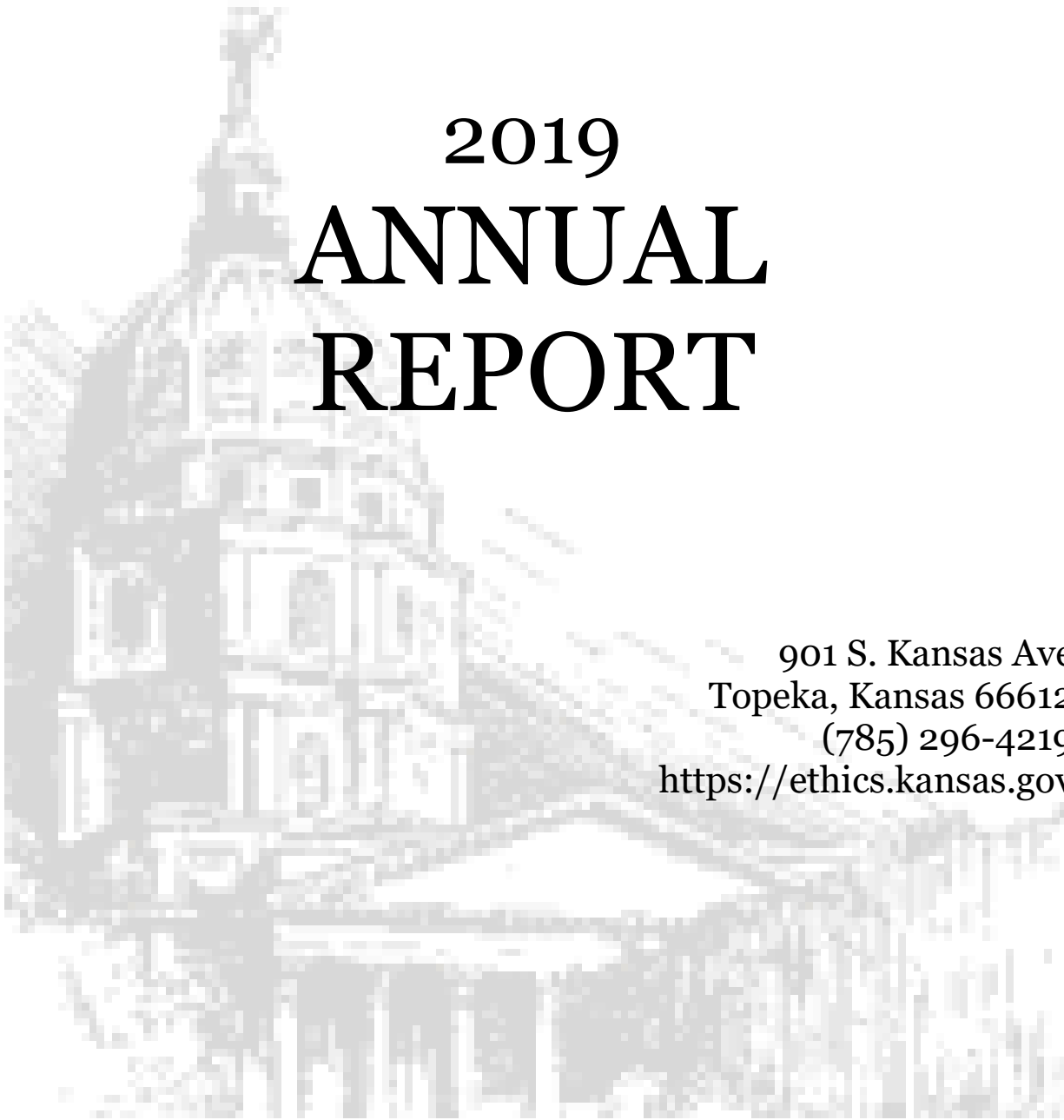


**GOVERNMENTAL  
ETHICS  
COMMISSION**

**2019  
ANNUAL  
REPORT**

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<https://ethics.kansas.gov>



## **PREFACE**

This annual report and recommendations is submitted to the Governor and the Legislative Coordinating Council for transmittal to the Legislature pursuant to K.S.A. 25-4119a and K.S.A. 46-1212c. With some exceptions, the report covers the period from July 1, 2018, through June 30, 2019, the end of Fiscal Year 2019. Occasionally, data for the first quarter of Fiscal Year 2020 is used in order to provide a more complete picture of the Commission's operations.

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**Mission:**

***The Governmental Ethics Commission works to foster public trust and confidence in state government decision-making through education, administration, and enforcement of the Campaign Finance Act and State Governmental Ethics Laws.***

The Kansas Governmental Ethics Commission was established by the Kansas Legislature in 1974 to administer, interpret, and enforce the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and laws relating to conflict of interests, financial disclosure, and the regulation of lobbying (K.S.A. 46-215 *et seq.*). These laws establish the public's right to information about the financial affairs of Kansas' public officials, lobbyists, and candidates for state and local office. The Commission also renders advisory opinions and can adopt rules and regulations under a less comprehensive conflict of interest law covering local government officials and employees (K.S.A. 75-4301 *et seq.*).

**Agency Philosophy:**

***The Kansas Governmental Ethics Commission believes the strongest safeguard against unethical conduct by public officials and employees is an informed and active public. For the disclosure elements of the legislation to have meaning, the public must be made aware of the legislation and the financial disclosure information must be accessible to the public. To this end, the Commission and its staff will approach their duties with a dedicated sense of purpose and responsibility to the individuals subject to the Campaign Finance Act and State Governmental Ethics Laws and the citizens of Kansas by performing their activities in an efficient and impartial manner. The Commission places a high priority on providing assistance to those subject to the Commission's jurisdiction in order to prevent violations.***

## Commission Members

The Kansas Governmental Ethics Commission is a nine member, bipartisan, citizen commission authorized by K.S.A. 25-4119a. Members serve two-year terms with the Commission's Chairperson appointed by the Governor. The Vice-Chairperson is elected by the membership. Commission appointments are made by the Governor, Attorney General, Secretary of State, Chief Justice of the Supreme Court, President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, and the Minority Leader in the House. The Governor makes two appointments, each from a different political party.

The Commission usually meets once a month. The Commission's meetings are open to the public and information prepared by the staff for each meeting is available to the public. During FY 2019, the Commission held 8 meetings. Meetings are scheduled to address a variety of matters including the review of and action on complaints filed, investigations undertaken, and audits performed. In addition, the Commission issues advisory opinions to answer questions involving interpretation of a particular section of the law, it makes policy decisions, amends and adopts new administrative regulations and handles administrative matters including personnel, budget preparations, and office procedures.

## Commission Staff

The staff of the Commission assumes all responsibility for the daily operations of the agency which include administration, legal, investigation, audit, information technology, and clerical functions. As a service oriented agency, the staff strives to assist individuals in complying with applicable laws by responding quickly, efficiently, and impartially. Commission staff also works diligently to ensure campaign finance and lobbying data is compiled, entered, and posted on the Internet to be viewed by the citizens of Kansas.

# **Current Commission Members**

**Nick Hale, Chairperson, Democrat, Prairie Village**

Term expires January 31, 2021

**Jerome Hellmer, Vice-Chairperson, Republican, Salina**

Term expires January 31, 2020

**Amy James, Democrat, Overland Park**

Term expires January 31, 2021

**John Solbach, Democrat, Lawrence**

Term expires January 31, 2021

**Todd Scharnhorst, Republican, Olathe**

Term expires January 31, 2021

**Kenneth Moore, Democrat, Kansas City**

Term expires January 31, 2021

**Kyle Krull, Republican, Overland Park**

Term expires January 31, 2020

**Jane Deterding, Republican, Wichita**

Term expires January 31, 2020

**Marisel Walston, Republican, Lenexa**

Term expires January 31, 2020

## Commission Staff

Executive Director – Mark Skoglund  
Commission & Staff Attorney – Brett Berry  
Office Manager – Sherry Fergel  
State Candidate Report Examiner – Karina Renna  
Local Candidate Report Examiner – Jennifer Schneider  
Lobbyist Coordinator – Jessica White  
PACs/Parties Coordinator, Auditor – Kaitlin Hubbell  
Substantial Interests Coordinator/IT Specialist – Roxie Valdivia

## Budget

In FY 2019, the Commission was originally appropriated \$386,406 from the State General Fund with a fee fund limitation of \$270,035. The following chart reflects revenue and expenditures for the fiscal year.

