

**GOVERNMENTAL ETHICS COMMISSION**

<https://ethics.kansas.gov>

**Written Testimony before Senate Ethics, Elections, and Local Government  
House Bill 2223 As Amended - Neutral  
By Mark Skoglund, Executive Director  
February 7, 2018**

This testimony is provided for informational purposes. The Governmental Ethics Commission does not take a position on HB 2223. House Bill 2223 amends the Campaign Finance Act by adding language to K.S.A. 25-4152 as it pertains to civil penalty assessments for the late filing of campaign finance reports and statements when the report occurs prior to a primary or general election. Under current law, when a campaign finance report of statement is late, the Commission sends a certified failure to file notice to the candidate and their treasurer, as well as the treasurers for party committees and political action committees. The notice states the individual has 15 days from the date the notice is placed in the mail before a \$10 per day civil penalty is imposed for each day the report remains unfiled. The maximum civil penalty is \$300. Individuals are permitted to request a waiver of their civil penalty and for good cause, the Commission may waive such civil penalty.

During FY 2017, candidates, party, and political action committees were assessed civil penalties of \$6,300 for late filing of their receipts and expenditures reports. The Commission waived \$2,250 of those civil penalties. While the January report is not impacted by the legislation as drafted, a chart detailing failure to file notices that were sent related to the January 2018 report is attached to this testimony. Of 789 candidates who were required to file the January 2018 report, 39 failure to file notices were sent.

The legislation as drafted has one departure from current enforcement. Currently, all civil penalties are assessed for both the candidate and their treasurer. This legislation would increase the penalty and shortens the notification period for candidates, but not for their treasurers.

The bill also increases the civil penalty and shortens the notification period for lobbyist reports. In FY 2017, the Commission issued 16 failure to file notices to lobbyists.

**STATUS OF FILINGS FOR JANUARY 10, 2018  
RECEIPTS & EXPENDITURES REPORTS**

| <b>CANDIDATES</b>                      | <b>Number<br/>Required to File</b> | <b>Number of<br/>Failure to File<br/>Notices Sent</b> | <b>Number of<br/>Reports<br/>Outstanding</b> |
|--|------------------------------------|---|--|
| 2018 State Candidates                  | 109                                | 0   | 0  |
| 2016 State Candidates                  | 232                                | 8   | 2  |
| 2014 & 2012 State Carryover Candidates | 82                                 | 7   | 1  |
| 2010 & 2008 State Carryover Candidates | 16                                 | 2   | 1  |
| 2006 & 2004 State Carryover Candidates | 11                                 | 2   | 0  |
| 2002, 1994 & 1992 Carryover Candidates | 5                                  | 0   | 0  |
| 2017 City Candidates                   | 123                                | 11  | 7  |
| County Carryover Candidates            | 31                                 | 1   | 0  |
| 2016 County Candidates                 | 105                                | 3   | 1  |
| 2015 City Candidates                   | 41                                 | 2   | 0  |
| City Carryover Candidates              | 34                                 | 3   | 0  |
| <b>TOTAL CANDIDATES</b>                | <b>789</b>                         | <b>39</b>   | <b>12</b>                                    |
| <b>PARTY<br/>COMMITTEES</b>            |                                    |   |  |
| State Party Committees                 | 4                                  | 0   | 0  |
| Recognized Party Committees            | 4                                  | 0   | 0  |
| Democratic County Central Committees   | 70                                 | 2   | 1  |
| Libertarian County Central Committees  | 1                                  | 0   | 0  |
| Republican County Central Committees   | 101                                | 4   | 1  |
| Congressional District Committees      | 10                                 | 1   | 0  |
| <b>TOTAL PARTY COMMITTEES</b>          | <b>190</b>                         | <b>7</b>  | <b>2</b>                                     |
| <b>POLITICAL<br/>COMMITTEES</b>        |                                    |   |  |
| General                                | 214                                | 7   | 3  |
| Democratic Women's Clubs               | 11                                 | 1   | 0  |
| Republican Women's Clubs               | 10                                 | 3   | 1  |
| <b>TOTAL POLITICAL<br/>COMMITTEES</b>  | <b>235</b>                         | <b>11</b>   | <b>4</b>                                     |