

**GOVERNMENTAL  
ETHICS  
COMMISSION**

**2022  
ANNUAL  
REPORT**

901 S. Kansas Ave  
Topeka, Kansas 66612  
(785) 296-4219  
<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, 2021, through June 30, 2022, the end of Fiscal Year 2022. Occasionally, data for the first quarter of Fiscal Year 2023 is used to provide a more complete picture of the Commission's operations.

## **Table of Contents**

<b>Mission</b> .....	<b>1</b>
<b>Agency Philosophy</b> .....	<b>1</b>
<b>Commission Members</b> .....	<b>2</b>
<b>Staff</b> .....	<b>2</b>
<b>Budget</b> .....	<b>4</b>
<b>Legislative Activity</b> .....	<b>5</b>
<b>Organization and Operation</b> .....	<b>5</b>
Education and Public Awareness .....	6
Advisory Opinions .....	7
Review and Audit Program .....	7
Campaign Finance.....	8
Conflict of Interests.....	10
Representation Case Disclosure .....	11
Lobbying.....	11
Enforcement.....	12
Inquiries and Investigations.....	12
Complaints .....	12
Civil Penalties and Fines.....	12
<b>Commission Recommendations</b> .....	<b>14</b>
<b>Appendix I – Summary of Advisory Opinions Issued in FY 2022</b> .....	<b>19</b>
<b>Appendix II – Statistical Comparison of Lobbying Expenditures 2012-2022</b> .....	<b>22</b>

***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 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 2022, the Commission held 11 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, 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, 2023

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

Term expires January 31, 2024

**Amy James, Democrat, Overland Park**

Term expires January 31, 2023

**John Solbach, Democrat, Lawrence**

Term expires January 31, 2023

**Todd Scharnhorst, Republican, Olathe**

Term expires January 31, 2023

**Kenneth Moore, Democrat, Kansas City**

Term expires January 31, 2023

**Kyle Krull, Republican, Overland Park**

Term expires January 31, 2024

**Jane Deterding, Republican, Wichita**

Term expires January 31, 2024

**Patricia Dengler, Republican, Wichita**

Term expires January 31, 2024

## **Commission Staff**

Executive Director – Mark Skoglund  
Commission & Staff Attorney – Brett Berry  
Office Manager – Barbara Montgomery  
State Candidate Report Examiner – Karina Renna  
Local Candidate Report Examiner – Jennifer Schneider  
Lobbyist Coordinator – Jessica White  
PACs/Parties Coordinator, Auditor – Payne Quintana-Padgett  
Substantial Interests Coordinator/IT Specialist – Roxie Valdivia  
Investigator – Scott Smith

## **Budget**

In FY 2022, the Commission was appropriated \$470,233 from the State General Fund with a fee fund limitation of \$253,531. The following chart reflects revenue and expenditures for the fiscal year.

<b>Fiscal Year 2022 Budget</b>	<b>Actual</b>
Revenue:	
State General Fund Utilized	\$470,232
Fee Fund Utilized	\$233,461
Total Revenue Utilized	\$703,693
Expenditures:	
Salaries & Benefits	\$585,232
Contractual Services	\$109,850
Commodities	\$ 2,803
Capital Outlay	\$ 5,808
Total Expenditures	\$703,693

## **Legislative Activity**

The 2022 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 2022 the Commission's staff made 16 presentations. The Commission is actively 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.

Five opinions were issued in FY 2022. Three opinions were issued in response to inquiries by individuals and two were initiated by the Commission to provide guidance. Since the Commission was established in 1974 through June 30, 2022, the Commission has issued a total of 1,261 advisory opinions. A synopsis of the advisory opinions issued in FY 2022 can be found at the conclusion of this report.

## **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 1,462 receipts and expenditures reports in FY 2022. All receipts and expenditures reports received a comprehensive desk review.

Additionally, staff processed 364 state candidates, 311 county candidates, 174 first-class city candidates, and 412 party and political action committees. 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.

### **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 2022, there were 6 campaign finance audits conducted.

## **FY 2022 Campaign Finance Statistics**

- Candidates for 2022 State Office - 364
- Carryover State Candidates – 244
- Candidates for 2022 County Office – 311
- Carryover County Candidates - 107
- Candidates for 2021 First Class City Office – 174
- Carryover First Class City Candidates – 77
- Political Action Committees – 227
- Party Committees - 185
- Campaign Finance Reports Filed – 1,462
- Failure to File Notices Issued – 116
- Error and Omission Notifications Issued - 202

## **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 5,772 financial disclosure statements filed by state officers, state employees, and elected officials in FY 2022. 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.

### **2022 Statements of Substantial Interests Filings**

- Employees Listed as Designees – 5,208
- Elected Officials – 186
- Appointees Subject to Senate Confirmation – 20
- Board Members Listed as Designees – 337
- General Counsels - 21

The Commission the conflict statutes 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 2022. 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 598 lobbyists registered for calendar year 2022 as of November 10, 2022. This compares with the total of 581 registered lobbyists in calendar year 2021. Of the 598 registered, some are registered on behalf of more than one person or organization. To date, 1,892 organizations or persons have been represented this year. This compares to 1,800 organizations represented by a lobbyist in 2021. The Commission's statistical analysis of the lobbyist employment and expenditures reports filed shows that \$555,007 has been spent on lobbying activities in the first three months of 2022. 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, 5,113 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 2022**

- Number of Registered Lobbyists – 598
- Number of Lobbyist Registration Statements Filed – 1,892
- Number of Reports Filed by Lobbyists – 5,113
- Number of Affidavits of Exemption Filed – 724
- Total of Expenditures for January-March 2022 – \$555,007
- Total Expenditures for 2021: \$448,827
- Number of Failure to File Notices Issued – 77