<b>Fiscal Year 2019 Budget</b>	<b>Actual</b>
Revenue:	
State General Fund Utilized	\$378,693
Fee Fund Utilized	\$245,347
Total Revenue Utilized	\$624,040
Expenditures:	
Salaries & Benefits	\$491,641
Contractual Services	\$129,149
Commodities	\$ 2,360
Capital Outlay	\$ 890
Total Expenditures	\$624,040

## **Legislative Activity**

The 2019 Legislature did not pass any bills that impacted the Commission or the laws under its jurisdiction.

## **Organization & Operation**

The Commission's efforts focus on full compliance with the Kansas campaign finance, conflict of interests, and lobbying statutes. Each year the Commission receives thousands of financial disclosure reports filed by candidates, political and party committees, public officials, and lobbyists. Staff time is devoted to assuring the accurate and timely disclosure of required financial information about those in state and local government. The processing and evaluation of filed reports and statements and an analysis of the supporting records, where appropriate, are crucial to the Commission's efforts. It is through the initial and comprehensive review of these reports, and the later audit and investigation when necessary, that the Commission can determine compliance with the laws.

The Commission's work encompasses five areas:

- (1) education and public awareness;
- (2) advisory opinions;
- (3) reviews and audits;
- (4) enforcement (including inquiries and investigations, the filing of complaints, holding public hearings and assessing civil penalties); and
- (5) general administrative activities.



## **Education & Public Awareness**

The Commission's goal remains to improve communications regarding the reporting requirements of those subject to one or more of the disclosure laws, and to increase public awareness with respect to the impact and importance of information contained in the reports filed. The Commission's website has become an efficient instrument for disseminating and distributing Commission information. Information concerning the Commission, the advisory opinions it issues, scanned copies of state level candidate, party committee and political action committee campaign finance reports, campaign finance and lobbying reporting forms, and campaign election and lobbying statistics can be found at <https://ethics.kansas.gov>.

The Commission utilizes informational brochures, the Internet, the news media, and speaking engagements to inform not only those under the Commission's jurisdiction, but also the public about the laws and their meaning. Statistical information is summarized and printed, in addition to being posted on the Commission's website, in the areas of campaign finance and lobbying. However, most time in this area is devoted to informing those directly covered by the laws of their duties and responsibilities. To accomplish this task, the Commission conducts informational seminars, and prepares and distributes handouts, campaign finance handbooks, lobbying handbooks, and conflict of interest laws brochures. In addition, staff fields calls to provide information and advice. In FY 2019 the Commission's staff made 11 presentations. The Commission has started working towards providing electronic access to training materials in order to reach all individuals subject to the Ethics Commission's jurisdiction.

## **Advisory Opinions**

Advisory opinions are issued by the Commission to clarify the application of the statutes in a particular situation. The Commission can issue these opinions on its own initiative or in response to individual inquiries. If an individual requests an opinion and conducts themselves according to the guidelines in the opinion, they are presumed to be in compliance with the law.

Six opinions were issued in FY 2019. Two opinions were issued in response to inquiries by individuals and four opinions were initiated by the Commission to provide guidance to candidates concerning a provision in the Campaign Finance Act and lobbying laws. Since 1974, the year the Commission was established, through June 30, 2019, the Commission has issued a total of 1,251 advisory opinions. A synopsis of the six advisory opinions issued in FY 2019 can be found at the conclusion of this report.

### **FY 2019 Advisory Opinions**

Campaign Finance – 3

State Conflict of Interests – 1

Lobbying - 2

## **Review & Audit Program**

Complete, accurate and timely disclosure of certain kinds of financial information by candidates, elected officials, state employees and lobbyists is the key requirement of the legislation. Active review and auditing of reports is essential for the proper administration of the law.

## **CAMPAIGN FINANCE**

In the area of campaign finance, the Commission's procedures include a preliminary review and post-election comprehensive desk review of all receipts and expenditures reports filed. In addition, a certain number of campaigns and committees are selected for field audits.

Candidates, party committees, and political committees filed 2,572 receipts and expenditures reports in FY 2019. All receipts and expenditures reports received a comprehensive desk review.

Additionally, staff processed 392 state candidates, 215 county candidates, 8 first-class city candidates, and 441 party and political action committees participating in the 2018 primary election. The candidates, their treasurers, and the party and political committee officers all received handbooks, guides, statutes, and other material to assist them in understanding their responsibilities under the Campaign Finance Act.

### **Statewide Campaigns**

There were 27 statewide candidates who ran for office in FY 2019. There were 5 contested and 0 uncontested general election races. Statewide candidates received a total of \$17,520,180 in monetary and in-kind contributions. Statewide candidates received their largest percentage of itemized monetary contributions from individuals (47.5%) with self-funding (34.7%) making up the second largest source of campaign contributions. Businesses contributed \$1,459,399 (8.3%) to statewide candidates.

Expenditures made by statewide candidates in the 2018 election year totaled \$16,972,863. Statewide candidates expended the largest amount of their funds on radio, TV, and internet advertising (42.5%).

### **House of Representative Campaigns**

There were 238 state House candidates who ran for office in FY 2019. There were 77 contested and 48 uncontested general election races. House candidates received a total of \$4,585,270 in monetary and in-kind contributions. House candidates received their largest percentage of itemized monetary contributions from political action committees (36.7%) with individuals (27.0%) making up the second largest source of campaign contributions. Out-of-state organizations contributed \$727,323 (15.9%) to House candidates.

Expenditures made by House candidates in the 2018 election year totaled \$4,156,372. House candidates expended the largest amount of their funds on printing and distribution of campaign literature (39.2%).

## **Audits**

Audits of the records of candidates and political action committees are conducted using generally accepted auditing standards and are conducted on a priority basis. Accorded first priority are situations involving formal complaints. The next priority is assigned to situations in which it is necessary to clarify problems identified during the desk reviews. A general investigation may also be authorized at this point.

Finally, a random sample of candidates and committees is audited. If a candidate is selected for a random audit, their opponent is also examined. In FY 2019, there were 7 campaign finance audits conducted.

### **FY 2019 Campaign Finance Statistics**

- Candidates for 2018 State Office - 392
- Carryover State Candidates – 197
- Candidates for 2018 County Office – 215
- Carryover County Candidates - 87
- Candidates for 2019 First Class City Office – 8
- Carryover First Class City Candidates – 127
- Political Action Committees – 230
- Party Committees - 211
- Campaign Finance Reports Filed – 2,572
- Failure to File Notices Issued – 267
- Error and Omission Notifications Issued - 391

## CONFLICT OF INTERESTS

The Kansas conflict of interests statutes provide for (1) the filing of statements of substantial interests; (2) a code of conduct making it illegal for state officials and employees to be involved in certain conflicts; and (3) the issuance of advisory opinions.

The Commission's staff processed and reviewed 5,441 financial disclosure statements filed by state officers, state employees, and elected officials in FY 2019. Throughout the year, staff updates computer databases as appointments are made, officials resign or their terms end, and new positions are created. Financial disclosure forms and instructions are mailed to new appointees and candidates as the Commission receives official notice of their appointment or eligibility. Thereafter, forms and instructions are emailed or mailed on an annual basis to all persons subject to the filing requirements. All financial disclosure statements are public records and may be reviewed during regular business hours in the Secretary of State's office or on the Secretary of State's website. Those required to file Statements of Substantial Interests are elected state officials and candidates for such office, individuals whose appointments are subject to confirmation by the Senate, general counsels for state agencies, and state officers, employees, and members of boards, councils or commissions meeting the definition of a "designee" and so listed by the head of their agency.

### **2019 Statements of Substantial Interests Filings**

- Employees Listed as Designees – 4,869
- Elected Officials – 185
- Appointees Subject to Senate Confirmation – 36
- Board Members Listed as Designees – 322
- General Counsels - 29

The Commission has found that the conflict statutes are not widely understood either by state officers, state employees or the public at large, yet these laws are of fundamental importance to the workings of state government. They draw the line between private interests and the public trust which must be guarded carefully. Efforts to clarify and enforce the line are increasingly important as public concern mounts over abuses of the public trust.

Many state officials and employees are in a position to make or influence decisions which could directly affect their personal interests. The state conflict of interest laws prohibit such activity. To assist these individuals, the Commission issues advisory opinions upon its own initiative and upon the request of any person to whom the relevant law applies.

