.S.A. 2024 Supp.
18 25-4143, 25-4158 and 25-4181 are hereby repealed.

19 Sec. 14. This act shall take effect and be in force from and after its
20 publication in the statute book.