

SENATE BILL No. 395

By Committee on Federal and State Affairs

1-27

1 AN ACT concerning campaign finance; requiring treasurers for candidates
2 and persons who promote or oppose the adoption of constitutional
3 amendments to report lists of small donors to the public disclosure
4 commission; providing that such lists shall not be a part of any report
5 required to be made public; amending K.S.A. 25-4148 and K.S.A. 2025
6 Supp. 25-4180 and repealing the existing sections.
7

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

9 Section 1. K.S.A. 25-4148 is hereby amended to read as follows: 25-
10 4148. (a) Every treasurer shall file a report prescribed by this section.
11 Reports filed by treasurers for candidates for state office, other than
12 officers elected on a state-wide basis, shall be filed ~~in both~~ with the office
13 of the secretary of state. Reports filed by treasurers for candidates for
14 state-wide office shall be filed electronically and only with the secretary of
15 state. Reports filed by treasurers for candidates for local office shall be
16 filed in the office of the county election officer of the county in which the
17 name of the candidate is on the ballot. Except as otherwise provided by
18 subsection (h), all such reports shall be filed in time to be received in the
19 offices required on or before each of the following days:

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

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

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

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

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

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

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

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

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

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

11 (5) each contribution, rebate, refund or other receipt not otherwise
12 listed;

13 (6) the total of all receipts;

14 (7) the name and address of each person to whom expenditures have
15 been made in an aggregate amount or value in excess of \$50, with the
16 amount, date, and purpose of each; the names and addresses of all persons
17 to whom any loan or advance has been made; when an expenditure is
18 made by payment to an advertising agency, public relations firm or
19 political consultants for disbursement to vendors, the report of such
20 expenditure shall show in detail the name of each such vendor and the
21 amount, date and purpose of the payments to each;

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

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

30 (10) the total of expenditures.

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

33 (1) (A) The name and address of each candidate for state or local
34 office for whom an expenditure in the form of an in-kind contribution has
35 been made in an aggregate amount or having a fair market value in excess
36 of \$300, with the amount, date and purpose of each. The report shall show
37 in detail the specific service or product provided; and

38 (B) the name and address of each candidate for state or local office
39 who is the subject of an expenditure ~~which~~ that:

40 (i) Is made without the cooperation or consent of a candidate or
41 candidate committee;

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

1 (iii) is an aggregate amount or having a fair market value in excess of
2 \$300.

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

8 (d) Treasurers of candidates and of candidate committees shall
9 itemize the purchase of tickets or admissions to testimonial events by a
10 person who purchases such tickets or admissions in an aggregate amount
11 or value in excess of \$50 per event, or who purchases such a ticket or
12 admission at a cost exceeding \$25 per ticket or admission. All other
13 purchases of tickets or admissions to testimonial events shall be reported
14 in an aggregate amount and shall not be subject to the limitations specified
15 in K.S.A. 25-4154, and amendments thereto.

16 (e) If a contribution or other receipt from a political committee is
17 required to be reported under subsection (b), the report shall include the
18 full name of the organization with which the political committee is
19 connected or affiliated or, a description of the connection to or affiliation
20 with such organization. If, the committee is not connected or affiliated
21 with any one organization, the report shall state the trade, profession or
22 primary interest of the political committee as reflected by the statement of
23 purpose of such organization.

24 (f) The commission may require any treasurer to file an amended
25 report for any period for which the original report filed by such treasurer
26 contains material errors or omissions. The notice of the errors or omissions
27 shall be part of the public record. The amended report shall be filed within
28 30 days after notice by the commission.

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

33 (h) For the purpose of any report required to be filed pursuant to
34 subsection (a) by the treasurer of any candidate seeking nomination by
35 convention or caucus or by the treasurer of the candidate's committee or by
36 the treasurer of any party committee or political committee, the date of the
37 convention or caucus shall be considered the date of the primary election.

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

40 (j) Any report required by this section may be signed by the candidate
41 in lieu of the candidate's treasurer or the treasurer of the candidate's
42 committee.

43 (k) *The treasurer shall maintain a record of the name and address of*

1 *each person who has made one or more contributions in an aggregate*
2 *amount or value of \$50 or less, or who has made an in-kind contribution*
3 *of \$100 or less, or who has provided personal services without charge if*
4 *the services were valued at \$100 or less. Such name and address shall not*
5 *be included in any report required to be filed with the secretary of state or*
6 *the county election officer. Such information shall be submitted to the*
7 *public disclosure commission but shall not be included in any report that*
8 *is required to be made public. The provisions of this paragraph providing*
9 *for confidentiality of certain public records shall expire on July 1, 2031,*
10 *unless the legislature reviews and reenacts such provisions in accordance*
11 *with K.S.A. 45-2291, and amendments thereto.*

12 Sec. 2. K.S.A. 2025 Supp. 25-4180 is hereby amended to read as
13 follows: 25-4180. (a) Every person who engages in any activity promoting
14 or opposing the adoption or repeal of any provision of the constitution of
15 the state of Kansas and who accepts moneys or property for the purpose of
16 engaging in such activity shall make an annual report to the secretary of
17 state of individual contributions or contributions in kind in an aggregate
18 amount or value in excess of \$50 received during the preceding calendar
19 year for such purposes. The report shall show the name and address of
20 each contributor for the activity and the amount or value of the individual
21 contribution made, together with a total value of all contributions received,
22 and also shall account for expenditures in an aggregate amount or value in
23 excess of \$50 from such contributions, by showing the amount or value
24 expended to each payee and the purpose of each such expenditure,
25 together with a total value of all expenditures made. Each person who
26 submits a report shall certify that:

