

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2391

By Committee on Elections

2-9

1 AN ACT concerning campaign finance; relating to the governmental ethics
2 commission; establishing a ~~two-year~~ **five-year** statute of limitations for
3 complaints; ~~limiting~~ **modifying** the commission's subpoena powers;
4 allowing respondents to have a hearing transferred before a presiding
5 officer under the Kansas administrative procedure act; amending
6 K.S.A. 25-4119a, 25-4119d, 25-4143, 25-4145, 25-4148, 25-4148c, **25-**
7 **4150**, 25-4152, 25-4153a, 25-4153b, 25-4154, 25-4157a, 25-4158, 25-
8 4161, 25-4163, 25-4165, 25-4170, 25-4181, 25-4182 and 25-4185 and
9 repealing the existing sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) The provisions of the Kansas administrative
13 procedure act, the Kansas code of civil procedure, the Kansas judicial
14 review act and the Kansas public speech protection act shall apply to
15 actions by the governmental ethics commission or commission staff,
16 including, but not limited to, applications for judicial relief in district
17 court. All actions pursuant to this act, including, but not limited to,
18 investigative and enforcement actions and applications to the commission,
19 shall constitute a claim for purposes of the Kansas public speech
20 protection act.

21 (b) The statute of limitations for bringing any action before the
22 commission shall be brought within ~~two~~ **five** years of the first act giving
23 rise to the cause of action or complaint.

24 (c) No action by the commission, including, but not limited to, the
25 issuance of any consent order, order dismissing a complaint or any other
26 preliminary or final order by the commission, shall require a respondent to
27 waive any civil or legal rights to judicial recourse in any manner.

28 (d) No person shall be held responsible for any action on behalf of
29 another individual or entity subject to the provisions of this act unless such
30 person is an agent as defined by K.S.A. 25-4143, and amendments thereto.

31 (e) The commission shall provide by rules and regulations the
32 standards by which any member of the commission, the executive director
33 or any other person employed or engaged by the commission shall recuse
34 themselves from any matter before the commission by reason of a conflict
35 of interest, appearance of impropriety or other basis affecting the ability of
36 the commission to neutrally and fairly enforce the ~~governmental ethics~~

1 **campaign finance act.**

2 Sec. 2. K.S.A. 25-4119a is hereby amended to read as follows: 25-
3 4119a. (a) There is hereby created the ~~Kansas commission on~~
4 ~~governmental standards and conduct.~~

5 (b) ~~On July 1, 1998, the Kansas commission on governmental~~
6 ~~standards and conduct is hereby redesignated as the governmental ethics~~
7 ~~commission. On and after July 1, 1998, whenever the Kansas commission~~
8 ~~on governmental standards and conduct, or words of like effect, is referred~~
9 ~~to or designated by a statute, contract or other document, such reference or~~
10 ~~designation shall be deemed to apply to the governmental ethics~~
11 ~~commission. Nothing in this act shall be construed as abolishing and~~
12 ~~reestablishing the Kansas commission on governmental standards and~~
13 ~~conduct. The commission shall consist of nine members, of whom two~~
14 ~~shall be appointed by the governor, one by the president of the senate, one~~
15 ~~by the speaker of the house of representatives, one by the minority leader~~
16 ~~of the house of representatives, one by the minority leader of the senate,~~
17 ~~one by the chief justice of the supreme court, one by the attorney general~~
18 ~~and one by the secretary of state. Nothing in this act shall be construed as~~
19 ~~affecting the terms of members serving on July 1, 1998. Not more than~~
20 ~~five members of the commission shall be members of the same political~~
21 ~~party and **Not more than five members of the commission shall be**~~
22 ~~members of the same political party and the two members appointed by~~
23 ~~the governor shall not be members of the same political party.~~

24 (e)(b) The terms of all ~~subsequently appointed~~ members shall be two
25 years commencing on February 1 of the appropriate years. Vacancies
26 occurring on the commission shall be filled for the unexpired term by the
27 same appointing officer as made the original appointment. Members shall
28 serve until their successors are appointed and qualified. The governor shall
29 designate one of the members appointed by the governor to be the
30 chairperson of the commission. A majority vote of five members of the
31 commission shall be required for any action of the commission. The
32 commission may adopt rules to govern its proceedings and may provide
33 for such officers other than the chairperson as it may determine. The
34 commission shall meet at least once each quarter, and also shall meet on
35 call of its chairperson or any four members of the commission. Members
36 of the commission attending meetings of such commission, or attending a
37 subcommittee meeting thereof authorized by such commission, shall be
38 paid compensation, subsistence allowances, mileage and other expenses as
39 provided in ~~subsections (a) to (d), inclusive,~~ of K.S.A. 75-3223(a) *through*
40 (d), and amendments thereto. The commission shall appoint an executive
41 director who shall be in the unclassified service and receive compensation
42 fixed by the commission, in accordance with appropriation acts of the
43 legislature, subject to approval by the governor. *The executive director*

1 *shall have the same qualifications of commission members as described in*
2 *K.S.A. 25-4119(d), and amendments thereto.* The commission may employ
3 such other staff and attorneys as it determines, within amounts
4 appropriated to the commission, all of whom shall be in the unclassified
5 service and shall receive compensation fixed by the commission and not
6 subject to approval by the governor.

7 (d)(c) The commission may adopt rules and regulations for the
8 administration of the campaign finance act. Subject to K.S.A. 25-4178,
9 and amendments thereto, rules and regulations adopted by the commission
10 created prior to this act shall continue in force and effect and shall be
11 deemed to be the rules and regulations of the commission created by this
12 section of this enactment, until revised, amended, repealed or nullified
13 pursuant to law. All rules and regulations of the commission shall be
14 subject to the provisions of article 4 of chapter 77 of Kansas Statutes
15 Annotated, *and amendments thereto.* ~~The commission shall continue to~~
16 ~~administer all of the acts administered by the commission to which it is~~
17 ~~successor.~~

18 (e)(d) The commission may provide copies of opinions, informational
19 materials compiled and published by the commission and public records
20 filed in the office of the commission to persons requesting the same and
21 may adopt rules and regulations fixing reasonable fees therefor. All fees
22 collected by the commission under the provisions of this subsection shall
23 be remitted to the state treasurer in accordance with the provisions of
24 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
25 remittance, the state treasurer shall deposit the entire amount in the state
26 treasury to the credit of the governmental ethics commission fee fund.

27 (f)(e) The commission shall submit an annual report and
28 recommendations in relation to all acts administered by the commission to
29 the governor and to the legislative coordinating council on or before
30 December 1 of each year. The legislative coordinating council shall
31 transmit such report and recommendations to the legislature.

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

36 Sec. 3. K.S.A. 25-4119d is hereby amended to read as follows: 25-
37 4119d. (a) ~~From and after the effective date of this act, no person shall be~~
38 ~~appointed to membership on the commission who has held the office of~~
39 ~~chairperson, vice chairperson or treasurer of any county, district or state~~
40 ~~political party committee, or who within five years preceding the date of~~
41 ~~such appointment has been a candidate for or the holder of any partisan~~
42 ~~political office or who has within three years preceding the date of such~~
43 ~~appointment: (1) Held an elective state office; (2) held the office of~~

1 secretary of any department of state government; (3) been a lobbyist as
2 defined by K.S.A. 46-222, and amendments thereto; (4) been an officer or
3 employee who directly participated in the making of a contract on behalf
4 of a vendor of goods and services with the state of Kansas or any agency
5 thereof; or (5) provided services under contract to the state of Kansas or
6 any agency thereof.

