

SENATE BILL No. 486

By Committee on Federal and State Affairs

2-9

1 AN ACT concerning elections; relating to the campaign finance act;
2 expanding the scope thereof to include candidates for board
3 membership of certain school districts and community colleges;
4 amending K.S.A. 25-4143 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 25-4143 is hereby amended to read as follows: 25-
8 4143. As used in the campaign finance act, unless the context otherwise
9 requires:

10 (a) "Candidate" means an individual who:

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

12 (2) makes a public announcement of intention to seek nomination or
13 election to state or local office;

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

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

18 (b) "Candidate committee" means a committee appointed by a
19 candidate to receive contributions and make expenditures for the
20 candidate.

21 (c) "Clearly identified candidate" means a candidate who has been
22 identified by the:

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

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

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

27 (d) "Commission" means the governmental ethics commission.

28 (e) (1) "Contribution" means:

29 (A) Any advance, conveyance, deposit, distribution, gift, loan or
30 payment of money or any other thing of value given to a candidate,
31 candidate committee, party committee or political committee for the
32 express purpose of nominating, electing or defeating a clearly identified
33 candidate for a state or local office-;

34 (B) any advance, conveyance, deposit, distribution, gift, loan or
35 payment of money or any other thing of value made to expressly advocate
36 the nomination, election or defeat of a clearly identified candidate for a

1 state or local office;

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

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

8 (E) the purchase of tickets or admissions to, or advertisements in
9 journals or programs for, testimonial events; *or*

10 (F) a mailing of materials designed to expressly advocate the
11 nomination, election or defeat of a clearly identified candidate, ~~which~~ *that*
12 is made and paid for by a party committee with the consent of such
13 candidate.

14 (2) "Contribution" does not include:

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

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

19 (C) payment by a candidate or candidate's spouse for personal meals,
20 lodging and travel by personal automobile of the candidate or candidate's
21 spouse while campaigning; *or*

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

25 (f) "Election" means:

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

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

29 (g) (1) "Expenditure" means:

30 (A) Any purchase, payment, distribution, loan, advance, deposit or
31 gift of money or any other thing of value made by a candidate, candidate
32 committee, party committee or political committee for the express purpose
33 of nominating, electing or defeating a clearly identified candidate for a
34 state or local office-;

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

39 (C) any contract to make an expenditure;

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

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

43 (2) "Expenditure" does not include:

- 1 (A) The value of volunteer services provided without compensation;
2 (B) costs to a volunteer incidental to the rendering of volunteer
3 services not exceeding a fair market value of \$50 during an allocable
4 election period as provided in K.S.A. 25-4149, and amendments thereto;
5 (C) payment by a candidate or candidate's spouse for personal meals,
6 lodging and travel by personal automobile of the candidate or candidate's
7 spouse while campaigning or payment of such costs by the treasurer of a
8 candidate or candidate committee;
9 (D) the value of goods donated to events such as testimonial events,
10 bake sales, garage sales and auctions by any person not exceeding fair
11 market value of \$50 per event; or
12 (E) any communication by an incumbent elected state or local officer
13 with one or more individuals unless the primary purpose thereof is to
14 expressly advocate the nomination, election or defeat of a clearly
15 identified candidate.
- 16 (h) "Expressly advocate the nomination, election or defeat of a clearly
17 identified candidate" means any communication ~~which~~ that uses phrases,
18 including, but not limited to:
- 19 (1) "Vote for the secretary of state";
20 (2) "re-elect your senator";
21 (3) "support the democratic nominee";
22 (4) "cast your ballot for the republican challenger for governor";
23 (5) "Smith for senate";
24 (6) "Bob Jones in '98";
25 (7) "vote against Old Hickory";
26 (8) "defeat" accompanied by a picture of one or more candidates; or
27 (9) "Smith's the one."
- 28 (i) "Party committee" means:
- 29 (1) The state committee of a political party regulated by article 3 of
30 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
31 (2) the county central committee or the state committee of a political
32 party regulated under article 38 of chapter 25 of the Kansas Statutes
33 Annotated, and amendments thereto;
34 (3) the bona fide national organization or committee of those political
35 parties regulated by the Kansas Statutes Annotated;
36 (4) not more than one political committee established by the state
37 committee of any such political party and designated as a recognized
38 political committee for the senate;
39 (5) not more than one political committee established by the state
40 committee of any such political party and designated as a recognized
41 political committee for the house of representatives; or
42 (6) not more than one political committee per congressional district
43 established by the state committee of a political party regulated under

1 article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments
2 thereto, and designated as a congressional district party committee.

3 (j) "Person" means any individual, committee, corporation,
4 partnership, trust, organization or association.

5 (k) (1) "Political committee" means any combination of two or more
6 individuals or any person other than an individual, a major purpose of
7 which is to expressly advocate the nomination, election or defeat of a
8 clearly identified candidate for state or local office or make contributions
9 to or expenditures for the nomination, election or defeat of a clearly
10 identified candidate for state or local office.

11 (2) "Political committee"—~~shall~~ *does* not include a candidate
12 committee or a party committee.

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

16 (m) "State office" means any state office as defined in K.S.A. 25-
17 2505, and amendments thereto.

18 (n) "Testimonial event" means an event held for the benefit of an
19 individual who is a candidate to raise contributions for such candidate's
20 campaign. Testimonial events include but are not limited to dinners,
21 luncheons, rallies, barbecues and picnics.

22 (o) "Treasurer" means a treasurer of a candidate or of a candidate
23 committee, a party committee or a political committee appointed under the
24 campaign finance act or a treasurer of a combination of individuals or a
25 person other than an individual—~~which~~ *who* is subject to ~~paragraph (2) of~~
26 ~~subsection (a) of~~ K.S.A. 25-4172(a)(2), and amendments thereto.

27 (p) "Local office" means:

28 (1) A member of the governing body of a city of the first class;

29 (2) any elected office of a unified school district having 35,000 or
30 more pupils regularly enrolled in the preceding school year;

31 (3) *any elected office of a unified school district or community*
32 *college whose administrative office is located in a county with a*
33 *population of not less than 115,000;*

34 (4) *any elected office of a county; or*

35 (5) *any elected office of the board of public utilities.*

36 Sec. 2. K.S.A. 25-4143 is hereby repealed.

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