## **REPRESENTATION CASE DISCLOSURE**

There were zero Representation Case Disclosure Statements filed in FY 2019. It is possible that individuals required to file such statements have not done so. However, given the structure of the statutory requirements, there is no way of knowing who should file such statements.

## **LOBBYING**

There are 550 lobbyists registered for calendar year 2019 as of November 10, 2019. This compares with the total of 538 registered lobbyists in calendar year 2018. Of the 550 registered, some are registered on behalf of more than one person or organization. To date, 1,526 organizations or persons have been represented this year. This compares to 1,478 organizations being represented by a lobbyist in 2018. The Commission's statistical analysis of the lobbyist employment and expenditures reports filed shows that \$1,242,171 has been spent on lobbying activities through August 31, 2019. Registered lobbyists are required to file a lobbyist employment and expenditures report six times a year. These reports show expenditures if the lobbyist spent more than \$100 in a reporting period. To date this calendar year, 5,153 Lobbyist Employment and Expenditures Reports have been filed. A lobbyist can file an Affidavit of Exemption from filing the Lobbyist Employment and Expenditures Report if they do not expend in excess of \$100 in any reporting period.

### **Lobbyist Registrations and Expenditures**

#### **To Date for Calendar Year 2019**

- Number of Registered Lobbyists – 550
- Number of Lobbyist Registration Statements Filed – 1,526
- Number of Reports Filed by Lobbyists – 5,153
- Number of Affidavits of Exemption Filed – 421
- Total of Expenditures for Year to Date – \$1,242,171
- Number of Failure to File Notices Issued – 88

## **Enforcement**

### **INQUIRES & INVESTIGATIONS**

In FY 2019, the Commission initiated 33 investigations or inquiries. Investigations can be conducted prior to a complaint being filed or following the filing of a complaint. Inquiries and investigations remain confidential until a complaint has been filed and a probable cause determination has been made regarding the complaint. Whenever an investigation does not disclose facts sufficient to warrant further action, the Commission may issue a report concerning the findings of the Commission to the person or persons investigated. This report can be made public by the person or persons investigated.

### **COMPLAINTS**

There were 28 complaints filed in FY 2019. Twenty complaints were dismissed on the basis that there was insufficient evidence to support a probable cause determination or were dismissed after being set for hearing. One complaint was withdrawn. Seven complaints had a public hearing. It should be understood that after an investigation, if the Commission concludes there is no evidence to establish probable cause that there was an intentional violation of law, a complaint is dismissed and no public hearing is held. The determination as to whether an intentional violation has occurred is a decision which is not reached until the conclusion of a public hearing. Anyone who suspects that any of the provisions administered by the Commission have been violated may file a complaint in writing with the Commission.

### **CIVIL PENALTIES & FINES**

The statutes enforced by the Commission provide for the assessment of civil penalties for failure to file certain reports or statements under the campaign finance, lobbying and state conflict of interest statutes. Individuals can be subject to a \$10 per day penalty for each day the report or statement remains unfiled up to a maximum of \$300. Effective July 1, 2018, for primary and general election campaign finance reports, as well as for lobbyist expenditure reports, the civil penalty is \$100 for the first day and \$50 for each day the report remains unfiled, up to a maximum of \$1000. The Commission is authorized to waive any imposed civil penalty upon a finding of good cause. There were civil penalties totaling \$62,680 assessed and \$31,825 in civil penalties waived in FY 2019. The Commission collected \$13,365 in civil penalties. A few civil penalties which were assessed in prior years were collected in FY 2018. Some of the civil penalties assessed in FY 2018 still remain outstanding.

In addition to any other penalty prescribed under the campaign finance, lobbying or state conflict of interest statutes, the Commission can assess a civil fine not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third and each subsequent violation. Before a civil fine can be assessed, the person must be given proper notice and an opportunity to be heard. Civil fines in the amount of \$33,500 were assessed in FY 2019 as a result of eight civil fine hearings. Of this amount, \$14,665 was later waived and \$1,335 has been collected. Additionally, the Commission has collected \$1,255 from civil fines assessed in prior years.

**FY 2019 Civil Penalties and Fines**

Campaign Finance Civil Penalties Assessed - \$39,880

Lobbying Civil Penalties Assessed – \$22,800

Statement of Substantial Interests Civil Penalties Assessed - \$0

Total Civil Penalties Assessed – \$62,680

Total Civil Penalties Waived – \$31,825

Total Civil Penalties Collected - \$13,365

Total Civil Fines Assessed – \$33,500

Total Civil Fines Waived - \$14,665

Total Civil Fines Collected - \$2,590



## Commission Recommendations

The Commission is directed by statute to make recommendations to the Governor and Legislature. It recognizes that any major piece of legislation periodically needs revision, modification, and in some cases, major changes. To that end, the Commission makes the following recommendations:

1. **Formal Executive Session Open Meetings Exemption** - The Kansas Governmental Ethics Commission is subject to strict confidentiality statutes ensuring that an individual under investigation or a respondent to a complaint is protected until such time that the Commission determines that probable cause for a violation exists. The Commission utilizes broader confidentiality authority in statute and regulation for discussions regarding sufficiency and probable cause in executive session, but would benefit from a specific agency exemption to the Kansas Open Meetings Act. This exception would ensure the Commission's ability to protect confidentiality of accused parties as well as maintain that the Commission remain informed on current investigations, audits, inquiries, and complaints.

Legislative Status: There is no current bill for this recommendation.

2. **Electronic Filing for State Candidates** - K.S.A. 25-4148 permits state and local candidates, other than for statewide office, to file their campaign finance reports on paper or electronically. Candidates for statewide office must file all forms electronically. Requiring electronic campaign finance reporting would provide a wide variety of benefits, including but not limited to:

- Cost and efficiency savings regarding data entry reductions and more rapid report processing;
- Cost savings from decreased numbers of Errors and Omissions notices sent due to errors that could be prevented by filling fields in an electronic form, such as calculation errors and blank required fields;
- Decreased costs for printing forms and reports;
- Increased accuracy of data presented to the public as it would reduce avenues for errors;
- Increased transparency and decreased time delay in presenting campaign finance data to the public.

Due to these benefits and others, the Commission believes that significant benefits warrant requiring electronic submission of all campaign finance reports for state office.

The Commission supports the granting of exemptions for good cause shown, determined by the discretion of the Executive Director.

Legislative Status: 2019 HB 2170, in its current form, fully reflects this recommendation. Recognizing that the 2020 election cycle is ongoing, the Commission does not oppose adding language that delays implementation until after January 2021.

3. **Adding the Only Reasonable Interpretation Test to Express Advocacy** – K.S.A. 25-4143(h) defines “expressly advocate the nomination, election, or defeat of a clearly identified candidate” with specificity. The statute defines the phrase as “any communication which uses phrases including, but not limited to:
- "Vote for the secretary of state";
  - “re-elect your senator”;
  - “support the democratic nominee”;
  - "cast your ballot for the republican challenger for governor”;
  - “Smith for senate”;
  - "Bob Jones in '98”;
  - "vote against Old Hickory”;
  - "defeat" accompanied by a picture of one or more candidates; or
  - "Smith's the one."

Express advocacy is utilized frequently in the Campaign Finance Act and is often a touchstone of whether an organization is required to provide transparency regarding the funding of the communication to Kansas citizens. Express advocacy also affects coordination of candidates with organizations that do not disclose their donors, as a communication is not an “independent expenditure” under Kansas law unless it contains “express advocacy.”

The statute does indicate that express advocacy is not necessarily limited to these exact phrases by noting that this definition is “not limited to” the provided examples; however, the Commission currently follows guidance from a 1999 District of Kansas decision that ruled against “taken as a whole” interpretations of express advocacy.

The Federal Election Commission has a codified model for communications that are clearly express advocacy but avoid the specific “buzz” words in statute. 11 CFR 100.22(b) provides that a communication is express advocacy if “reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s)...” Since that time, the Supreme Court of the United States has upheld this disclosure requirement.

This addition, utilizing language identical or similar to the strict and narrow language utilized by the FEC, is a critical step in ensuring transparency for Kansas citizens by guaranteeing that organizations cannot avoid disclosure requirements solely because they altered the specific words they utilized in an advertisement.