7 (b)—While serving on the commission created by K.S.A. 25-4119a,
8 and amendments thereto, no member shall: (1) ~~Be an individual subject to~~
9 ~~the provisions of the campaign finance law or the provisions of K.S.A. 46-~~
10 ~~215 et seq., and amendments thereto, administered or enforced by the~~
11 ~~commission;~~ (2) Serve as a chairperson or treasurer for any candidate or
12 committee subject to the provisions of the campaign finance act; ~~(3) (2)~~
13 actively solicit contributions subject to the provisions of the campaign
14 finance act; ~~(4) (3)~~ be a lobbyist as defined by K.S.A. 46-222, and
15 amendments thereto; ~~(5) (4)~~ be an officer or employee who directly
16 participated in the making of a contract on behalf of a vendor of goods and
17 services with the state of Kansas or any agency thereof; ~~(6) (5)~~ provide
18 services under contract to the state of Kansas or any agency thereof; ~~(7)~~
19 ~~(6)~~ be a candidate for or the holder of any partisan political office; ~~(8) (7)~~
20 be the chairperson, vice chairperson or treasurer of any county, district or
21 state political party committee; ~~(9) (8)~~ directly or indirectly solicit
22 contributions for any partisan political party or any organization thereof or
23 any candidate for partisan political office; or ~~(10) (9)~~ endorse any
24 candidate for any partisan political office subject to the provisions of this
25 act.

26 (b) *For purposes of this section, "partisan political office" means any*
27 *office for which any candidate is nominated or elected as representing a*
28 *party of whose candidates for presidential elector received votes in the*
29 *last preceding election at which presidential electors were selected.*
30 *"Partisan political office" does not include any office or position within a*
31 *political party or affiliated organization, including, but not limited to,*
32 *precinct, county, congressional district or state party committee members.*

33 (c) Whenever any member of the commission is ineligible to serve as
34 a member thereof under the provisions of subsections (a) and (b) ~~of this~~
35 ~~section~~, the membership of such person shall terminate and such person
36 shall no longer be eligible to participate in any action or proceeding by the
37 commission. Such vacancy shall be filled in the manner prescribed by
38 K.S.A. 25-4119a, and amendments thereto.

39 Sec. 4. K.S.A. 25-4143 is hereby amended to read as follows: 25-
40 4143. As used in the campaign finance act, unless the context otherwise
41 requires:

42 (a) *"Agent" means an individual who is:*

43 (1) *A candidate;*

- 1 (2) *a chairperson of a candidate, political or party committee;*
2 (3) *a treasurer;*
3 (4) ~~*any person with written power of attorney pursuant to K.S.A. 58-*~~
4 ~~*651 et seq., and amendments thereto, to bind a person listed above*~~
5 **director, officer, employee or other person who is authorized in writing**
6 **to act on behalf of persons listed in this subsection.**
7 (b) "Candidate" means an individual who:
8 (1) Appoints a treasurer or a candidate committee;
9 (2) makes a public announcement of intention to seek nomination or
10 election to state or local office;
11 (3) makes any expenditure or accepts any contribution for such
12 person's nomination or election to any state or local office; or
13 (4) files a declaration or petition to become a candidate for state or
14 local office.
15 ~~(b)~~(c) "Candidate committee" means a committee appointed by a
16 candidate to receive contributions and make expenditures for the
17 candidate.
18 ~~(c)~~(d) "Clearly identified candidate" means a candidate who has been
19 identified by the:
20 (1) Use of the name of the candidate;
21 (2) use of a photograph or drawing of the candidate; or
22 (3) unambiguous reference to the candidate whether or not the name,
23 photograph or drawing of such candidate is used.
24 ~~(d)~~(e) "Commission" means the governmental ethics commission.
25 ~~(e)~~(f) (1) "Contribution" means:
26 (A) Any advance, conveyance, deposit, distribution, gift, loan or
27 payment of money or any other thing of value given to a candidate,
28 candidate committee, party committee or political committee for the
29 express purpose of nominating, electing or defeating a clearly identified
30 candidate for a state or local office.
31 (B) Any advance, conveyance, deposit, distribution, gift, loan or
32 payment of money or any other thing of value made to expressly advocate
33 the nomination, election or defeat of a clearly identified candidate for a
34 state or local office;
35 (C) a transfer of funds between any two or more candidate
36 committees, party committees or political committees;
37 (D) the payment, by any person other than a candidate, candidate
38 committee, party committee or political committee, of compensation to an
39 individual for the personal services rendered without charge to or for a
40 candidate's campaign or to or for any such committee;
41 (E) the purchase of tickets or admissions to, or advertisements in
42 journals or programs for, testimonial events;
43 (F) a mailing of materials designed to expressly advocate the

1 nomination, election or defeat of a clearly identified candidate, which is
2 made and paid for by a party committee with the consent of such
3 candidate.

4 (2) "Contribution" does not include:

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

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

9 (C) payment by a candidate or candidate's spouse for personal meals,
10 lodging and travel by personal automobile of the candidate or candidate's
11 spouse while campaigning;

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

15 ~~(g)~~ **"Coordination" or "coordinated" shall have the meaning**
16 **provided in this subsection. An express advocacy communication is**
17 **"coordinated" or in "coordination" with a candidate, candidate**
18 **committee or an agent of a candidate or candidate committee when**
19 **the communication:**

20 (1) **Is paid for, in whole or in part, by a person other than that**
21 **candidate or a party committee; and**

22 (2) **satisfies at least one of the conduct standards in 11 C.F.R. §**
23 **109.21(d), except that the terms "communication" or "public**
24 **communication" in that regulation are limited to express advocacy**
25 **communications. The safe harbors provisions described in 11 C.F.R. §**
26 **109.21(f) through (h) shall apply in determining whether a**
27 **communication is coordinated.**

28 (3) **Notwithstanding any other provision of this act, the term**
29 **"coordination" or "coordinated" does not include any action where**
30 **reasonable efforts are taken to prohibit information passing from a**
31 **candidate or candidate's agent to a political committee.**

32 (h) "Election" means:

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

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

36 ~~(g)~~ ~~(h)~~ (i) (1) "Expenditure" means:

37 (A) Any purchase, payment, distribution, loan, advance, deposit or
38 gift of money or any other thing of value made by a candidate, candidate
39 committee, party committee or political committee for the express purpose
40 of nominating, electing or defeating a clearly identified candidate for a
41 state or local office;

42 (B) any purchase, payment, distribution, loan, advance, deposit or gift
43 of money or any other thing of value made to expressly advocate the

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

1 committee of any such political party and designated as a recognized
2 political committee for the senate;

3 (5) ~~not more than one~~the political committee established by the state
4 committee of any such political party and designated as a recognized
5 political committee for the house of representatives; or

6 (6) ~~not more than one~~the political committee per congressional
7 district established by the state committee of a political party regulated
8 under article 38 of chapter 25 of the Kansas Statutes Annotated, and
9 amendments thereto, and designated as a congressional district party
10 committee.

11 ~~(j)(k)(l)~~(l) "Person" means any individual, committee, corporation,
12 partnership, trust, organization or association.

