

As Amended by House Committee

Session of 2017

Substitute for HOUSE BILL No. 2223

By Committee on Elections

2-17

1 AN ACT concerning campaign finance reports for members of the
2 legislature and reports by lobbyists; dealing with civil penalties for late
3 filing of such reports; amending K.S.A. 2016 Supp. ~~25-4148~~; 25-4152,
4 46-268 and 46-280 and repealing the existing sections.
5

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

7 Section 1. ~~K.S.A. 2016 Supp. 25-4148 is hereby amended to read as~~
8 ~~follows: 25-4148. (a) Every treasurer shall file a report prescribed by this~~
9 ~~section. Reports filed by treasurers for candidates for state office, other~~
10 ~~than officers elected on a state-wide basis, shall be filed in both with the~~
11 ~~office of the secretary of state. Reports filed by treasurers for candidates~~
12 ~~for state-wide office and the house of representatives and the senate shall~~
13 ~~be filed electronically and only with the secretary of state. Reports filed by~~
14 ~~treasurers for candidates for local office shall be filed in the office of the~~
15 ~~county election officer of the county in which the name of the candidate is~~
16 ~~on the ballot. Except as otherwise provided by subsection (h), all such~~
17 ~~reports shall be filed in time to be received in the offices required on or~~
18 ~~before each of the following days:~~

19 ~~(1) The eighth 8th day preceding the primary election, which report~~
20 ~~shall be for the period beginning on January 1 of the election year for the~~
21 ~~office the candidate is seeking and ending 12 days before the primary~~
22 ~~election, inclusive;~~

23 ~~(2) the eighth 8th day preceding a general election, which report shall~~
24 ~~be for the period beginning 11 days before the primary election and ending~~
25 ~~12 days before the general election, inclusive;~~

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

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

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

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

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

36 ~~(2) the name and address of each person who has made one or more~~

1 ~~contributions in an aggregate amount or value in excess of \$50 during the~~
2 ~~election period together with the amount and date of such contributions,~~
3 ~~including the name and address of every lender, guarantor and endorser~~
4 ~~when a contribution is in the form of an advance or loan;~~

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

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

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

12 ~~(6) the total of all receipts;~~

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

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

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

29 ~~(10) the total of expenditures;~~

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

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

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

39 ~~(i) is made without the cooperation or consent of a candidate or~~
40 ~~candidate committee;~~

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

43 ~~(iii) is an aggregate amount or having a fair market value in excess of~~

1 ~~§300:~~

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

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

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

23 ~~(f) The commission may require any treasurer to file an amended~~
24 ~~report for any period for which the original report filed by such treasurer~~
25 ~~contains material errors or omissions. The notice of the errors or omissions~~
26 ~~shall be part of the public record. The amended report shall be filed within~~
27 ~~30 days after notice by the commission.~~

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

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

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

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

42 ~~See-2: Section 1.~~ K.S.A. 2016 Supp. 25-4152 is hereby amended to
43 read as follows: 25-4152. (a) *Except as provided in subsection (b)*, the

1 commission shall send a notice by registered or certified mail to any
 2 person failing to file any report or statement required by K.S.A. 25-4144,
 3 25-4145 or 25-4148, and amendments thereto, and to the candidate
 4 appointing any treasurer failing to file any such report, within the time
 5 period prescribed therefor. The notice shall state that the required report or
 6 statement has not been filed with either the office of secretary of state or
 7 county election officer or both. The person failing to file any report or
 8 statement, and the candidate appointing any such person, shall be
 9 responsible for the filing of such report or statement. The notice also shall
 10 state that such person shall have 15 days from the date such notice is
 11 deposited in the mail to comply with the registration and reporting
 12 requirements before a civil penalty shall be imposed for each day that the
 13 required documents remain unfiled. If such person fails to comply within
 14 the prescribed period, such person shall pay to the state a civil penalty of
 15 \$10 per day for each day that such report or statement remains unfiled,
 16 except that no such civil penalty shall exceed \$300. The commission may
 17 waive, for good cause, payment of any civil penalty imposed by this
 18 section.

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

24 (2) *The candidate shall be liable for a civil penalty of \$100 for the*
 25 *first day the report is more than 48 hours late and \$50 for each subsequent*
 26 *day the report is late. The commission may waive, for good cause,*
 27 *payment of any civil penalty imposed by this section.*

, but in no case shall the civil penalty exceed \$1,000

28 (c) (1) **Subject to the notice provisions of subsection (a), reports**
 29 **that are due under the provisions of K.S.A. 25-4145 and 25-4148, and**
 30 **amendments thereto, for each political committee that anticipates**
 31 **receiving \$2,501 or more in any calendar year and are late more than**
 32 **48 hours shall be subject to civil penalties as provided in subsection (c)**
 33 **(2).**

34 (2) **The political committee shall be liable for a civil penalty of**
 35 **\$100 for the first day the report is more than 48 hours late and \$50 for**
 36 **each subsequent day the report is late. The commission may waive, for**
 37 **good cause, payment of any civil penalty imposed by this section.**

, but in no case shall the civil penalty exceed \$1,000

38 (d) Civil penalties provided for by this section shall be remitted to the
 39 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
 40 amendments thereto. Upon receipt of each such remittance, the state
 41 treasurer shall deposit the entire amount in the state treasury to the credit
 42 of the governmental ethics commission fee fund.