Legislative Status: 2019 HB 2169, in its current form, fully reflects this recommendation. The Commission takes no stance regarding the deletion of Treasurer from paid-for attribution, which is also included in this legislation.

4. **Lobbyist and Statement of Substantial Interest Late Filing** – K.S.A. 46-280 provides that the Commission shall send a notice to any lobbyist who has not timely filed a report and any individual who has not timely filed a Statement of Substantial Interest form. The statute, as amended by 2018 HB 2642, increased the civil penalties for lobbyist expenditure reports and shortened the applicable grace period to file the form without penalty. The amended statute creates a potential conflict in the notice provision regarding whether the grace period begins from receipt of the notice or from the sending of the notice. Since lobbyists and individuals subject to filing Statements of Substantial Interest are aware of the relevant deadlines and in order to create consistency with similar statutory provisions in other areas, the Commission recommends a procedural amendment so that the grace period provided in statute begins running from the time the Commission sends the notice of failure to file, rather than from the time of receipt.

Legislative Status: 2019 HB 2172, in its current form, fully reflects this recommendation.

5. **Other social media attribution** - K.S.A. 25-4156(b)(1)(E) defines corrupt political advertising as any person making (or causing to be made) any website, e-mail or other type of internet communication which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office to follow such matter with a statement which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor. Appending such attributions to e-mails is analogous to printed matter and compliance with the attribution requirement is simple and straightforward. Compliance for some websites and some social media websites can be difficult or impossible.

The Commission believes that the rigid formats of certain websites or other internet communications make appending the required attributions problematic or impossible. The Commission believes the Legislature should consider methods to require open and obvious attribution on social media platforms.

Legislative Status: 2019 HB 2171, in its current form, fully reflects this recommendation. The Commission takes no stance regarding the deletion of Treasurer from paid-for attribution, which is also included in this legislation.

## New recommendations for 2020:

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6. **Federal Investigation Coordination** – Investigations undertaken by the Commission are confidential; only investigatory documents presented at a public hearing are considered public information. The statutes providing this confidentiality consider the fact that ethics or campaign finance investigations may impact laws under the jurisdiction of other state agencies or may require the expertise of another state agency. Despite this recognition, federal officials are not included in either confidentiality statute. Both K.S.A. 25-4165 and K.S.A. 46-259 include substantially similar language:

*K.S.A. 25-4165. All records, complaints, documents, reports filed with or submitted to or made by the commission, and all records and transcripts of any investigations, inquiries or hearings of the commission under the campaign finance act shall be confidential and shall not be open to inspection by any individual other than a member of the commission, an employee of the commission, or a state officer or employee designated to assist the commission, except as otherwise specifically provided in the campaign finance act.*

The ability to communicate with federal officials about an investigation can be critical to ensure proper resolution of an issue, much in the same way that communication with state officials can be critical. Additionally, if a federal subpoena were issued, Commission staff would be in a difficult position regarding whether to potentially violate the state confidentiality statute or risk noncompliance with the subpoena. Accordingly, the Commission recommends adding federal officials to the KGEC confidentiality statutes.

7. **Bonuses for Legislative Assistants** – K.S.A. 46-235 provides that “No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties...” Legislative assistants, as state employees, are subject to this prohibition. Some legislators have provided bonuses to their legislative assistants in the past, either from their campaign fund or personally. It is the view of the Commission that these bonus payments may be a violation of the law, but under these circumstances do not raise significant concerns about corruption or improper favor. As a result, the Commission would not oppose a legislative exemption for this highly specific case.

**Appendix I**

**SUMMARY  
OF  
ADVISORY OPINIONS  
ISSUED IN  
FY 2019**

**Opinion No. 2018-04 – Issued August 22, 2018**

If childcare expenses would not exist irrespective of the candidacy for public office, and those expenses have a direct connection with or effect upon the campaign of the candidate, then they may be paid with campaign funds.

**Opinion No. 2018-05 – Issued October 24, 2018**

Under the facts provided, a state employee could receive a donation to fund or defray costs of a trip to Africa because the trip and donation were not because of the individual's state employment.

**Opinion No. 2018-06 – Issued October 24, 2018**

When completing the Public Funds Report, a lobbyist should disclose the entire amount of the contract with a public entity, unless contracted for multiple purposes and can attribute costs proportionally to lobbying and non-lobbying tasks.

**Opinion No. 2019-01 – Issued February 27, 2019**

Attorneys representing clients before governmental entities are not lobbyists and need not register as a lobbyist.

**Opinion No. 2019-02 – Issued April 24, 2019**

Under the facts provided, costs for repairing damage to a vehicle's paint is not a legitimate campaign purpose. However, the vehicle's mileage attributable to campaigning may be reimbursed at the state mileage rate.

**Opinion No. 2019-03 – Issued May 24, 2019**

A legislator may not solicit contributions from January 1<sup>st</sup> through sine die from a prohibited entity (registered lobbyist, business, PAC, party, etc.) even if the contribution is for a PAC or party committee. This opinion reverses Advisory Opinion No. 2007-04.



**Appendix II**

**STATISTICAL COMPARISON  
OF LOBBYING  
EXPENDITURES  
2009-2019**

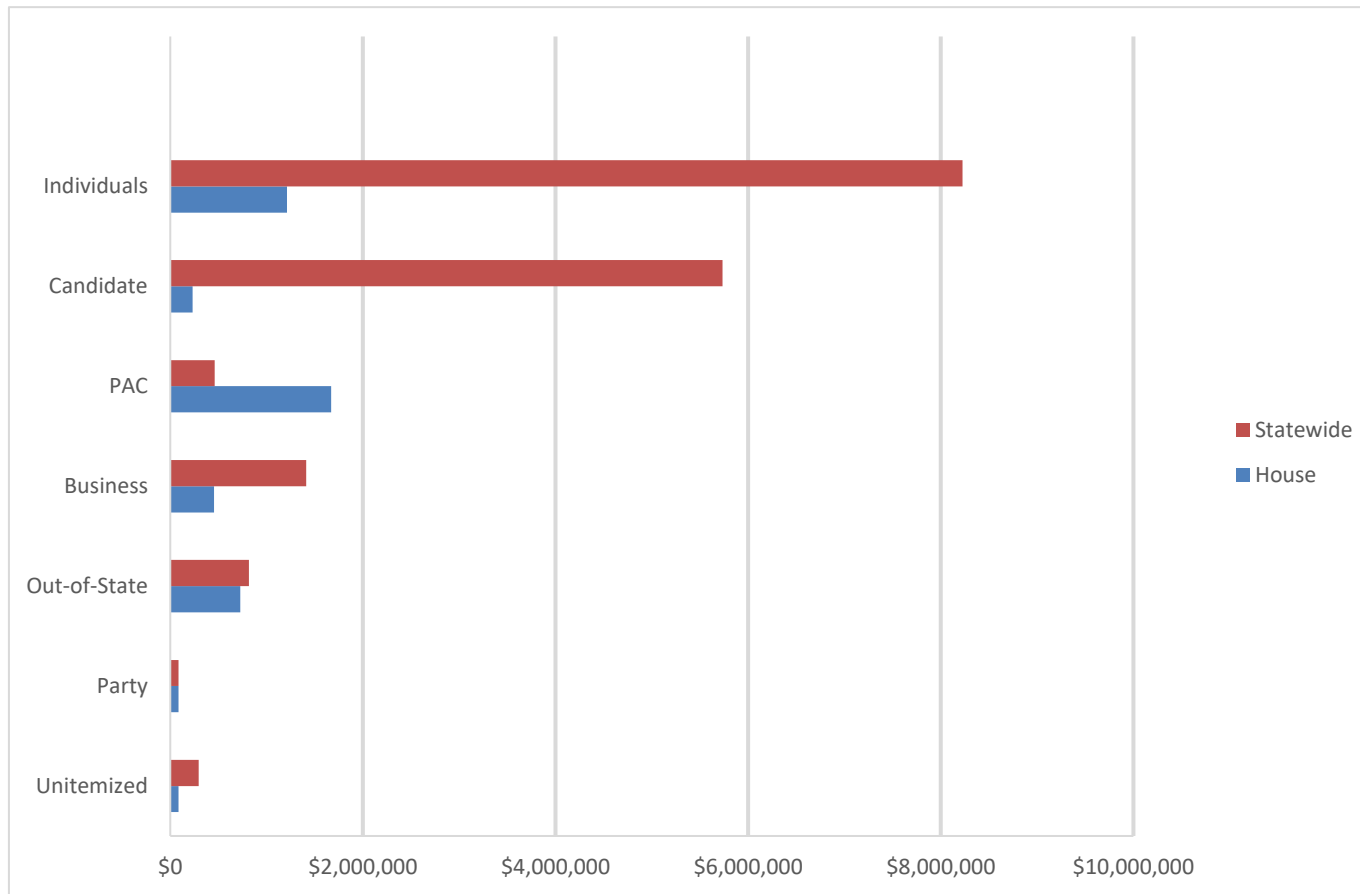
## Statistical Comparison of Lobbying Expenditures 2009-2019