13 ~~(k)(l)(m)~~(m) (1) "Political committee" means any *entity including a*
14 *combination of two or more individuals who are not married to one*
15 *another*; or any person other than an individual, ~~a major~~ *the primary*
16 *purpose of which is to expressly advocate the nomination, election or*
17 *defeat of a clearly identified candidate for state or local office or make*
18 *contributions to or expenditures for the nomination, election or defeat of a*
19 *clearly identified candidate for state or local office, and the entity spends*
20 *of more than \$2,500 on express advocacy during a calendar year and has*
21 *the major purpose of making contributions to candidates, candidate*
22 *committees or political committees.*

23 (A) *As used in this paragraph "primary purpose" means the entity*
24 *meets at least one of the following standards:*

25 (i) *The entity publicly states in its articles of incorporation, bylaws*
26 **or resolutions by the board of directors** *that its primary purpose is to*
27 *expressly advocate the nomination, election or defeat of a clearly*
28 *identified candidate for state or local office or make contributions to or*
29 *expenditures for the nomination, election or defeat of a clearly identified*
30 *candidate for state or local office; or*

31 (ii) *the entity spends at least 50% of the entity's total spending on*
32 *contributions or expenditures reportable under this act during a two-year*
33 *general or local election cycle.*

34 (B) *"Total program spending" includes all disbursements for*
35 *contributions and expenditures but does not include volunteer time or*
36 **expenses.**

37 (C) *For purposes of determining "total program spending," grants to*
38 *other organizations shall be treated as follows:*

39 (i) *A grant made to a political committee or an organization*
40 *organized under section 527 of the internal revenue code shall be counted*
41 *in total spending and as a contribution or expenditure, unless expressly*
42 *designated for use outside Kansas or for federal elections, in which case*
43 *such spending shall be counted in total spending but not as a contribution*

1 *or expenditure.*

2 (ii) *If the entity making a grant takes reasonable steps to ensure that*
 3 *the transferee does not use such funds to make a contribution or*
 4 *expenditure in Kansas, such grant shall be counted in total spending but*
 5 *not as a contribution or expenditure.*

6 (iii) *If the entity making a grant expressly earmarks a portion of the*
 7 *grant for a contribution or expenditure in Kansas, the grant shall be*
 8 *counted in total spending and the earmarked portion of the grant shall*
 9 *count as a contribution or expenditure.*

10 (2) "Political committee" shall not include a candidate committee or a
 11 party committee, *but may include a corporate political action committee,*
 12 *a separate segregated fund established by a membership organization or*
 13 *an independent expenditure-only political committee.*

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

17 ~~(m)(n)(o)~~ "State office" means any state office as defined in K.S.A.
 18 25-2505, and amendments thereto.

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

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

29 ~~(p)(q)(r)~~ "Local office" means a member of the governing body of a
 30 city of the first class, any elected office of a unified school district having
 31 35,000 or more pupils regularly enrolled in the preceding school year, a
 32 county or of the board of public utilities.

33 Sec. 5. K.S.A. 25-4145 is hereby amended to read as follows: 25-
 34 4145. (a) Each party committee and each political committee which
 35 anticipates receiving contributions or making expenditures shall appoint a
 36 chairperson and a treasurer. The chairperson of each party committee and
 37 each political committee which anticipates receiving contributions or
 38 making expenditures for a candidate for state office shall make a statement
 39 of organization and file it with the secretary of state not later than 10 days
 40 after establishment of such committee. The chairperson of each political
 41 committee which anticipates receiving contributions or making
 42 expenditures for any candidate for local office, shall make a statement of
 43 organization and file it with the county election officer not later than 10

1 days after establishment of such committee.

2 (b) Every statement of organization shall include:

3 (1) The name and address of the committee. The name of the
4 committee shall reflect the full name of the organization with which the
5 committee is connected or affiliated or sufficiently describe such
6 affiliation. If the political committee is not connected or affiliated with any
7 one organization, the name shall reflect the trade, profession or primary
8 interest of the committee as reflected by the statement of purpose of such
9 organization;

10 (2) the names, addresses and email addresses, which such email
11 addresses shall be optional, of the chairperson and treasurer of the
12 committee;

13 (3) the names and addresses of affiliated or connected organizations;
14 and

15 (4) in the case of a political committee, the full name of the
16 organization with which the committee is connected or affiliated or, name
17 or description sufficiently describing the affiliation or, if the committee is
18 not connected or affiliated with any one organization, the trade, profession
19 or primary interest of the political committee as reflected by the statement
20 of purpose of such organization.

21 (c) Any change in information previously reported in a statement of
22 organization shall be reported on a supplemental statement of organization
23 and filed not later than 10 days following the change.

24 (d) (1) Each political committee which anticipates receiving
25 contributions shall register annually with the commission on or before July
26 1 of each year. Each political committee registration shall be in the form
27 and contain such information as may be required by the commission.

28 (2) *Each registration by a political committee anticipating the receipt*
29 *of more than \$10,000 shall be accompanied by an annual registration fee*
30 *of \$300.*

31 (3) Each registration by a political committee anticipating the receipt
32 of \$2,501 or more, *but less than \$10,001*, in any calendar year shall be
33 accompanied by an annual registration fee of ~~\$300~~ \$100.

34 ~~(3)(4)~~ Each registration by a political committee anticipating the
35 receipt of more than \$500 but less than \$2,501 in any calendar year shall
36 be accompanied by an annual registration fee of \$50.

37 ~~(4)(5)~~ Each registration by a political committee anticipating the
38 receipt of \$500 or less in any calendar year shall be accompanied by an
39 annual registration fee of \$25.

40 ~~(5)(6)~~ Any political committee which is currently registered under
41 subsection ~~(d)(3)~~ (d)(4) or ~~(d)(4)~~ (d)(5) and which receives contributions
42 in excess of \$2,500 for a calendar year, shall file, within three days of the
43 date when contributions exceed such amount, an amended registration

1 form which shall be accompanied by an additional fee for such year equal
2 to the difference between ~~\$300~~ *the fee owed* and the amount of the fee that
3 accompanied the current registration.

4 ~~(6)~~(7) Any political committee which is currently registered under
5 subsection ~~(d)(4)~~ (d)(5) and which receives contributions in excess of \$500
6 but which are less than \$2,501; shall file, within three days of the date
7 when contributions exceed \$500, an amended registration form which
8 shall be accompanied by an additional fee of \$25 for such year.

9 (e) All such fees received by or for the commission shall be remitted
10 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
11 and amendments thereto. Upon receipt of each such remittance, the state
12 treasurer shall deposit the entire amount in the state treasury to the credit
13 of the governmental ethics commission fee fund.

14 Sec. 6. K.S.A. 25-4148 is hereby amended to read as follows: 25-
15 4148. (a) Every treasurer shall file a report prescribed by this section.
16 Reports filed by treasurers for candidates for state office, other than
17 officers elected on a state-wide basis, shall be filed ~~in both~~ with the office
18 of the secretary of state. Reports filed by treasurers for candidates for
19 state-wide office shall be filed electronically and only with the secretary of
20 state. Reports filed by treasurers for candidates for local office shall be
21 filed in the office of the county election officer of the county in which the
22 name of the candidate is on the ballot. Except as otherwise provided by
23 subsection (h), all such reports shall be filed in time to be received in the
24 offices required on or before each of the following days:

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

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

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

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

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

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

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

42 (2) the name and address of each person who has made one or more
43 contributions in an aggregate amount or value in excess of \$50 during the

1 election period together with the amount and date of such contributions,
2 including the name and address of every lender, guarantor and endorser
3 when a contribution is in the form of an advance or loan;

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

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

9 (5) each contribution, rebate, refund or other receipt not otherwise
10 listed;

11 (6) the total of all receipts;

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

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

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

28 (10) the total of expenditures.

