

HOUSE BILL No. 2536

By Committee on Elections

1-30

1 AN ACT concerning campaign finance; authorize city party committees;
2 amending K.S.A. 2013 Supp. 25-4143 and 25-4153 and repealing the
3 existing sections.
4

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

6 Section 1. K.S.A. 2013 Supp. 25-4143 is hereby amended to read as
7 follows: 25-4143. As used in the campaign finance act, unless the context
8 otherwise requires:

9 (a) "Candidate" means an individual who: (1) Appoints a treasurer or
10 a candidate committee;

11 (2) makes a public announcement of intention to seek nomination or
12 election to state or local office;

13 (3) makes any expenditure or accepts any contribution for such
14 person's nomination or election to any state or local office; or

15 (4) files a declaration or petition to become a candidate for state or
16 local office.

17 (b) "Candidate committee" means a committee appointed by a
18 candidate to receive contributions and make expenditures for the
19 candidate.

20 (c) "Clearly identified candidate" means a candidate who has been
21 identified by the:

22 (1) Use of the name of the candidate;

23 (2) use of a photograph or drawing of the candidate; or

24 (3) unambiguous reference to the candidate whether or not the name,
25 photograph or drawing of such candidate is used.

26 (d) "Commission" means the governmental ethics commission.

27 (e) (1) "Contribution" means:

28 (A) Any advance, conveyance, deposit, distribution, gift, loan or
29 payment of money or any other thing of value given to a candidate,
30 candidate committee, party committee or political committee for the
31 express purpose of nominating, electing or defeating a clearly identified
32 candidate for a state or local office-;

33 (B) any advance, conveyance, deposit, distribution, gift, loan or
34 payment of money or any other thing of value made to expressly advocate
35 the nomination, election or defeat of a clearly identified candidate for a
36 state or local office;

1 (C) a transfer of funds between any two or more candidate
2 committees, party committees or political committees;

3 (D) the payment, by any person other than a candidate, candidate
4 committee, party committee or political committee, of compensation to an
5 individual for the personal services rendered without charge to or for a
6 candidate's campaign or to or for any such committee;

7 (E) the purchase of tickets or admissions to, or advertisements in
8 journals or programs for, testimonial events; *or*

9 (F) a mailing of materials designed to expressly advocate the
10 nomination, election or defeat of a clearly identified candidate, which is
11 made and paid for by a party committee with the consent of such
12 candidate.

13 (2) "Contribution" does not include:

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

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

18 (C) payment by a candidate or candidate's spouse for personal meals,
19 lodging and travel by personal automobile of the candidate or candidate's
20 spouse while campaigning; *or*

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

24 (f) "Election" means:

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

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

28 (g) (1) "Expenditure" means:

29 (A) Any purchase, payment, distribution, loan, advance, deposit or
30 gift of money or any other thing of value made by a candidate, candidate
31 committee, party committee or political committee for the express purpose
32 of nominating, electing or defeating a clearly identified candidate for a
33 state or local office-;

34 (B) any purchase, payment, distribution, loan, advance, deposit or gift
35 of money or any other thing of value made to expressly advocate the
36 nomination, election or defeat of a clearly identified candidate for a state
37 or local office;

38 (C) any contract to make an expenditure;

39 (D) a transfer of funds between any two or more candidate
40 committees, party committees or political committees; or

41 (E) payment of a candidate's filing fees.

42 (2) "Expenditure" does not include:

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

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

4 (C) payment by a candidate or candidate's spouse for personal meals,
5 lodging and travel by personal automobile of the candidate or candidate's
6 spouse while campaigning or payment of such costs by the treasurer of a
7 candidate or candidate committee;

8 (D) the value of goods donated to events such as testimonial events,
9 bake sales, garage sales and auctions by any person not exceeding fair
10 market value of \$50 per event; or

11 (E) any communication by an incumbent elected state or local officer
12 with one or more individuals unless the primary purpose thereof is to
13 expressly advocate the nomination, election or defeat of a clearly
14 identified candidate.

15 (h) "Expressly advocate the nomination, election or defeat of a clearly
16 identified candidate" means any communication which uses phrases
17 including, but not limited to:

18 (1) "Vote for the secretary of state";

19 (2) "re-elect your senator";

20 (3) "support the democratic nominee";

21 (4) "cast your ballot for the republican challenger for governor";

22 (5) "Smith for senate";

23 (6) "Bob Jones in '98";

24 (7) "vote against Old Hickory";

25 (8) "defeat" accompanied by a picture of one or more candidates; or

26 (9) "Smith's the one."

27 (i) "Party committee" means:

28 (1) The state committee of a political party regulated by article 3 of
29 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

30 (2) the county central committee or the state committee of a political
31 party regulated under article 38 of chapter 25 of the Kansas Statutes
32 Annotated, and amendments thereto;

33 (3) the bona fide national organization or committee of those political
34 parties regulated by the Kansas Statutes Annotated;

35 (4) not more than one political committee established by the state
36 committee of any such political party and designated as a recognized
37 political committee for the senate;

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

41 (6) not more than one political committee per congressional district
42 established by the state committee of a political party regulated under
43 article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments

1 thereto, and designated as a congressional district party committee; *or*

2 (7) *city party committees.*

3 (j) "Person" means any individual, committee, corporation,
4 partnership, trust, organization or association.