43 (e) ~~(f)~~ (e) If a person fails to pay a civil penalty provided for by this

1 section, it shall be the duty of the commission to bring an action to recover
2 such civil penalty in the district court of the county in which such person
3 resides.

4 ~~Sec.-3:~~ 2. K.S.A. 2016 Supp. 46-268 is hereby amended to read as
5 follows: 46-268. (a) Except as otherwise provided in subsection (b), every
6 lobbyist shall file *electronically* with the secretary of state a report of
7 employment and expenditures on a form and in the manner prescribed and
8 provided by the commission. A report shall be filed on or before the 10th
9 day of the months of February, March, April, May, September and January.
10 Reports shall include all expenditures which are required to be reported
11 under K.S.A. 46-269, and amendments thereto, or a statement that no
12 expenditures in excess of \$100 were made for such purposes, during the
13 preceding calendar month or months since the period for which the last
14 report was filed.

15 (b) For any calendar year in which a lobbyist expects to expend an
16 aggregate amount of less than \$100 for lobbying in each reporting period,
17 a lobbyist shall file *electronically* an affidavit of such intent with the
18 secretary of state. Such lobbyist shall not be required to file the reports
19 required under subsection (a) for the year for which such affidavit is filed.
20 If in any reporting period a lobbyist filing such affidavit expends in excess
21 of \$100 in reportable expenses, a report shall be filed for such period in the
22 manner prescribed by subsection (a).

23 ~~Sec.-4:~~ 3. K.S.A. 2016 Supp. 46-280 is hereby amended to read as
24 follows: 46-280. (a) *Except as provided in subsection (b)*, the commission
25 shall send a notice by registered or certified mail to any person failing to
26 register or to file any report or statement as required by K.S.A. 46-247; *or*
27 ~~46-265 or 46-268~~, and amendments thereto, within the time period
28 prescribed therefor. The notice shall state that the required registration,
29 report or statement had not been filed with the office of secretary of state.
30 The notice also shall state that such person shall have five days from the
31 date of receipt of such notice to comply with the registration and reporting
32 requirements before a civil penalty shall be imposed for each day that the
33 required documents remain unfiled. If such person fails to comply within
34 such period, such person shall pay to the state a civil penalty of \$10 per
35 day for each day that such person remains unregistered or that such report
36 or statement remains unfiled, except that no such civil penalty shall exceed
37 \$300. The commission may waive, for good cause, payment of any civil
38 penalty imposed hereunder.

39 (b) *Subject to the notice provisions of subsection (a), reports required*
40 *for lobbyists under K.S.A. 46-268, and amendments thereto, that are late*
41 *more than 48 hours shall be ~~subject~~ subject to civil penalties as provided in*
42 *subsection (b)(2).*

43 (2) *The lobbyist shall be liable for a civil penalty of \$100 for the first*

1 *day the report is more than 48 hours late and \$50 for each subsequent day*
2 *the report is late. The commission may waive, for good cause, payment of*
3 *any civil penalty imposed by this section.*

, but in no case shall the civil penalty exceed \$1,000

4 (c) Whenever the commission shall determine that any report filed by
5 a lobbyist as required by K.S.A. 46-269, and amendments thereto, is
6 incorrect, incomplete or fails to provide the information required by such
7 section, the commission shall notify such lobbyist by registered or certified
8 mail, specifying the deficiency. Such notice shall state that the lobbyist
9 shall have 30 days from the date of the receipt of such notice to file an
10 amended report correcting such deficiency before a civil penalty will be
11 imposed and the registration of such lobbyist revoked and the badge be
12 required to be returned to the office of the secretary of state. A copy of
13 such notice shall be sent to the office of the secretary of state. If such
14 lobbyist fails to file an amended report within the time specified, such
15 lobbyist shall pay to the commission a civil penalty of \$10 per day for
16 each day that such person fails to file such report except that no such civil
17 penalty shall exceed \$300. On the 31st day following the receipt of such
18 notice, the registration of any lobbyist failing to file such amended report
19 shall be revoked.

20 (d) Civil penalties provided for by this section shall be remitted to
21 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
22 and amendments thereto. Upon receipt of each such remittance, the state
23 treasurer shall deposit the entire amount in the state treasury to the credit
24 of the governmental ethics commission fee fund.

25 (e) (1) Except as provided in subsection (2), if a person fails to
26 pay a civil penalty provided for by this section, it shall be the duty of the
27 commission to bring an action to recover such civil penalty in the district
28 court of the county in which such person resides.

29 (2) If a person required to file under ~~subsection (f)~~ of K.S.A. 46-
30 247(f), and amendments thereto, fails to pay a civil penalty provided for by
31 this section, it shall be the duty of the commission to bring an action to
32 recover ~~such~~ the civil penalty in the district court of Shawnee county,
33 Kansas.

34 ~~Sec.-5.~~ 4. K.S.A. 2016 Supp. ~~25-4148~~, 25-4152, 46-268 and 46-280
35 are hereby repealed.

36 ~~Sec.-6.~~ 5. This act shall take effect and be in force from and after its
37 publication in the statute book.