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

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

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

38 (i) Is made without the ~~cooperation or consent~~ *coordination* of a
39 candidate or candidate committee;

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

42 (iii) is an aggregate amount or having a fair market value in excess of
43 \$300.

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

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

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

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

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

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

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

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

41 Sec. 7. K.S.A. 25-4148c is hereby amended to read as follows: 25-
42 4148c. (a) Every treasurer for a party committee or political committee
43 shall file reports of independent expenditures as prescribed by this act.

1 Reports shall be filed with the secretary of state. Reports required by this
2 section shall be in addition to any other reports required by law.

3 (b) (1) The report shall contain the name and address of each party
4 committee or political committee which has made or contracted to be
5 made independent expenditures in an aggregate amount or value in excess
6 of \$300 or more during the period commencing 11 days before a primary
7 or general election at which a state or local officer is to be elected and
8 ending at 11:59 p.m. on the Wednesday preceding the date of the election.
9 Such report shall contain the amount, date and purpose of each such
10 independent expenditure, as well as the name of the candidate whose
11 nomination, election or defeat is expressly advocated. When an
12 independent expenditure is made by payment to an advertising agency,
13 public relations firm or political consultant for disbursement to vendors,
14 the report of such independent expenditure shall show in detail the name
15 of each such vendor and the amount, date and purpose of the payments to
16 each, as well as the name of the candidate whose nomination, election or
17 defeat is expressly advocated. The report shall be made on or before the
18 close of business on the Thursday preceding the date of the election.

19 (2) In addition, a separate report shall be made on a daily basis for the
20 Thursday, Friday, Saturday and Sunday immediately preceding the
21 election. Each daily report shall contain the information required in
22 paragraph (1) ~~of this section~~. Each report shall be filed by 5:00 p.m. on the
23 next day respectively.

24 (c) Reports required by this section shall be filed by hand delivery,
25 express delivery service, facsimile transmission or any electronic method
26 authorized by the secretary of state.

27 (d) (1) "Expenditure" ~~shall have the meaning ascribed to it~~ *means the*
28 *same as defined* in K.S.A. 25-4143, and amendments thereto.

29 (2) "Independent expenditure" means an expenditure that is made
30 without the ~~cooperation or consent~~ *coordination* of the candidate or agent
31 of such candidate intended to be benefited and which expressly advocates
32 the election or defeat of a clearly identified candidate.

33 (3) "Party committee" ~~shall have the meaning ascribed to it~~ *means the*
34 *same as defined* in K.S.A. 25-4143, and amendments thereto.

35 (4) "Political committee" ~~shall have the meaning ascribed to it~~ *means*
36 *the same as defined* in K.S.A. 25-4143, and amendments thereto.

37 (e) The provisions of this section shall be part of and supplemental to
38 the campaign finance act.

39 **Sec. 8. K.S.A. 25-4150 is hereby amended to read as follows: 25-**
40 **4150. (a) Every person, other than: (1) An individual; (2) a candidate;**
41 **or (3) a candidate committee, party committee or political committee,**
42 **who makes contributions or expenditures, other than by contribution**
43 **to a candidate or a candidate committee, party committee or political**

1 **committee, in an aggregate amount of \$100 or more within a calendar**
2 **year shall make statements containing the information required by**
3 **K.S.A. 25-4148, and amendments thereto, during any reporting period**
4 *when contributions or expenditures are made. With respect to the*
5 *information required by K.S.A. 25-4148(b)(2), and amendments thereto,*
6 *the person shall be required to report only funds the person has received*
7 *that are earmarked for the express purpose of nominating, electing or*
8 *defeating a candidate or candidates for a state or local office or to*
9 *expressly advocate the nomination, election or defeat of a candidate or*
10 *candidates for a state or local office.*

11 **(b) Such statements shall be filed in the office or offices required**
12 **so that each such statement is in such office or offices on the day**
13 **specified in K.S.A. 25-4148, and amendments thereto. If such**
14 **contributions are received or expenditures are made to expressly**
15 **advocate the nomination, election or defeat of a clearly identified**
16 **candidate for state office, other than that of an officer elected on a**
17 **state-wide basis such statement shall be filed in both the office of the**
18 **secretary of state and in the office of the county election officer of the**
19 **county in which the candidate is a resident. If such contributions are**
20 **received or expenditures are made to expressly advocate the**
21 **nomination, election or defeat of a clearly identified candidate for**
22 **state-wide office such statement shall be filed only in the office of the**
23 **secretary of state. If such contributions or expenditures are made to**
24 **expressly advocate the nomination, election or defeat of a clearly**
25 **identified candidate for local office such statement shall be filed in the**
26 **office of the county election officer of the county in which the name of**
27 **the candidate is on the ballot. Reports made under this section need**
28 **not be cumulative.**

29 **Sec. 9.** K.S.A. 25-4152 is hereby amended to read as follows: 25-
30 4152. (a) Except as provided in subsection (b), the commission shall send
31 a notice by registered or certified mail to any person failing to file any
32 report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and
33 amendments thereto, and to the candidate appointing any treasurer failing
34 to file any such report, within the time period prescribed therefor. The
35 notice shall state that the required report or statement has not been filed
36 with either the office of secretary of state or county election officer or
37 both. The person failing to file any report or statement, and the candidate
38 appointing any such person, shall be responsible for the filing of such
39 report or statement. The notice also shall state that such person shall have
40 15 days from the date such notice is deposited in the mail to comply with
41 the registration and reporting requirements before a civil penalty shall be
42 imposed for each day that the required documents remain unfiled. If such
43 person fails to comply within the prescribed period, such person shall pay

1 to the state a civil penalty of \$10 per day for each day that such report or
2 statement remains unfiled, except that no such civil penalty shall exceed
3 \$300. The commission may waive, for good cause, payment of any civil
4 penalty imposed by this section.

5 (b) (1) Subject to the notice provisions of subsection (a), reports that
6 are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and
7 amendments thereto, for candidates that appear on the ballot for the then-
8 current primary or general election ballot and are late more than 48 hours
9 shall be subject to civil penalties as provided in subsection (b)(2).

10 (2) The candidate shall be liable for a civil penalty of \$100 for the
11 first day the report is more than 48 hours late and \$50 for each subsequent
12 day the report is late, but in no case shall the civil penalty exceed \$1,000.
13 The commission may waive, for good cause, payment of any civil penalty
14 imposed by this section.

15 (c) (1) Subject to the notice provisions of subsection (a), reports that
16 are due under the provisions of K.S.A. 25-4145 and 25-4148, and
17 amendments thereto, for each political committee that anticipates receiving
18 \$2,501 or more in any calendar year and are late more than 48 hours shall
19 be subject to civil penalties as provided in subsection (c)(2).

20 (2) The political committee shall be liable for a civil penalty of \$100
21 for the first day the report is more than 48 hours late and \$50 for each
22 subsequent day the report is late, but in no case shall the civil penalty
23 exceed \$1,000. The commission may waive, for good cause, payment of
24 any civil penalty imposed by this section.