Year	Number of Lobbyists/Registrations		Food and Beverage	Recreation	Entertainment Gifts Honoria and Payments	Mass Media	Communications	Other	Total
<b>2009</b>	582	1513	\$425,089	\$14,796	\$12,967	\$259,965	\$437,997	\$24,998	\$1,175,815
<b>2010</b>	541	1505	\$416,821	\$18,638	\$15,395	\$632,498	\$306,451	\$21,063	\$1,410,868
<b>2011</b>	568	1562	\$468,229	\$12,621	\$19,245	\$185,944	\$16,657	\$19,746	\$722,445
<b>2012</b>	550	1531	\$475,936	\$9,613	\$16,143	\$134,899	\$114,851	\$12,791	\$764,236
<b>2013</b>	542	1506	\$551,649	\$26,126	\$13,154	\$642,475	\$60,457	\$10,279	\$1,304,140
<b>2014</b>	548	1585	\$523,393	\$15,813	\$24,495	\$507,340	\$104,323	\$12,037	\$1,187,401
<b>2015</b>	557	1672	\$570,815	\$14,926	\$21,532	\$609,551	\$505,443	\$23,242	\$1,745,509
<b>2016</b>	552	1491	\$456,850	\$9,491	\$9,491	\$144,365	\$370,759	\$3,074	\$993,810
<b>2017</b>	556	1520	\$564,296	\$8,360	\$20,367	\$134,048	\$766,018	\$13,110	\$1,506,199
<b>2018</b>	538	1478	\$527,483	\$6,993	\$7,553	\$76,192	\$309,068	\$13,781	\$941,071
<b>2019 YTD</b>	550	1526	\$453,370	\$3,164	\$8,007	\$126,685	\$632,793	\$18,153	\$1,242,171

## Appendix III

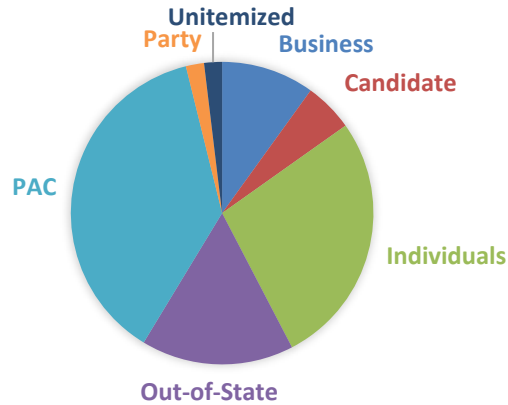
# **2018 ELECTION YEAR CAMPAIGN FINANCE STATISTICS**

# STATISTICAL SUMMARY FOR THE 2018 ELECTION CYCLE CAMPAIGN FINANCE DATA FOR HOUSE & STATEWIDE CANDIDATES

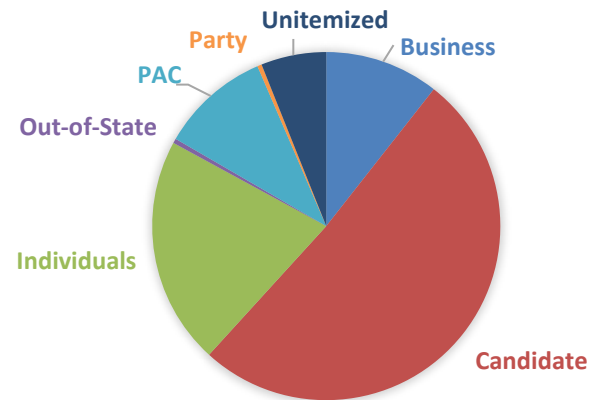


# 2018 HOUSE CANDIDATES

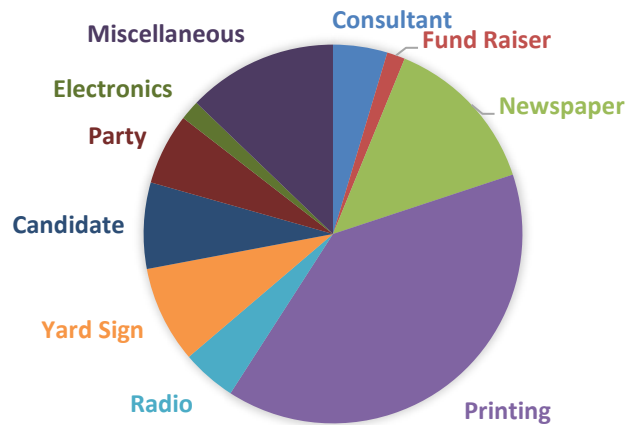
## 2018 HOUSE CANDIDATE MONETARY



## 2018 HOUSE CANDIDATE IN-KIND



## 2018 HOUSE CANDIDATE EXPENDITURES



## 2018 ELECTION CYCLE MONETARY CONTRIBUTIONS TO HOUSE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democratic Incumbent	Democratic Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Businesses, Corporations, Unions	\$453,225	10%	\$344,474	\$108,751	\$90,060	\$19,240	\$254,414	\$89,511	\$0
Candidate's Personal Funds	\$233,080	5%	\$18,092	\$214,988	\$3,481	\$27,780	\$14,611	\$186,958	\$250
Individuals	\$1,210,712	27%	\$533,078	\$677,634	\$233,169	\$345,274	\$299,909	\$332,040	\$320
Out-of-State Organizations	\$726,775	16%	\$613,675	\$113,100	\$195,850	\$47,050	\$417,825	\$66,050	\$0
Political Action Committees	\$1,669,260	37%	\$1,344,495	\$324,765	\$408,025	\$95,235	\$936,470	\$229,530	\$0
Party Committees	\$86,411	3%	\$29,843	\$56,568	\$15,475	\$38,968	\$14,367	\$17,100	\$500
Unitemized & Miscellaneous	\$85,261	2%	\$48,454	\$36,807	\$27,170	\$28,457	\$21,285	\$8,325	\$24
<b>Total Contributions</b>	<b>\$4,464,724</b>	<b>100%</b>	<b>\$2,932,111</b>	<b>\$1,532,613</b>	<b>\$973,230</b>	<b>\$602,004</b>	<b>\$1,958,881</b>	<b>\$929,514</b>	<b>\$1,094</b>

Number of Candidates	Won	125		96	29	35	5	61	24	0
	Lost	118		15	103	5	54	10	38	11
	Total	243		111	132	40	59	71	62	11

## 2018 ELECTION CYCLE IN-KIND CONTRIBUTIONS TO HOUSE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democratic Incumbent	Democratic Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Libertarian & Reform
Businesses, Corporations, Unions	\$13,840	10%	\$6,743	\$7,097	\$2,183	\$4,127	\$4,560	\$2,970	\$0
Candidate's/Spouse's Personal Funds	\$66,784	51%	\$35,419	\$31,365	\$3,428	\$13,130	\$31,991	\$18,078	\$157
Individuals	\$27,642	21%	\$4,400	\$23,242	\$1,002	\$12,083	\$3,398	\$11,159	\$0
Out-of-State Organizations	\$548	1%	\$500	\$48	\$0	\$20	\$500	\$28	\$0
Political Action Committees	\$13,289	10%	\$6,449	\$6,840	\$1,149	\$0	\$5,300	\$6,840	\$0
Party Committees	\$530	1%	\$0	\$530	\$0	\$530	\$0	\$0	\$0
Unitemized & Miscellaneous	\$7,913	6%	\$3,695	\$4,218	\$1,778	\$2,520	\$1,917	\$1,698	\$0
<b>Total Contributions</b>	<b>\$130,546</b>	<b>100%</b>	<b>\$57,206</b>	<b>\$73,340</b>	<b>\$9,540</b>	<b>\$32,410</b>	<b>\$47,666</b>	<b>\$40,773</b>	<b>\$157</b>