5 (k) (1) "Political committee" means any combination of two or more
6 individuals or any person other than an individual, a major purpose of
7 which is to expressly advocate the nomination, election or defeat of a
8 clearly identified candidate for state or local office or make contributions
9 to or expenditures for the nomination, election or defeat of a clearly
10 identified candidate for state or local office.

11 (2) "Political committee" shall not include a candidate committee or a
12 party committee.

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

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

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

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

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

31 Sec. 2. K.S.A. 2013 Supp. 25-4153 is hereby amended to read as
32 follows: 25-4153. (a) The aggregate amount contributed to a candidate and
33 such candidate's candidate committee and to all party committees and
34 political committees and dedicated to such candidate's campaign, by any
35 political committee or any person except a party committee, the candidate
36 or the candidate's spouse, shall not exceed the following:

37 (1) For the pair of offices of governor and lieutenant governor or for
38 other state officers elected from the state as a whole, \$2,000 for each
39 primary election (or in lieu thereof a caucus or convention of a political
40 party) and an equal amount for each general election.

41 (2) For the office of member of the house of representatives, district
42 judge, district magistrate judge, district attorney or a candidate for local
43 office, \$500 for each primary election (or in lieu thereof a caucus or

1 convention of a political party) and an equal amount for each general
2 election.

3 (3) For the office of state senator or member of the state board of
4 education, \$1,000 for each primary election (or in lieu thereof a caucus or
5 convention of a political party) and an equal amount for each general
6 election.

7 (b) For the purposes of this section, the face value of a loan at the end
8 of the period of time allocable to the primary or general election is the
9 amount subject to the limitations of this section. A loan in excess of the
10 limits herein provided may be made during the allocable period if such
11 loan is reduced to the permissible level, when combined with all other
12 contributions from the person making such loan, at the end of such
13 allocable period.

14 (c) For the purposes of this section, all contributions made by
15 unemancipated children under 18 years of age shall be considered to be
16 contributions made by the parent or parents of such children. The total
17 amount of such contribution shall be attributed to a single custodial parent
18 and 50% of such contribution to each of two parents.

19 (d) The aggregate amount contributed to a state party committee by a
20 person other than a national party committee or a political committee shall
21 not exceed \$15,000 in each calendar year; ~~and~~ the aggregate amount
22 contributed to any other party committee, *except a city party committee* by
23 a person other than a national party committee or a political committee
24 shall not exceed \$5,000 in each calendar year; *and the aggregate amount*
25 *contributed to a city party committee shall not exceed \$1,000 in each*
26 *calendar year.*

27 The aggregate amount contributed by a national party committee to a
28 state party committee shall not exceed \$25,000 in any calendar year, and
29 the aggregate amount contributed to any other party committee by a
30 national party committee shall not exceed \$10,000 in any calendar year.

31 The aggregate amount contributed to a party committee by a political
32 committee shall not exceed \$5,000 in any calendar year.

33 (e) Any political funds which have been collected and were not
34 subject to the reporting requirements of this act shall be deemed a person
35 subject to these contribution limitations.

36 (f) Any political funds which have been collected and were subject to
37 the reporting requirements of the campaign finance act shall not be used in
38 or for the campaign of a candidate for a federal elective office.

39 (g) The amount contributed by each individual party committee of the
40 same political party other than a national party committee to any candidate
41 for office, for any primary election at which two or more candidates are
42 seeking the nomination of such party shall not exceed the following:

43 (1) For the pair of offices of governor and lieutenant governor and for

1 each of the other state officers elected from the state as a whole, \$2,000 for
2 each primary election (or in lieu thereof a caucus or convention of a
3 political party).

4 (2) For the office of member of the house of representatives, district
5 judge, district magistrate judge, district attorney or a candidate for local
6 office, \$500 for each primary election (or in lieu thereof a caucus or
7 convention of a political party).

8 (3) For the office of state senator or member of the state board of
9 education, \$1,000 for each primary election (or in lieu thereof a caucus or
10 convention of a political party).

11 (h) When a candidate for a specific cycle does not run for office, the
12 contribution limitations of this section shall apply as though the individual
13 had sought office.

14 (i) No person shall make any contribution or contributions to any
15 candidate or the candidate committee of any candidate in the form of
16 money or currency of the United States which in the aggregate exceeds
17 \$100 for any one primary or general election, and no candidate or
18 candidate committee of any candidate shall accept any contribution or
19 contributions in the form of money or currency of the United States which
20 in the aggregate exceeds \$100 from any one person for any one primary or
21 general election.

22 Sec. 3. K.S.A. 2013 Supp. 25-4143 and 25-4153 are hereby repealed.

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