27 (1) Such person has not knowingly accepted contributions or
28 expenditures either directly or indirectly from a foreign national; and

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

35 (b) *Each person who is required to make an annual report as*
36 *provided in subsection (a), shall maintain a record of the name and*
37 *address of each contributor of \$50 or less. Such information shall be*
38 *submitted to the public disclosure commission but shall not be included in*
39 *any report required to be made public. The provisions of this paragraph*
40 *providing for confidentiality of certain public records shall expire on July*
41 *1, 2031, unless the legislature reviews and reenacts such provisions in*
42 *accordance with K.S.A. 45-2291, and amendments thereto.*

43 (c) Each person who accepts contributions or expenditures as

1 described in subsection (a) shall require each donor to certify that such
2 donor is not a foreign national and has not knowingly accepted
3 contributions or expenditures either directly or indirectly from any foreign
4 national that in the aggregate exceed \$100,000 within the four-year period
5 immediately preceding the date of such donor's contribution or
6 expenditure.

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

17 ~~(d)~~(e) (1) No person shall accept, directly or indirectly, any
18 contribution or expenditure from a foreign national made for any activity
19 promoting or opposing the adoption or repeal of any provision of the
20 constitution of the state of Kansas.

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

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

30 ~~(e)~~(f) As used in this section, "foreign national" means:

31 (1) An individual who is not a citizen or lawful permanent resident of
32 the United States;

33 (2) a government or subdivision of a foreign country or municipality
34 thereof;

35 (3) a foreign political party;

36 (4) any entity, such as a partnership, association, corporation,
37 organization or other combination of persons, that is organized under the
38 laws of, or has its principal place of business in, a foreign country; or

39 (5) any United States entity, such as a partnership, association,
40 corporation or organization, that is wholly or majority-owned by any
41 foreign national, unless: (1) Any contribution or expenditure that such
42 entity makes is derived entirely from funds generated by such United
43 States entity's United States operations; and (2) all decisions concerning

1 the contribution or expenditure are made by individuals who are United
2 States citizens or permanent residents, except for setting overall budget
3 amounts.

4 ~~(f)~~(g) In addition to the annual report, a person engaging in an
5 activity promoting the adoption or repeal of a provision of the Kansas
6 constitution who accepts any contributed moneys for such activity shall
7 make a preliminary report to the secretary of state 15 days prior to each
8 election at which a proposed constitutional amendment is submitted. Such
9 report shall show the name and address of each individual contributor,
10 together with the amount contributed or contributed in kind in an
11 aggregate amount or value in excess of \$50, the expenditures in an
12 aggregate amount or value in excess of \$50 from such contributions, by
13 showing the amount paid to each payee, and the purpose of the
14 expenditure. A supplemental report in the same format as the preliminary
15 report shall be filed with the secretary of state within 15 days after any
16 election on a constitutional proposition where contributed funds are
17 received and expended in opposing or promoting such proposition.

18 ~~(g)~~(h) Any person who engages in any activity promoting or opposing
19 the adoption or repeal of any provision of the Kansas constitution shall be
20 considered engaged in such activity upon the date that the concurrent
21 resolution passes the Kansas house of representatives and the senate in its
22 final form. Upon such date, if the person has funds in the constitutional
23 amendment campaign treasury, such person shall be required to report
24 such funds as provided by this section.

25 ~~(h)~~(i) (1) The commission shall send a notice by registered or
26 certified mail to any person failing to file any report required by
27 subsection (a), (f) or (g) within the time period prescribed therefor. The
28 notice shall state that the required report has not been filed with the office
29 of the secretary of state. The notice also shall state that such person shall
30 have 15 days from the date that such notice is deposited in the mail to
31 comply with the reporting requirements before a civil penalty shall be
32 imposed for each day that the required documents remain unfiled. If such
33 person fails to comply within the prescribed period, such person shall pay
34 to the state a civil penalty of \$10 per day for each day that such report
35 remains unfiled, except that no such civil penalty shall exceed \$300. The
36 commission may waive, for good cause, payment of any civil penalty
37 imposed by this section.

38 (2) Civil penalties provided for by this section shall be remitted to the
39 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
40 amendments thereto. Upon receipt of each such remittance, the state
41 treasurer shall deposit the entire amount in the state treasury to the credit
42 of the Kansas public disclosure commission fee fund.

43 (3) If a person fails to pay a civil penalty provided for by this section,

1 it shall be the duty of the commission to bring an action to recover such
2 civil penalty in the district court of the county in which such person
3 resides.

4 ~~(j)~~ The intentional failure to file any report required by subsection
5 (a) is a class A misdemeanor.

6 ~~(k)~~ This section shall be a part of and supplemental to the campaign
7 finance act.

8 Sec. 3. K.S.A. 25-4148 and K.S.A. 2025 Supp. 25-4180 are hereby
9 repealed.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.