Number of Candidates	Won	125		96	29	35	5	61	24	0
	Lost	118		15	103	5	54	10	38	11
	Total	243		111	132	40	59	71	62	11

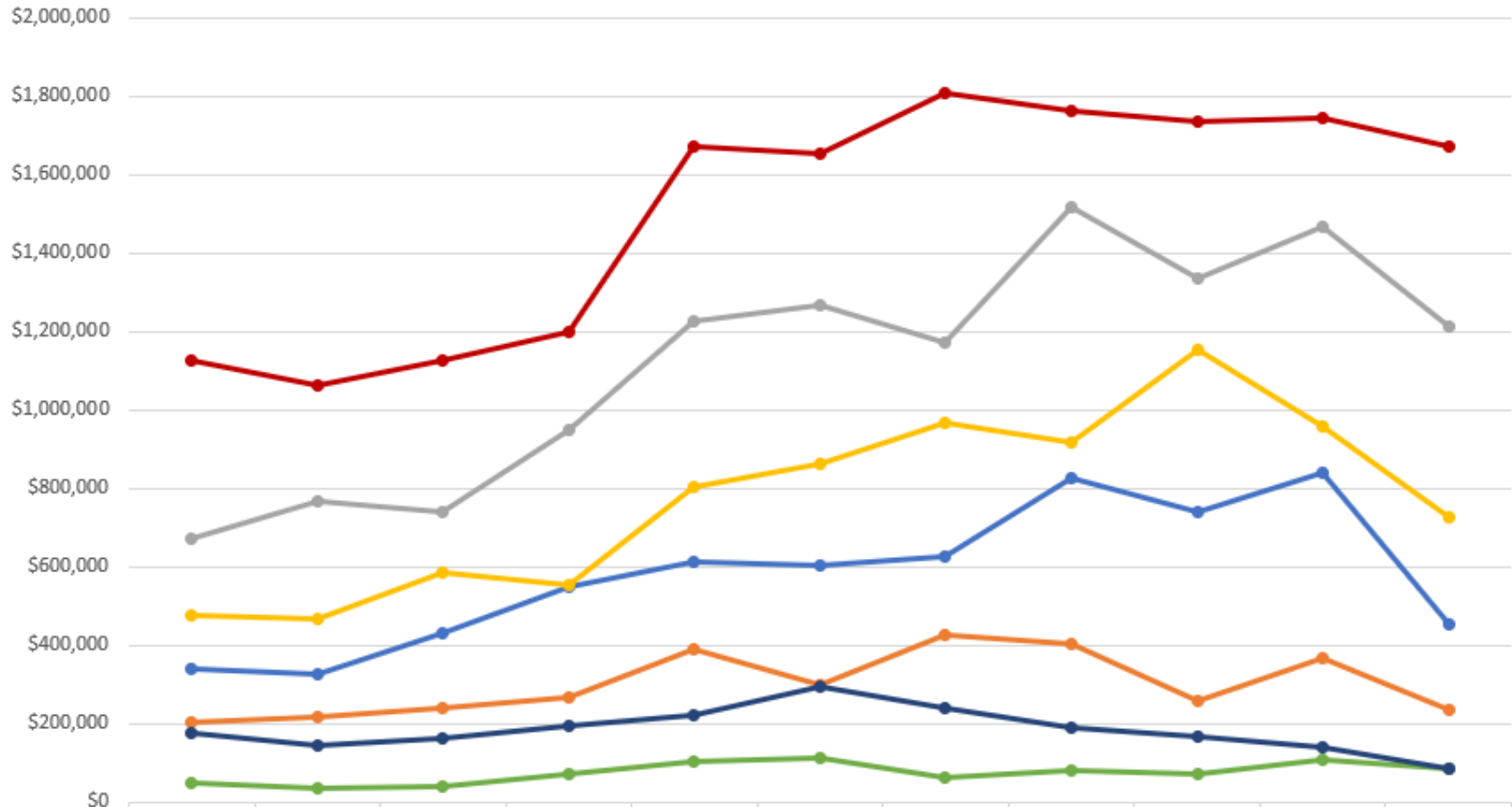
## 2018 ELECTION CYCLE EXPENDITURES FOR HOUSE CANDIDATES

TYPE OF EXPENDITURE	CANDIDATE								
	Total Amount	% of Total Expenditure	Incumbent	Non-Incumbent	Democratic Incumbent	Democratic Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Libertarian & Reform
Consultant	\$192,482	5%	\$105,532	\$86,950	\$39,157	\$49,986	\$66,375	\$36,964	\$0
Fund Raiser	\$64,231	1%	\$45,966	\$18,265	\$19,840	\$9,430	\$26,126	\$8,835	\$0
Newspaper Advertising	\$571,344	14%	\$354,436	\$216,908	\$115,848	\$103,395	\$238,588	\$113,355	\$158
Printing, Postage and Distribution	\$1,628,427	39%	\$1,040,844	\$587,583	\$384,495	\$219,652	\$656,349	\$367,789	\$142
Radio and Television Advertising	\$193,778	4%	\$142,786	\$50,992	\$72,515	\$15,180	\$70,271	\$35,812	\$0
Yard Signs, Bumper Stickers, etc.	\$343,867	8%	\$143,470	\$200,397	\$43,956	\$54,567	\$99,514	\$145,830	\$0
Reimbursement to Candidate	\$305,696	7%	\$252,288	\$53,288	\$52,888	\$11,589	\$199,400	\$41,819	\$0
Contribution to Party Committee	\$253,465	6%	\$226,351	\$27,114	\$76,804	\$24,877	\$149,547	\$2,237	\$0
Electronics	\$70,260	2%	\$48,753	\$21,507	\$19,857	\$11,944	\$28,896	\$9,563	\$0
Miscellaneous	\$532,822	13%	\$382,704	\$155,118	\$150,328	\$79,884	\$232,376	\$74,572	\$662
<b>Total Expenditures</b>	<b>\$4,161,372</b>	<b>100%</b>	<b>\$2,743,130</b>	<b>\$1,418,242</b>	<b>\$975,688</b>	<b>\$580,504</b>	<b>\$1,767,442</b>	<b>\$836,776</b>	<b>\$962</b>

Number of Candidates	Won	125		96	29	35	5	61	24	0
	Lost	118		15	103	5	54	10	38	11
	Total	243		111	132	40	59	71	62	11



## 20 YEAR COMPARISON OF HOUSE MONETARY CONTRIBUTIONS



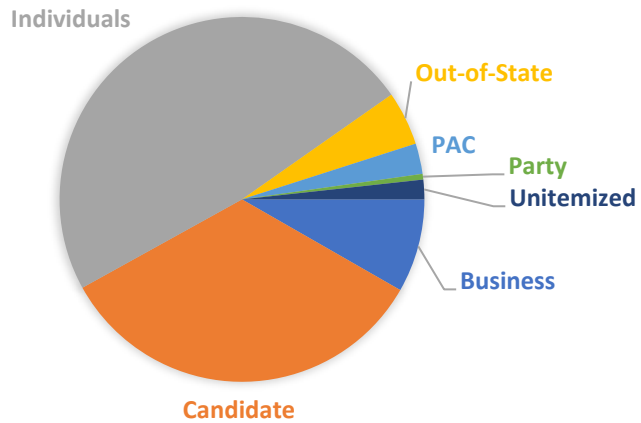
	1998	2000	2002	2004	2006	2008	2010	2012	2014	2016	2018
Business	\$338,480	\$327,371	\$430,658	\$549,114	\$612,578	\$602,992	\$627,271	\$823,309	\$740,648	\$838,620	\$453,225
Candidate	\$200,359	\$217,384	\$237,652	\$266,769	\$388,708	\$296,045	\$425,717	\$401,303	\$254,950	\$366,600	\$233,080
Individuals	\$671,801	\$765,963	\$738,015	\$947,954	\$1,227,744	\$1,267,488	\$1,173,206	\$1,518,772	\$1,335,328	\$1,467,830	\$1,210,712
Out-of-State	\$476,847	\$464,459	\$585,244	\$554,157	\$803,342	\$861,395	\$967,267	\$916,934	\$1,153,543	\$958,139	\$726,775
PAC	\$1,127,339	\$1,060,703	\$1,126,252	\$1,199,350	\$1,671,470	\$1,653,163	\$1,805,668	\$1,761,743	\$1,733,957	\$1,744,600	\$1,669,260
Party	\$47,611	\$35,486	\$38,135	\$68,750	\$103,268	\$111,658	\$62,980	\$80,350	\$69,759	\$106,905	\$86,411
Unitemized	\$173,963	\$142,874	\$159,314	\$192,015	\$219,867	\$294,230	\$237,608	\$189,343	\$164,969	\$138,233	\$85,261

