

SENATE BILL No. 27

By Committee on Ethics and Elections

1-14

1 AN ACT concerning candidates and lobbyists; relating to uses of
2 campaign funds; concerning campaign finance disclosures; relating to
3 certain lobbyist filings; amending K.S.A. 25-904, 25-4157, 25-4173
4 and 46-268 and K.S.A. 2014 Supp. 25-4157a and repealing the existing
5 sections.
6

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

8 Section 1. K.S.A. 25-904 is hereby amended to read as follows: 25-
9 904. (a) Every candidate for election to any city of the second and third
10 class, unified school district, community college or township office subject
11 to this act who intends to expend or have expended on such person's behalf
12 an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such
13 candidate's filing fee, and who intends to receive or have received on such
14 person's behalf contributions in an aggregate amount or value of less than
15 ~~\$500~~ \$1,000 in each of the primary and the general election elections shall
16 file, not later than the ninth day preceding the primary election, an
17 affidavit of such intent with the county election officer of the county of
18 residence of the candidate. No report required by subsection (b) shall be
19 required to be filed by or for such candidate.

20 (b) Except as provided in subsection (a), it shall be the duty of every
21 candidate for nomination or for election to any city of the second and third
22 class, unified school district, community college or township office subject
23 to this act, within 30 days after each primary, general or special election, to
24 file with the county election officer an itemized statement under oath
25 stating the name and address of each person who has made any
26 contribution in excess of \$50 during the election period together with the
27 amount and date of such contributions and an itemized statement of all
28 expenditures made by such candidate or obligations contracted or incurred
29 by such candidate in connection with each primary, general or special
30 election.

31 (c) No candidate which is subject to the provisions of the campaign
32 finance act~~(, K.S.A. 25-4142 et seq., and amendments thereto)~~, shall be
33 required to file any report required by this section.

34 (d) Any candidate who has signed an affidavit pursuant to subsection
35 (a) and who incurs expenses in excess of or receives contributions in
36 excess of ~~\$500~~ \$1,000, exclusive of such candidate's filing fee for either

1 the primary or the general election, shall file the report required by
2 subsection (b).

3 Sec. 2. K.S.A. 2014 Supp. 25-4157a is hereby amended to read as
4 follows: 25-4157a. (a) No moneys received by any candidate or candidate
5 committee of any candidate as a contribution under this act shall be used
6 or be made available for the personal use of the candidate and no such
7 moneys shall be used by such candidate or the candidate committee of
8 such candidate except for:

- 9 (1) Legitimate campaign purposes;
- 10 (2) expenses of holding political office;
- 11 (3) contributions to the party committees of the political party of
12 which such candidate is a member;
- 13 (4) any membership dues related to the candidate's campaign paid to
14 a community service or civic organization in the name of the candidate;
- 15 (5) any donations paid to ~~a~~ *any organization which is recognized as a*
16 *501(c)(3) tax exempt organization*, community service or civic
17 organization in the name of the candidate or candidate committee of any
18 candidate but only if the candidate receives no goods or services unrelated
19 to the candidate's campaign as a result of the payment of such donations;
- 20 (6) expenses incurred in the purchase of tickets to meals and special
21 events sponsored by any organization the major purpose of which is to
22 promote or facilitate the social, business, commercial or economic well
23 being of the local community; or
- 24 (7) expenses incurred in the purchase and mailing of greeting cards to
25 voters and constituents.

26 For the purpose of this subsection, expenditures for "personal use" shall
27 include expenditures to defray normal living expenses for the candidate or
28 the candidate's family and expenditures for the personal benefit of the
29 candidate having no direct connection with or effect upon the campaign of
30 the candidate or the holding of public office.

31 (b) No moneys received by any candidate or candidate committee of
32 any candidate as a contribution shall be used to pay interest or any other
33 finance charges upon moneys loaned to the campaign by such candidate or
34 the spouse of such candidate.

35 (c) No candidate or candidate committee shall accept from any other
36 candidate or candidate committee for any candidate for local, state or
37 national office, any moneys received by such candidate or candidate
38 committee as a campaign contribution. The provisions of this subsection
39 shall not be construed to prohibit a candidate or candidate committee from
40 accepting moneys from another candidate or candidate committee if such
41 moneys constitute a reimbursement for one candidate's proportional share
42 of the cost of any campaign activity participated in by both candidates
43 involved. Such reimbursement shall not exceed an amount equal to the

1 proportional share of the cost directly benefiting and attributable to the
2 personal campaign of the candidate making such reimbursement.