25 (d) Civil penalties provided for by this section shall be remitted to the
26 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
27 amendments thereto. Upon receipt of each such remittance, the state
28 treasurer shall deposit the entire amount in the state treasury to the credit
29 of the ~~governmental ethics commission fee~~ *state general fund*.

30 (e) If a person fails to pay a civil penalty provided for by this section,
31 it shall be the duty of the commission to bring an action to recover such
32 civil penalty in the district court of the county in which such person
33 resides.

34 ~~Sec. 9:~~ **10.** K.S.A. 25-4153a is hereby amended to read as follows:
35 25-4153a. (a) No registered lobbyist, political committee or person, other
36 than an individual, shall make a contribution after January 1 of each year
37 and prior to adjournment sine die of the regular session of the legislature
38 or at any other time in which the legislature is in session to a:

- 39 (1) Legislator;
- 40 (2) candidate for membership in the legislature;
- 41 (3) state officer elected on a statewide basis;
- 42 (4) candidate for state officer elected on a statewide basis;
- 43 (5) candidate committee of persons described in paragraphs (1)

1 through (4); or

2 (6) political committee established by a state committee of any
3 political party and designated as a recognized political committee for the
4 senate or house of representatives.

5 (b) No legislator, officer, candidate or committee described in
6 subsection (a)(1) through (6) shall accept or knowingly solicit any
7 contribution as defined by K.S.A. 25-4143, and amendments thereto, from
8 any registered lobbyist, political committee or person, other than an
9 individual, during such period of time described in subsection (a), except
10 that a general public solicitation which does not solicit a specific
11 individual and is distributed via social media shall be permissible. *No*
12 *solicitation shall be considered a violation of this act if such solicitation is*
13 *accompanied with a disclaimer that it is not intended for lobbyists,*
14 *political committees or persons other than individuals.*

15 (c) For the purposes of this act, "social media" means an electronic
16 medium which allows users to create and view user-generated content,
17 including, but not limited to, uploaded or downloaded videos or
18 photographs, blogs, audio files, instant messages or email.

19 ~~Sec. 11.~~ K.S.A. 25-4153b is hereby amended to read as follows:

20 25-4153b. (a) No political committee, a major purpose of which is to
21 expressly advocate the nomination, election or defeat of a clearly
22 identified candidate for the legislature or to make contributions or
23 expenditures for the nomination, election or defeat of a clearly identified
24 candidate for the legislature, shall be established by a member of or a
25 candidate for the legislature. *No member of or candidate for the*
26 *legislature shall serve as the treasurer or chairperson of a political*
27 *committee.* ~~*Notwithstanding any other provision of this act*~~ **Subject to the**
28 **prohibition against coordination between a candidate or candidate**
29 **committee and a political committee,** *nothing in this section shall*
30 *prohibit a member of or candidate for the legislature from soliciting funds*
31 *for or participating in the activities of a party or political committee.*

32 (b) Any such political committee existing prior to the effective date
33 of this act is hereby abolished.

34 ~~Sec. 12.~~ K.S.A. 25-4154 is hereby amended to read as follows:

35 25-4154. (a) (1) No person shall make a contribution in the name of
36 another person, and no person shall knowingly accept a contribution made
37 by one person in the name of another.

38 (2) *As used in this subsection "contribution in the name of another"*
39 *means a contribution given to another individual or entity for the purpose*
40 *of concealing the original source of any funds reported on any report or*
41 *statement filed under this act. This section shall not apply to contributions,*
42 *expenditures or transfers subject to the requirements of this act made by*
43 *an individual or committee otherwise reporting the contribution,*

1 *expenditure or transfer on a report or statement filed under this act.*

2 (b) No person shall give or accept any contribution in excess of \$10
3 unless the name and address of the contributor is made known to the
4 individual receiving the contribution.

5 (c) The aggregate of contributions for which the name and address of
6 the contributor is not reported under K.S.A. 25-4148, *and amendments*
7 *thereto*, shall not exceed 50% of the amount one individual, (other than the
8 candidate or spouse), may contribute to or for a candidate's campaign.

9 (d) No person shall copy any name of a contributor from any report
10 or statement filed under the campaign finance act and use such name for
11 any commercial purpose, and no person shall use any name for a
12 commercial purpose with knowledge that such name was obtained solely
13 by copying information relating to contributions contained in any report or
14 statement filed under the campaign finance act.

15 ~~Sec. 12.~~ **13.** K.S.A. 25-4157a is hereby amended to read as follows:
16 25-4157a. (a) No moneys received by any candidate or candidate
17 committee of any candidate as a contribution under this act shall be used
18 or be made available for the personal use of the candidate and no such
19 moneys shall be used by such candidate or the candidate committee of
20 such candidate except for:

21 (1) Legitimate campaign purposes;

22 (2) expenses of holding political office;

23 (3) contributions to the party committees of the political party of
24 which such candidate is a member;

25 (4) any membership dues related to the candidate's campaign paid to
26 a community service or civic organization in the name of the candidate;

27 (5) any donations paid to any organization which is recognized as a
28 501(c)(3) tax exempt organization or any religious organization,
29 community service or civic organization in the name of the candidate or
30 candidate committee of any candidate but only if the candidate receives no
31 goods or services unrelated to the candidate's campaign as a result of the
32 payment of such donations;

33 (6) expenses incurred in the purchase of tickets to meals and special
34 events sponsored by any organization the major purpose of which is to
35 promote or facilitate the social, business, commercial or economic well
36 being of the local community; ~~or~~

37 (7) expenses incurred in the purchase and mailing of greeting cards to
38 voters and constituents;

39 (8) *expenses, compensation or gifts provided to any volunteer, staff*
40 *member or contractor of the candidate's campaign or provided to any*
41 *volunteer or staff of the candidate's political office* **if the total amount of**
42 **such expenses, compensation or gifts provided to such persons from all**
43 **sources does not exceed the total fair market value of services**

1 **provided to the candidate's campaign or political office;**

2 (9) *payment of any civil penalty imposed by the commission pursuant*
3 *to this act;*

4 (10) *payment of legal fees related to any matter under this act; or*

5 (11) *expenses incurred for family caregiving services when such*
6 *expenses are incurred as a result of the candidate's candidacy for office or*
7 *holding office and are directly related to or have an effect on the*
8 *candidate's campaign activities or duties as an office holder.*

9 (b) (1) For the purpose of this subsection, expenditures for "personal
10 use" shall include expenditures to defray normal living expenses for the
11 candidate or the candidate's family and expenditures for the personal
12 benefit of the candidate having no direct connection with or effect upon
13 the campaign of the candidate or the holding of public office.

14 (2) "Personal use" does not include any uses listed in subsection (a)
15 (1).

16 (3) "Family caregiving services" means the provision of care for an
17 individual who is an immediate family member of the candidate and who
18 is:

19 (A) *Under 13 years of age;*

20 (B) *disabled; or*

21 (C) *qualified for senior care services; and*

22 (4) "Immediate family member" means a spouse, parent, stepparent,
23 grandparent, sibling, child, stepchild, grandchild, former spouse or any
24 individual living in the same residence as the candidate.