**TWENTY YEAR COMPARISON OF MONETARY CONTRIBUTIONS  
FOR KANSAS HOUSE CANDIDATES BY TYPE OF CONTRIBUTOR**

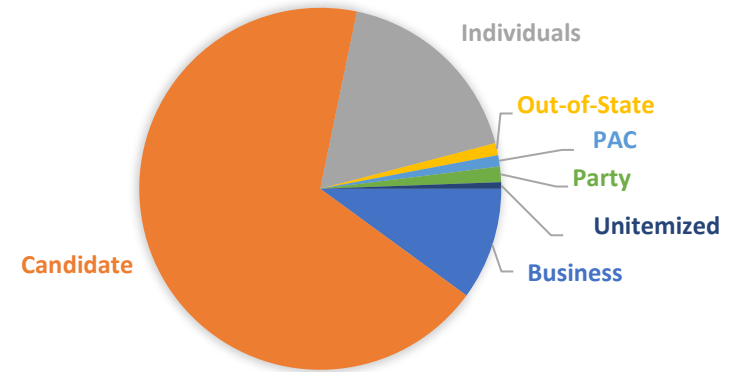
<b>TYPE OF CONTRIBUTION</b>	<b>1998</b>	<b>2000</b>	<b>2002</b>	<b>2004</b>	<b>2006</b>	<b>2008</b>	<b>2010</b>	<b>2012</b>	<b>2014</b>	<b>2016</b>	<b>2018</b>
Business, Corporation, Unions	\$338,480	\$327,371	\$430,658	\$549,114	\$612,578	\$602,992	\$627,271	\$823,309	\$740,648	\$838,620	\$453,225
Candidate's Personal Funds	\$200,359	\$217,384	\$237,652	\$266,769	\$388,708	\$296,045	\$425,717	\$401,303	\$254,950	\$366,600	\$233,080
Individuals	\$671,801	\$765,963	\$738,015	\$947,954	\$1,227,744	\$1,267,488	\$1,173,206	\$1,518,772	\$1,335,328	\$1,467,830	\$1,210,712
Out-of-State Organizations	\$476,847	\$464,459	\$585,244	\$554,157	\$803,342	\$861,395	\$967,267	\$916,934	\$1,153,543	\$958,139	\$726,775
Political Action Committees	\$1,127,339	\$1,060,703	\$1,126,252	\$1,199,350	\$1,671,470	\$1,653,163	\$1,805,668	\$1,761,743	\$1,733,957	\$1,744,600	\$1,669,260
Party Committees	\$47,611	\$35,486	\$38,135	\$68,750	\$103,268	\$111,658	\$62,980	\$80,350	\$69,759	\$106,905	\$86,411
Unitemized & Miscellaneous	\$173,963	\$142,874	\$159,314	\$192,015	\$219,867	\$294,230	\$237,608	\$189,343	\$164,969	\$138,233	\$85,261
<b>Total Contributions</b>	<b>\$3,036,400</b>	<b>\$3,014,240</b>	<b>\$3,315,270</b>	<b>\$3,778,109</b>	<b>\$5,026,977</b>	<b>\$5,086,971</b>	<b>\$5,299,717</b>	<b>\$5,690,754</b>	<b>\$5,453,154</b>	<b>\$5,620,927</b>	<b>\$4,464,724</b>

# 2018 STATEWIDE CANDIDATES

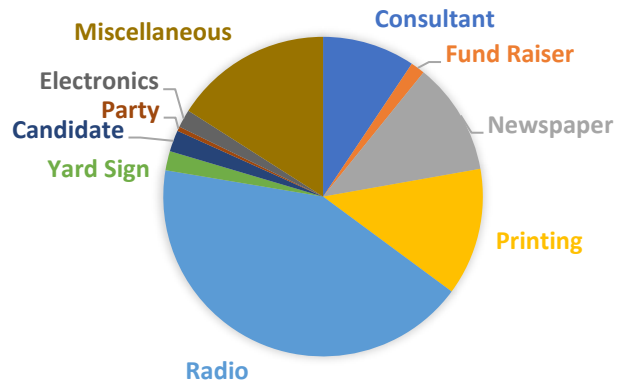
## 2018 STATEWIDE CANDIDATE MONETARY



## 2018 STATEWIDE CANDIDATE IN-KIND



## 2018 STATEWIDE CANDIDATE EXPENDITURES



## 2018 ELECTION CYCLE MONETARY CONTRIBUTIONS TO ALL STATEWIDE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democratic Incumbent	Democratic Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Businesses, Corporations, Unions	\$1,409,907	8%	\$155,409	\$1,254,498	N/A	\$230,445	\$155,409	\$1,022,473	\$1,580
Candidate's Personal Funds	\$5,733,692	34%	\$0	\$5,733,692	N/A	\$749,453	\$0	\$3,644,928	\$1,339,311
Individuals	\$8,226,203	48%	\$318,505	\$7,907,698	N/A	\$3,946,223	\$318,505	\$3,012,496	\$948,979
Out-of-State Organizations	\$816,007	5%	\$122,700	\$693,307	N/A	\$174,844	\$122,700	\$517,365	\$1,098
Political Action Committees	\$459,852	3%	\$92,432	\$367,420	N/A	\$120,285	\$92,432	\$247,135	\$0
Party Committees	\$86,005	0%	\$10,250	\$75,755	N/A	\$8,355	\$10,250	\$62,900	\$4,500
Unitemized & Miscellaneous	\$295,273	2%	\$7,265	\$288,008	N/A	\$246,892	\$7,265	\$33,530	\$7,586
<b>Total Contributions</b>	<b>\$17,026,939</b>	<b>100%</b>	<b>\$706,561</b>	<b>\$16,320,378</b>	<b>N/A</b>	<b>\$5,476,497</b>	<b>\$706,561</b>	<b>\$8,540,827</b>	<b>\$2,303,054</b>

Number of Candidates	Won	5		2	3	0	1	2	2	0
	Lost	27		0	27	0	8	0	12	7
	Total	32		2	30	0	9	2	14	7

## 2018 ELECTION CYCLE IN-KIND CONTRIBUTIONS TO ALL STATEWIDE CANDIDATES

TYPE OF CONTRIBUTOR	CANDIDATE								
	Total Amount	% of Total Contributions	Incumbent	Non-Incumbent	Democratic Incumbent	Democratic Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Independent
Businesses, Corporations, Unions	\$49,492	10%	\$5,024	\$44,468	N/A	\$9,336	\$5,024	\$32,607	\$2,525
Candidate's Personal Funds	\$336,492	68%	\$11,449	\$325,043	N/A	\$42,972	\$11,449	\$80,428	\$201,643
Individuals	\$87,231	18%	\$6,180	\$81,051	N/A	\$29,642	\$6,180	\$46,027	\$5,382
Out-of-State Organizations	\$5,327	1%	\$0	\$5,327	N/A	\$2,838	\$0	\$2,489	\$0
Political Action Committees	\$4,997	1%	\$878	\$4,119	N/A	\$259	\$878	\$3,860	\$0
Party Committees	\$6,818	2%	\$0	\$6,818	N/A	\$6,818	\$0	\$0	\$0
Unitemized & Miscellaneous	\$2,884	0%	\$1,953	\$931	N/A	\$462	\$1,953	\$105	\$364
<b>Total Contributions</b>	<b>\$493,241</b>	<b>100%</b>	<b>\$25,484</b>	<b>\$467,757</b>	<b>N/A</b>	<b>\$92,327</b>	<b>\$25,484</b>	<b>\$165,516</b>	<b>\$209,914</b>

