

SENATE BILL No. 368

By Committee on Ethics and Elections

1-26

1 AN ACT concerning certain elections; dealing with limitations on the use
2 of public funds; amending K.S.A. 10-120a and K.S.A. 2015 Supp. 25-
3 4169a and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 10-120a is hereby amended to read as follows: 10-
7 120a. (a) When used in this section, "municipality" means any county,
8 township, city, municipal university, school district and any other taxing
9 district or political subdivision of the state which is, or may be, authorized
10 to issue bonds.

11 (b) Whenever any municipality proposes to issue bonds and an
12 election is required to be held prior to such issuance, the governing body
13 of ~~such~~ the municipality shall include in the notice of such election the
14 following:

15 (1) The total amount of the bonds to be issued;

16 (2) the amount of such bonds which represent the actual cost of the
17 project financed by the bonds to be issued;

18 (3) the projected amount of interest to be paid until the bonds are
19 retired. ~~Such~~ The projected amount shall be determined by using the
20 interest rate from most recent bond issuances for the financing of similar
21 projects by similar municipalities;

22 (4) the projected amount of all expenses incurred in such bond
23 issuance including, but not limited to, attorney fees, underwriter fees and
24 the cost of printing such bonds;

25 (5) the projected amount of the annual payments for principle and
26 interest on the bonds;

27 (6) the projected annual rate of taxation and the source of taxation
28 necessary to retire such bonds; and

29 (7) any other information deemed necessary by the governing body of
30 the municipality to provide full disclosure relating to the proposed bond
31 issue.

32 (c) *The funds from any such bond issuance shall be expended only for*
33 *the items included in the notice described in subsection (b).*

34 (d) For the purposes of this section, an election is required to be held
35 whenever a law specifically requires an election to be called or whenever a
36 law authorizes the filing of a petition requesting an election and a

1 sufficient petition is filed as required by such law.

2 ~~(d)~~ (e) Nothing in this section shall be grounds to challenge the
3 validity of the election on or the issuance of such bonds if the governing
4 body has made a good faith effort to make accurate projections based upon
5 the information available to the governing body at the time of making such
6 projections.

7 Sec. 2. K.S.A. 2015 Supp. 25-4169a is hereby amended to read as
8 follows: 25-4169a. (a) (1) No officer or employee of the state of Kansas,
9 or any municipality, shall use or authorize the use of public funds or public
10 vehicles, machinery, equipment or supplies of any ~~such~~ governmental
11 agency or the time of any officer or employee of any ~~such~~ governmental
12 agency, for which the officer or employee is compensated by ~~such~~ *the*
13 governmental agency, to expressly advocate the nomination, election or
14 defeat of a clearly identified candidate to state office or local office *or the*
15 *passage or defeat of any question submitted election*. The provisions of
16 this section prohibiting the use of time of any officer or employee
17 *regarding an identified candidate* for such purposes shall not apply to an
18 incumbent officer campaigning for nomination or reelection to a
19 succeeding term to such office or to members of the personal staff of any
20 elected officer. The provisions of this section shall not apply to the
21 statutory duties of the commission on judicial performance pursuant to
22 article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments
23 thereto.

24 (2) The provisions of this subsection shall not apply to the use of
25 internet connectivity provided by the state of Kansas or any municipality
26 to any candidate or elected official.

27 (3) Except as otherwise provided in this section, no municipality shall
28 permit or allow any person to distribute, or cause to be distributed, within
29 any building or other structure owned, leased or rented by ~~such~~ *the*
30 municipality any brochure, flier, political fact sheet or other document
31 which expressly advocates the nomination, election or defeat of a clearly
32 identified candidate for state or local office unless each candidate for ~~such~~
33 *the* state or local office is permitted or allowed to do so in the same
34 manner. *No municipality shall use government funds to distribute, or*
35 *cause to be distributed, any brochure, flier, political fact sheet or other*
36 *document regarding any question submitted election, except as for*
37 *notifications required by law.*

38 (4) For the purposes of this subsection, the term municipality shall
39 have the meaning ascribed to it in K.S.A. 12-105a, and amendments
40 thereto.

41 (b) Any person violating the provisions of this section shall be guilty
42 of a class C misdemeanor.

43 Sec. 3. K.S.A. 10-120a and K.S.A. 2015 Supp. 25-4169a are hereby

1 repealed.

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