25 (b)(c) No moneys received by any candidate or candidate committee
26 of any candidate as a contribution shall be used to pay interest or any other
27 finance charges upon moneys loaned to the campaign by such candidate or
28 the spouse of such candidate.

29 (e)(d) No candidate or candidate committee shall accept from any
30 other candidate or candidate committee for any candidate for local, state or
31 national office, any moneys received by such candidate or candidate
32 committee as a campaign contribution. The provisions of this subsection
33 shall not be construed to prohibit a candidate or candidate committee from
34 accepting moneys from another candidate or candidate committee if such
35 moneys constitute a reimbursement for one candidate's proportional share
36 of the cost of any campaign activity participated in by both candidates
37 involved. Such reimbursement shall not exceed an amount equal to the
38 proportional share of the cost directly benefiting and attributable to the
39 personal campaign of the candidate making such reimbursement.

40 (d)(e) At the time of the termination of any campaign and prior to the
41 filing of a termination report in accordance with K.S.A. 25-4157, and
42 amendments thereto, all residual funds otherwise not obligated for the
43 payment of expenses incurred in such campaign or the holding of office

1 shall be contributed to a charitable organization, as defined by the laws of
2 the state, contributed to a party committee or returned as a refund in whole
3 or in part to any contributor or contributors from whom received or paid
4 into the general fund of the state.

5 *(f) (1) Nothing in this section shall prohibit a candidate or candidate*
6 *campaign from contributing moneys received by such candidate or*
7 *candidate committee as a campaign contribution to a party or political*
8 *committee, and nothing in this section shall prohibit a party or political*
9 *committee from accepting a contribution from a candidate or candidate*
10 *committee, provided that the contribution is not contractually restricted to*
11 *uses for a specific purpose.*

12 *(2) "Contractually restricted to uses for a specific purpose" means*
13 *only a binding and legally enforceable limitation on the manner in which*
14 *a contribution may be used and does not include suggestions, advice,*
15 *requests or other non-binding statements made by the candidate,*
16 *candidate committee or agent thereof regarding the potential use of the*
17 *funds.*

18 ~~Sec. 13.~~ **14.** K.S.A. 25-4158 is hereby amended to read as follows:
19 25-4158. (a) The secretary of state shall:

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

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

25 (b) The county election officer shall:

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

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

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

36 ~~(d)(1) After a preliminary investigation of any matter reported to the~~
37 ~~commission pursuant to subsection (c), and upon specific written findings~~
38 ~~of fact and conclusions of law by the commission that there is a reasonable~~
39 ~~suspicion that a violation of the campaign finance act has occurred, the~~
40 ~~commission or any officer designated by the commission may administer~~
41 ~~oaths and affirmations, subpoena witnesses, compel their attendance, take~~
42 ~~evidence, and require the production of any books, papers,~~
43 ~~correspondence, memoranda, agreements, or other documents or records~~

1 which the commission deems relevant or material to the investigation. The
2 commission shall reimburse the reasonable costs of production of
3 documents subject to subpoena. All subpoenas and subpoenas duces tecum
4 issued under this section shall be authorized by the affirmative vote of not
5 less than $\frac{3}{4}$ of the members of the commission. Any vote authorizing the
6 issuance of a subpoena or subpoena duces tecum shall be taken at a
7 meeting where the commissioners are in physical presence. Subpoenas
8 duces tecum shall be limited to items reasonably relevant to such alleged
9 violations. Upon the request of any person subpoenaed to appear and give
10 testimony or to produce books, papers or documents, the commission shall
11 provide a copy of the written findings of facts and conclusions of laws
12 relating to the alleged violation committed by such person.

13 (2) ~~In case of contumacy by, or refusal to obey a subpoena issued to~~
14 ~~any person, the district court of Shawnee county, upon application by the~~
15 ~~commission, or any officer designated by the commission, may issue to~~
16 ~~that person an order requiring the person to appear before the commission~~
17 ~~or any officer designated by the commission, there to produce~~
18 ~~documentary evidence if so ordered or to give evidence touching the~~
19 ~~matter under investigation or in question. Any failure to obey the order of~~
20 ~~the court may be punished by the court as a contempt of court. The~~
21 ~~commission shall not have the power to issue any subpoena prior to the~~
22 ~~determination of probable cause on a filed complaint pursuant to K.S.A.~~
23 ~~25-4161(e), and amendments thereto. The commission may request that~~
24 ~~the attorney general or a county or district attorney file an application for~~
25 ~~an inquisition in a district court of competent jurisdiction pursuant to~~
26 ~~K.S.A. 22-3101, and amendments thereto, for the purpose of the attorney~~
27 ~~general or county or district attorney investigating potential violations of~~
28 ~~the campaign finance act.~~

29 ~~(e) The provisions of K.S.A. 25-4160a, and amendments thereto, shall~~
30 ~~apply to any actions by the commission or commission staff pursuant to~~
31 ~~this section.~~

32 **(1) After a preliminary investigation of any matter**
33 **reported to the commission pursuant to subsection (c), and upon**
34 **specific written findings of fact and conclusions of law by the**
35 **commission that there is a reasonable suspicion that a violation of the**
36 **campaign finance act has occurred, the commission or any officer**
37 **designated by the commission may apply to the district court of**
38 **Shawnee county for an order to administer oaths and affirmations,**
39 **subpoena witnesses, compel their attendance, take evidence and**
40 **require the production of any books, papers, correspondence,**
41 **memoranda, agreements or other documents or records that the**
42 **commission deems relevant or material to the investigation. All**
43 **applications for a court order shall be made under seal of the court.**
The commission shall reimburse the reasonable costs of production of

1 documents subject to subpoena. All subpoenas and subpoenas duces
2 tecum issued under this section shall be authorized by the affirmative
3 vote of not less than $\frac{3}{4}$ of the members of the commission. Any vote
4 authorizing the issuance of a subpoena or subpoena duces tecum shall
5 be taken at a meeting where the commissioners are in physical
6 presence. Subpoenas duces tecum shall be limited to items reasonably
7 relevant to such alleged violations. No subpoena or other process
8 issued shall be served upon any person unless an application pursuant
9 to this section has been filed in the district court of Shawnee county.

10 (2) Upon application by the commission or any officer designated
11 by the commission for a court order pursuant to subsection (d)(1), the
12 district court of Shawnee county, after review of the sufficiency of the
13 written findings of fact and conclusions of law and the record before
14 the commission, as well as the reasonableness and scope of the
15 subpoena, may issue to that person an order requiring the person to
16 appear before the commission or any officer designated by the
17 commission, to produce evidence if so ordered or to give evidence
18 touching the matter under investigation or in question. Any failure to
19 obey the order of the court may be punishable by the court as a
20 contempt of court. Upon the filing of an application for a court order
21 under this section, the commission shall provide a copy of the written
22 findings of fact and conclusions of law relating to the alleged violation
23 and persons under investigation along with a copy of the issued
24 subpoena and notices required by subsection (d)(4).

25 (3) The commission shall take reasonable steps to avoid imposing
26 an undue burden or expense on a person subject to the subpoena. A
27 person subject to a subpoena may apply to the district court for relief
28 on the basis that responding to the subpoena will cause an undue
29 burden or expense. The district court on review of the person's
30 application for relief, may impose an appropriate sanction on the
31 commission including an order requiring the commission to reimburse
32 the person for lost earnings and attorney fees.