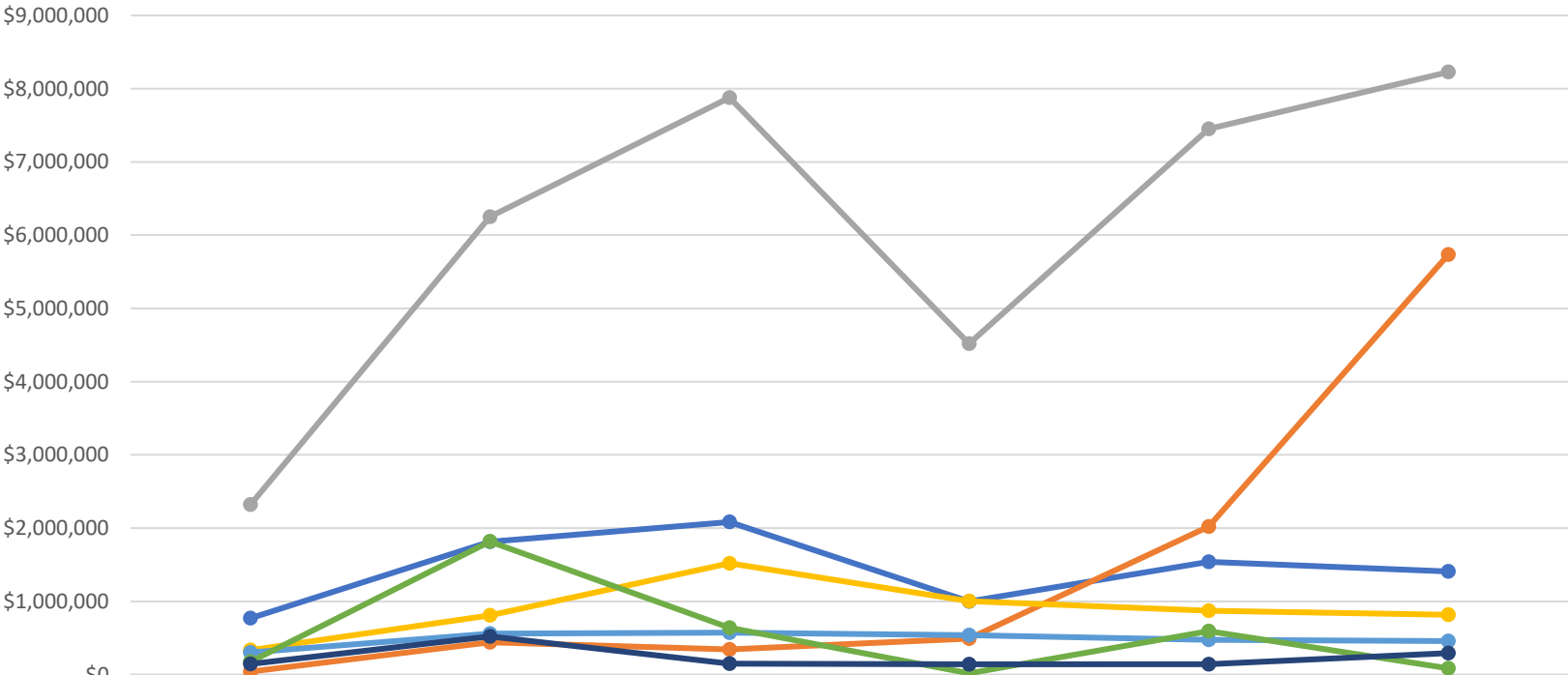
Number of Candidates	Won	5		2	3	0	1	2	2	0
	Lost	27		0	27	0	8	0	12	7
	Total	32		2	30	0	9	2	14	7

## 2018 ELECTION CYCLE EXPENDITURES FOR ALL STATEWIDE CANDIDATES

TYPE OF EXPENDITURE	CANDIDATE								
	Total Amount	% of Total Expenditure	Incumbent	Non-Incumbent	Democratic Incumbent	Democratic Non-Incumbent	Republican Incumbent	Republican Non-Incumbent	Write-in, Libertarian & Reform
Consultant	\$1,591,390	9%	\$56,780	\$1,534,610	N/A	\$579,041	\$56,780	\$707,811	\$247,758
Fund Raiser	\$246,317	1%	\$12,702	\$233,615	N/A	\$130,570	\$12,702	\$91,396	\$11,649
Newspaper Advertising	\$1,932,586	11%	\$61,410	\$1,871,176	N/A	\$612,296	\$61,410	\$817,822	\$441,058
Printing, Postage and Distribution	\$2,190,821	13%	\$76,675	\$2,114,146	N/A	\$526,605	\$76,675	\$1,575,482	\$12,059
Radio and Television Advertising	\$7,217,306	43%	\$233,430	\$6,983,876	N/A	\$2,454,354	\$233,430	\$3,568,828	\$960,694
Yard Signs, Bumper Stickers, etc.	\$330,987	2%	\$29,390	\$301,597	N/A	\$59,254	\$29,390	\$186,902	\$55,441
Reimbursement to Candidate	\$366,677	2%	\$104,697	\$261,980	N/A	\$58,976	\$104,697	\$188,207	\$14,797
Contribution to Party Committee	\$77,477	1%	\$15,440	\$62,037	N/A	\$15,307	\$15,440	\$46,628	\$102
Electronics	\$309,436	2%	\$31,652	\$277,784	N/A	\$57,373	\$31,652	\$181,400	\$39,011
Miscellaneous	\$2,709,866	16%	\$124,064	\$2,585,802	N/A	\$916,395	\$124,064	\$1,151,766	\$517,641
<b>Total Expenditures</b>	<b>\$16,972,863</b>	<b>100%</b>	<b>\$746,240</b>	<b>\$16,266,623</b>	<b>N/A</b>	<b>\$5,410,171</b>	<b>\$746,240</b>	<b>\$8,516,242</b>	<b>\$2,300,210</b>

Number of Candidates	Won	5		2	3	0	1	2	2	0
	Lost	27		0	27	0	8	0	12	7
	Total	32		2	30	0	9	2	14	7

# 20 YEAR COMPARISON OF STATEWIDE MONETARY CONTRIBUTIONS



	1998	2002	2006	2010	2014	2018
Business	\$770,192	\$1,813,608	\$2,083,434	\$999,282	\$1,539,355	\$1,409,907
Candidate	\$42,103	\$440,803	\$344,764	\$492,472	\$2,020,190	\$5,733,692
Individuals	\$2,320,847	\$6,249,275	\$7,878,367	\$4,518,914	\$7,449,334	\$8,226,203
Out-of-State	\$334,860	\$808,477	\$1,520,771	\$1,004,661	\$874,085	\$816,007
PAC	\$303,230	\$559,450	\$573,829	\$537,019	\$474,788	\$459,852
Party	\$176,000	\$1,817,747	\$638,213	\$18,948	\$594,103	\$86,005
Unitemized	\$146,178	\$522,496	\$148,663	\$143,243	\$142,932	\$295,273

● Business   
 ● Candidate   
 ● Individuals   
 ● Out-of-State   
 ● PAC   
 ● Party   
 ● Unitemized

**TWENTY YEAR COMPARISON OF MONETARY CONTRIBUTIONS FOR  
KANSAS STATEWIDE RACES BY TYPE OF CONTRIBUTOR**

<b>TYPE OF CONTRIBUTOR</b>	<b>1998</b>	<b>2002</b>	<b>2006</b>	<b>2010</b>	<b>2014</b>	<b>2018</b>
Businesses, Corporations, Unions	\$770,192	\$1,813,608	\$2,083,434	\$999,282	\$1,539,355	\$1,409,907
Candidate's Personal Funds	\$42,103	\$440,803	\$344,764	\$492,472	\$2,020,190	\$5,733,692
Individuals	\$2,320,847	\$6,249,275	\$7,878,367	\$4,518,914	\$7,449,334	\$8,226,203
Out-of-State Organizations	\$334,860	\$808,477	\$1,520,771	\$1,004,661	\$874,085	\$816,007
Political Action Committees	\$303,230	\$559,450	\$573,829	\$537,019	\$474,788	\$459,852
Party Committees	\$176,000	\$1,817,747	\$638,213	\$18,948	\$594,103	\$86,005
Unitemized & Miscellaneous	\$146,178	\$522,496	\$148,663	\$143,243	\$142,932	\$295,273
<b>TOTAL CONTRIBUTIONS</b>	<b>\$4,093,410</b>	<b>\$12,211,856</b>	<b>\$13,188,041</b>	<b>\$7,714,539</b>	<b>\$13,094,787</b>	<b>\$17,026,939</b>