3 (d) At the time of the termination of any campaign and prior to the
4 filing of a termination report in accordance with K.S.A. 25-4157, and
5 amendments thereto, all residual funds otherwise not obligated for the
6 payment of expenses incurred in such campaign or the holding of office
7 shall be contributed to a charitable organization, as defined by the laws of
8 the state, contributed to a party committee or returned as a refund in whole
9 or in part to any contributor or contributors from whom received or paid
10 into the general fund of the state.

11 Sec. 3. K.S.A. 25-4157 is hereby amended to read as follows: 25-
12 4157. (a) Before any candidate committee, party committee or political
13 committee may be dissolved or the position of a candidate's treasurer
14 terminated, the treasurer of the candidate or such committee shall file a
15 termination report which shall include full information as to the
16 disposition of residual funds. Any report required by K.S.A. 25-4148, and
17 amendments thereto, may be a termination report. Reports of the
18 dissolution of candidate committees of candidates for state office, the
19 termination of the treasurer of a candidate for state office, the dissolution
20 of a political committee the major purpose of which is to support or
21 oppose any candidate for state office and the dissolution of party
22 committees shall be filed in the office of the secretary of state. Reports of
23 the dissolution of candidate committees of candidates for local office, the
24 termination of the treasurer of a candidate for local office and the
25 dissolution of a political committee the major purpose of which is to
26 support or oppose any candidate for local office shall be filed in the office
27 of the county election officer of the county.

28 (b) *If a candidate dies with an open candidate committee account*
29 *which contains campaign funds, the executor or administrator of the*
30 *candidate's estate shall be responsible for terminating the candidate*
31 *committee and disposing of the residual funds.*

32 Sec. 4. K.S.A. 25-4173 is hereby amended to read as follows: 25-
33 4173. Every candidate for state or local office who intends to expend or
34 have expended on such person's behalf an aggregate amount or value of
35 less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who
36 intends to receive or have received on such person's behalf contributions in
37 an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the
38 primary and ~~the~~ general elections shall file, not later than the ninth day
39 preceding the primary election, an affidavit of such intent with the
40 secretary of state for state offices. In the case of a candidate for a local
41 office, such affidavit also shall be filed with the county election officer of
42 the county in which the name of the candidate is on the ballot. No report
43 required by K.S.A. 25-4148, and amendments thereto, shall be required to

1 be filed by or for such candidate.

2 Sec. 5. K.S.A. 46-268 is hereby amended to read as follows: 46-268.

3 (a) Except as otherwise provided in subsection (b), every lobbyist shall file
4 with the secretary of state a report of employment and expenditures on a
5 form and in the manner prescribed and provided by the commission. A
6 report shall be filed on or before the 10th day of the months of February,
7 March, April, May, September and January. Reports shall include all
8 expenditures which are required to be reported under K.S.A. 46-269, and
9 amendments thereto, or a statement that no expenditures in excess of \$100
10 were made for such purposes, during the preceding calendar month or
11 months since the period for which the last report was filed.

12 (b) For any calendar year in which a lobbyist expects to expend an
13 aggregate amount of less than \$100 for lobbying in each reporting period,
14 a lobbyist shall file an affidavit of such intent with the secretary of state.
15 Such lobbyist shall not be required to file the reports required under
16 subsection (a) for the year for which such affidavit is filed ~~but shall file a~~
17 ~~report on or before January 10, which shall include all expenditures made~~
18 ~~in the preceding calendar year which are required to be reported under~~
19 ~~K.S.A. 46-269, and amendments thereto.~~ If in any reporting period a
20 lobbyist filing such affidavit expends in excess of \$100 in reportable
21 expenses, a report shall be filed for such period in the manner prescribed
22 by subsection (a).

23 Sec. 6. K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A.
24 2014 Supp. 25-4157a are hereby repealed

25 Sec. 7. This act shall take effect and be in force from and after its
26 publication in the statute book.