33 (4) Every subpoena issued by the commission pursuant to
34 subsection (d)(1) shall be accompanied by a notice containing the
35 provisions of subsection (d)(3) and (d)(5) as well as the following
36 statement: "This subpoena is not enforceable unless a district court of
37 competent jurisdiction issues an order to enforce the subpoena. The
38 recipient of this subpoena has rights under law including those listed
39 in K.S.A. 25-4158(d)(3), and amendments thereto, or other laws to
40 seek relief from complying with this subpoena, as well as a right to be
41 represented by counsel in this matter pursuant to K.S.A. 25-4158(d)
42 (5), and amendments thereto."

43 (5) Any person ordered to testify or produce documents under

1 **this section must be informed that the person has a right to be advised**
2 **by counsel and that the person may not be required to make any self-**
3 **incriminating statement. Upon a request by such person for counsel,**
4 **no further examination of the witness shall take place until counsel is**
5 **present. In the event that counsel of the witness' choice is not**
6 **available, the person shall be required to obtain other counsel within**
7 **three days in order that the inquisition may proceed. If such person is**
8 **indigent and unable to obtain the services of counsel, the judge shall**
9 **appoint counsel to assist the person who shall be compensated as**
10 **counsel appointed for indigent defendants in the district court.**
11 **Counsel for any witness shall be present while the witness is testifying**
12 **and may interpose objections on behalf of the witness. Counsel shall**
13 **not be permitted to examine or cross-examine the client or any other**
14 **witness during the witnesses testimony.**

15 ~~Sec. 14.~~ **15.** K.S.A. 25-4161 is hereby amended to read as follows:
16 25-4161. (a) If a complaint is filed and the commission determines that
17 such verified complaint does not allege facts, directly or upon information
18 and belief, sufficient to constitute a violation of any provision of the
19 campaign finance act, it shall dismiss the complaint and notify the
20 complainant and respondent thereof.

21 (b) Whenever a complaint is filed with the commission alleging a
22 violation of a provision of the campaign finance act, such filing and the
23 allegations therein shall be confidential and shall not be disclosed except
24 as provided in the campaign finance act.

25 (c) If a complaint is filed and the commission determines that such
26 verified complaint does allege facts, directly or upon information and
27 belief, sufficient to constitute a violation of any of the provisions of the
28 campaign finance act, the commission shall promptly investigate the
29 alleged violation.

30 (d) The commission shall notify the attorney general of any apparent
31 violation of criminal law or other laws not administered by the
32 commission, which is discovered during the course of any such
33 investigation.

34 (e) If after the investigation, the commission finds that probable cause
35 does not exist for believing the allegations of the complaint, the
36 commission shall dismiss the complaint. If after such investigation, the
37 commission finds that probable cause exists for believing the allegations
38 of the complaint, such complaint shall no longer be confidential and may
39 be disclosed. Upon making any such finding, the commission shall fix a
40 time for a hearing of the matter, which shall be not more than 30 days after
41 such finding. In either event the commission shall notify the complainant
42 and respondent of its determination.

43 (f) The remedies and protections provided by K.S.A. 75-2973, and

1 amendments thereto, shall be available to any state employee against
2 whom disciplinary action has been taken for filing a complaint pursuant to
3 this act.

4 (g) *Any attorney or staff member representing the complainant before*
5 *the commission shall not engage in ex parte communications with or*
6 *otherwise advise, represent or assist the commission regarding any matter*
7 *before the commission. The commission shall obtain separate independent*
8 *legal counsel in the event any attorney or staff member employed by the*
9 *commission represents the complainant in any matter before the*
10 *commission.*

11 (h) (1) *All hearings conducted under this act shall be in accordance*
12 *with the provisions of the Kansas administrative procedure act and the*
13 *Kansas code of civil procedure. Upon the request of the respondent, any*
14 *hearing held under this act may be removed for hearing before a presiding*
15 *officer from the office of administrative hearings. The commission shall*
16 *review an initial order resulting from a hearing under this section.*

17 (2) *The commission is hereby authorized to enter into a contract with*
18 *the office of administrative hearings and to provide for reimbursement for*
19 *actual and necessary expenses and compensation for such person serving as*
20 *a presiding officer.*

21 (i) *The duties of confidentiality under this section shall apply only to*
22 *members of the commission, the executive director or any person*
23 *employed or engaged by the commission.*

24 Sec. ~~15~~ 16. K.S.A. 25-4163 is hereby amended to read as follows:
25 25-4163. (a) After a verified complaint alleging violation of a provision of
26 the campaign finance act has been filed with the commission, the
27 respondent shall be entitled to examine and make copies of all evidence in
28 the possession of the commission relating to the complaint, including the
29 transcript of the hearing, if any. If a hearing is to be held pursuant to
30 K.S.A. 25-4161, *and amendments thereto, the ~~commission~~ presiding*
31 *officer, before the hearing has commenced, shall issue subpoenas and*
32 *subpoenas duces tecum at the request of any party, subject to the*
33 *provisions of the Kansas administrative procedure act, the Kansas code of*
34 *civil procedure act and all other general laws applicable to issuance and*
35 *quashing of subpoenas. The commission shall reimburse the reasonable*
36 *costs of production of documents subject to subpoena. Any hearing held*
37 *under K.S.A. 25-4161, and amendments thereto, may be conducted and*
38 *held by a subcommittee of not less than five members of the commission,*
39 *of whom not more than a majority shall be of the same political party.*
40 *Prior to the commencement of any hearing before the commission, upon*
41 *the request of any party, any hearing held under this act may be removed*
42 *for hearing and pre-hearing procedure before a presiding officer from the*
43 *office of administrative hearings, as provided in K.S.A. 25-4161, and*

1 *amendments thereto. The presiding officer shall conduct the hearing in the*
2 *manner prescribed by the Kansas administrative procedure act. Final*
3 *determination of all complaints shall be made by the commission as a*
4 *whole. The chairperson of the commission or other member presiding over*
5 *the commission or the presiding member of any subcommittee of the*
6 *commission shall have the power to: (1) Administer oaths and*
7 *affirmations; and (2) compel, by subpoena, the attendance of witnesses and*
8 *the production of pertinent books, papers and documents. Witnesses shall*
9 *be entitled to receive fees and mileage as provided by law for witnesses in*
10 *civil actions, which shall be paid out of appropriations to the commission.*
11 *Depositions may be taken and used in the same manner as in civil actions.*
12 *Any person subpoenaed to appear and give testimony or to produce books,*
13 *papers or documents, who fails or refuses to appear or to produce such*
14 *books, papers or documents, or any person, having been sworn to testify,*
15 *who refuses to answer any proper question, may be cited for contempt of*
16 *the district court of Shawnee county, Kansas. The commission shall report*
17 *to such court the facts relating to any such contempt. Thereupon*
18 *proceedings before such court shall be had as in cases of other civil*
19 *contempt. The commission shall not conduct another hearing on the*
20 *matter but shall make final determination based on the record of the*
21 *hearing before the presiding officer or subcommittee of the commission.*

22 (b) At every hearing held by the commission under this act:

23 (1) Oral evidence shall be taken only on oath or affirmation.

24 (2) Each party shall have the right to be represented by legal counsel,
25 to call and examine witnesses, to introduce evidence and to cross-examine
26 opposing witnesses.

