

**25-4143. Campaign finance; definitions.** As used in the campaign finance act, unless the context otherwise requires:

- (a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;
- (2) makes a public announcement of intention to seek nomination or election to state or local office;
- (3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or
- (4) files a declaration or petition to become a candidate for state or local office.
- (b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.
- (c) "Clearly identified candidate" means a candidate who has been identified by the:
  - (1) Use of the name of the candidate;
  - (2) use of a photograph or drawing of the candidate; or
  - (3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.
- (d) "Commission" means the governmental ethics commission.
- (e) (1) "Contribution" means:
  - (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.
  - (B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;
  - (C) a transfer of funds between any two or more candidate committees, party committees or political committees;
  - (D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;
  - (E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;
  - (F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.
- (2) "Contribution" does not include:
  - (A) The value of volunteer services provided without compensation;
  - (B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;
  - (C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;
  - (D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event.
- (f) "Election" means:
  - (1) A primary or general election for state or local office; and
  - (2) a convention or caucus of a political party held to nominate a candidate for state or local office.
- (g) (1) "Expenditure" means:
  - (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.
  - (B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;
  - (C) any contract to make an expenditure;
  - (D) a transfer of funds between any two or more candidate committees, party committees or political committees; or
  - (E) payment of a candidate's filing fees.
- (2) "Expenditure" does not include:
  - (A) The value of volunteer services provided without compensation;
  - (B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;
  - (C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;
  - (D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or
  - (E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.
- (h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:
  - (1) "Vote for the secretary of state";
  - (2) "re-elect your senator";
  - (3) "support the democratic nominee";
  - (4) "cast your ballot for the republican challenger for governor";
  - (5) "Smith for senate";
  - (6) "Bob Jones in '98";
  - (7) "vote against Old Hickory";
  - (8) "defeat" accompanied by a picture of one or more candidates; or
  - (9) "Smith's the one."
- (i) "Party committee" means:
  - (1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
  - (2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
  - (3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;
  - (4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;
  - (5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or
  - (6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.
- (j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.
- (k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.
- (2) "Political committee" shall not include a candidate committee or a party committee.
- (l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.
- (m) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.
- (n) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.
- (o) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed

under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

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

**History:** L. 1981, ch. 171, § 2; L. 1989, ch. 111, § 3; L. 1990, ch. 122, § 16; L. 1991, ch. 150, § 6; L. 1995, ch. 192, § 14; L. 1998, ch. 117, § 4; L. 2000, ch. 124, § 12; L. 2001, ch. 159, § 1; July 1.