27 (3) *The provisions of K.S.A. 25-4161(g), and amendments thereto,*
28 *shall apply to legal counsel representing a complainant employed or*
29 *engaged by the commission.*

30 (c) All hearings shall be open to the public.

31 ~~Sec. 17.~~ **17.** K.S.A. 25-4165 is hereby amended to read as follows:
32 25-4165. (a) The commission shall maintain a record of its investigations,
33 inquiries, and proceedings. All records, complaints, documents, reports
34 filed with or submitted to or made by the commission, and all records and
35 transcripts of any investigations, inquiries or hearings of the commission
36 under the campaign finance act shall be confidential and shall not be open
37 to inspection by any individual other than a member of the commission, an
38 employee of the commission, or a state officer or employee designated to
39 assist the commission, except as otherwise specifically provided in the
40 campaign finance act. The commission may, by adoption of a resolution,
41 authorize the release to the attorney general or to the county or district
42 attorney of the appropriate county of any information, records, complaints,
43 documents, reports, and transcripts in its possession material to any matter

1 pending before the attorney general or any county or district attorney. All
2 matters presented at a public hearing of the commission and all reports of
3 the commission stating a final finding of fact pursuant to K.S.A. 25-4164,
4 *and amendments thereto*, shall be public records and open to public
5 inspection.

6 (b) *The duties under this section shall apply only to members of the*
7 *commission, the executive director or any person employed or engaged by*
8 *the commission.*

9 Sec. ~~17~~. **18.** K.S.A. 25-4170 is hereby amended to read as follows:
10 25-4170. (a) Excessive campaign contribution is:

11 ~~(a)(1)~~ Intentionally making any contribution in violation of any
12 provision of K.S.A. 25-4153, or

13 ~~(b)(2)~~ intentionally accepting any contribution made in violation of
14 any provision of K.S.A. 25-4153.

15 (b) *Nothing in this section shall prohibit a contribution, expenditure*
16 *or transfer of money between party or political committees and candidates*
17 *and candidate committees made in compliance with K.S.A. 25-4154, and*
18 *amendments thereto.*

19 (c) Excessive campaign contribution is a class A misdemeanor.

20 Sec. ~~18~~. **19.** K.S.A. 25-4181 is hereby amended to read as follows:
21 25-4181. (a) The commission, in addition to any other penalty prescribed

22 under the campaign finance act, may assess a civil fine, after proper notice
23 and an opportunity to be heard, against any person for a violation of the
24 campaign finance act in an amount not to exceed \$5,000 for the first
25 violation, \$10,000 for the second violation and \$15,000 for the third
26 violation and for each subsequent violation. *The fine imposed by the*
27 *commission in any one matter shall not exceed an amount that is double*
28 *the applicable fine for a single violation in such matter. Nothing in this*
29 *section shall prevent the imposition of a separate fine by a court in a*
30 *criminal proceeding.* Whenever any civil fine or penalty is proposed to be
31 assessed against the treasurer of any candidate who is not also the
32 candidate, such notice shall be given to both the treasurer and the
33 candidate prior to the assessment of such fine or penalty. All fines assessed
34 and collected under this section shall be remitted to the state treasurer in
35 accordance with the provisions of K.S.A. 75-4215, and amendments
36 thereto. Upon receipt of each such remittance, the state treasurer shall
37 deposit the entire amount in the state treasury to the credit of the
38 ~~governmental ethics commission fee~~ *state general fund.*

39 (b) No individual who has failed to pay any civil penalty or civil fine
40 assessed, or failed to file any report required to be filed under the
41 campaign finance act, unless such penalty or fine has been waived or is
42 under appeal, shall be eligible to become a candidate for state office or
43 local office until such penalty or fine has been paid or such report has been

1 filed or both such penalty or fine has been paid and such report filed.

2 ~~(c) The commission shall not reduce, waive or otherwise modify any~~
3 ~~fine previously imposed pursuant to a consent decree or final order.~~

4 ~~(d) The commission shall not order community service or any other~~
5 ~~specific performance in lieu of a civil fine as part of a consent decree or~~
6 ~~final order. **Nothing in this section shall prohibit the commission from**~~
7 ~~**requiring compliance with any provision of this act as part of a**~~
8 ~~**consent decree or final order.**~~

9 ~~(e)(d) The commission shall not enter into any agreement with any~~
10 ~~person that legally binds the commission from enforcing any law against~~
11 ~~that person in exchange for the person's cooperation with or assistance of~~
12 ~~the commission in any matter **unless such person has received immunity**~~
13 ~~**from criminal prosecution in the same matter from a county or**~~
14 ~~**district attorney or the attorney general pursuant to K.S.A. 22-3415,**~~
15 ~~**and amendments thereto.**~~

16 Sec. ~~19.~~ **20.** K.S.A. 25-4182 is hereby amended to read as follows:
17 25-4182. (a) If the commission determines after notice and opportunity for
18 a hearing that any person has engaged or is engaging in any act or practice
19 constituting a violation of any provision of the campaign finance act or
20 any rule and regulation or order hereunder, the commission by order may
21 require that such person cease and desist from the unlawful act or practice
22 and take such affirmative action as in the judgment of the commission will
23 carry out the purposes of such act.

24 (b) If the commission makes written findings of fact that the public
25 interest will be irreparably harmed by delay in issuing an order under
26 subsection (a), the commission may issue an emergency temporary cease
27 and desist order. Such order, even when not an order within the meaning of
28 K.S.A. 77-502, and amendments thereto, shall be subject to the same
29 procedures as an emergency order issued under K.S.A. 77-536, and
30 amendments thereto. Upon the entry of such an order, the commission
31 shall promptly notify the person subject to the order that it has been
32 entered, of the reasons therefor and that upon written request the matter
33 will be set for a hearing which shall be conducted in accordance with the
34 provisions of the Kansas administrative procedure act. *Upon the request of*
35 *the respondent, any hearing held under this act may be removed for*
36 *hearing before a presiding officer from the office of administrative*
37 *hearings as provided in K.S.A. 25-4161, and amendments thereto.* If no
38 hearing is requested and none is ordered by the commission, the order will
39 remain in effect until it is modified or vacated by the commission. If a
40 hearing is requested or ordered, the commission, after notice of and
41 opportunity for hearing to the person subject to the order, shall by written
42 findings of fact and conclusions of law vacate, modify or make permanent
43 the order. Any such order shall be enforceable in any court of competent

1 jurisdiction.

2 ~~Sec.-20:~~ **21.** K.S.A. 25-4185 is hereby amended to read as follows:
3 25-4185. Any person aggrieved by any order of the commission pursuant
4 to this act may appeal such order in accordance with the provisions of the
5 Kansas judicial review act. *Any appeal to the district court shall be a trial*
6 *de novo.* **Notwithstanding any other provision of this act, the trial de**
7 **novo shall include an evidentiary hearing at which issues of law and**
8 **fact shall be determined anew.**

9 ~~Sec.-21:~~ **22.** K.S.A. 25-4119a, 25-4119d, 25-4143, 25-4145, 25-4148,
10 25-4148c, **25-4150**, 25-4152, 25-4153a, 25-4153b, 25-4154, 25-4157a, 25-
11 4158, 25-4161, 25-4163, 25-4165, 25-4170, 25-4181, 25-4182 and 25-
12 4185 are hereby repealed.

13 ~~Sec.-22:~~ **23.** This act shall take effect and be in force from and after
14 its publication in the statute book.