## Enforcement

### INQUIRIES & INVESTIGATIONS

In FY 2022, the Commission addressed 26 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 26 complaints filed in FY 2022. Twelve 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. Seven complaints had a public hearing. Two complaints were settled. Four complaints are ongoing. One complaint was dismissed for lack of jurisdiction. 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. Since 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 \$38,580 assessed and \$11,360 in civil penalties waived in FY 2022. The Commission collected \$15,402 in civil penalties. A few civil

penalties which were assessed in prior years were collected in FY 2022. Some of the civil penalties assessed in FY 2022 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 \$74,000 were assessed in FY 2022 as a result of ten civil fine hearings. Of this amount, \$4,125 was later waived and \$2,125 has been paid. In FY 2022, a total of \$8,353 has been collected in fines, which includes amounts collected from fines assessed prior to FY 2022.

#### **FY 2022 Civil Penalties and Fines**

Campaign Finance Civil Penalties Assessed - \$25,520

Lobbying Civil Penalties Assessed – \$12,850

Statement of Substantial Interests Civil Penalties Assessed - \$210

Total Civil Penalties Assessed – \$38,580

Total Civil Penalties Waived – \$11,360

Total Civil Penalties Collected - \$15,402

Total Civil Fines Assessed – \$74,000

Total Civil Fines Waived - \$4,125

Total Civil Fines Collected - \$8,353

## **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. 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 Error and Omission Notices sent due to errors that could be prevented by filling fields in an electronic form such as calculation errors and required fields being left blank;
- Decreased costs for printing forms and reports;
- Increased accuracy of data presented to the public as it would reduce avenues for errors; and
- 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. In doing so, Kansas would be joining 43 states that already have this requirement.

The Commission supports the granting of exemptions for good cause at the discretion of the Executive Director. Furthermore, the Commission does not oppose a delayed initiation date of the requirement until the next election cycle if a concern exists regarding time of implementation.

## **2. Ethics Cleanup Megabill**

There are many statutes that require minor corrections due to statutory conflicts created elsewhere, language that overlooks practice, references to statutes that no longer exist, and extraneous language that was intended to be removed in other legislation. The Ethics Commission proposes that each of these items are included in one bill, since these changes are expected to be noncontroversial but nonetheless important to cleaning up ethics and campaign finance statutes.

- A. Extraneous text – 25-4148** includes extra language that was left over after an earlier legislative adjustment. The language “in both” should be stricken from the sentence “Reports filed by treasurers for state office, other than officers elected on a state-wide basis, shall be filed in both with the office of the secretary of state.”
- B. Correcting “paid for” attribution for social media – 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.

- C. Procedural unintended consequence – K.S.A. 25-4161 and K.S.A. 46-256** require that when the Commission finds probable cause to believe the allegations in a complaint, a hearing shall be fixed within 30 days. In practice, this requirement is not always possible. The Commission typically meets on the fourth Wednesday of each month. Many times, the next regularly scheduled meeting of the Commission is greater than 30 days away. Additionally, some meetings are canceled due to weather, light agendas, or other issues. The Commission recommends changing the 30 day requirement to 90 days, which maintains the Commission’s requirement to rapidly resolve complaints while ensuring that the statutory language is reasonable.
- D. Statutory conflict – K.S.A. 25-4173 and 25-4174** allow candidates to file an affidavit if they expend and receive less than a certain amount in each of the primary and general election cycles. This threshold amount was increased to \$1,000 in 2015, but the adjoining statute was not updated. Therefore, K.S.A. 25-4174 should have the text reflect the correct affidavit amount of \$1,000.
- E. Extraneous text – K.S.A. 46-255** includes the sentence “No complaint alleging a violation of section 31 may be filed with the commission after the expiration of thirty (30) days from the date upon which the alleged violation occurred.” The statute being referenced was repealed; this sentence can be removed.
- F. Statutory conflict – K.S.A. 46-265** allows lobbyists to register on paper, though since 2018 all reports must be completed electronically per K.S.A. 46-268. This creates an unnecessary procedural issue that creates difficulty in compliance.
- G. Statutory conflict – 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.

### **3. Cryptocurrency Contributions**

Cryptocurrency campaign contributions, while nonexistent in Kansas so far, are becoming more common elsewhere. Contributions of virtual currency are now legal in federal elections and a number of other jurisdictions. The Kansas Campaign Finance Act does not address cryptocurrency in any form. Whether cryptocurrency is a boon for campaigns and political participation or not, the Act must be updated to specifically address virtual currency.

The Commission recognizes campaigns may have interest in accepting virtual currency. Additionally, the Commission recognizes, without agreement or disagreement, that some believe cryptocurrency in campaign finance has potential to increase political participation and in turn, awareness. However, the Commission is concerned about the fact that cryptocurrency contributions by their very nature are not auditable. The existence of the transfer is confirmable but the source of the funds is not verifiable as it would be with a wire transfer or check. In this way, virtual currency is similar to contributions of cash. In large part because cash is not auditable, K.S.A. 25-4153(i) places additional limitations on how large a cash campaign finance contribution can be:

*No person shall make any contribution or contributions to any candidate or the candidate committee of any candidate in the form of money or currency of the United States which in the aggregate exceeds \$100 for any one primary or general election, and no candidate or candidate committee of any candidate shall accept any contribution or contributions in the form of money or currency of the United States which in the aggregate exceeds \$100 from any one person for any one primary or general election.*

Cash contributions are not anonymous contributions - to be accepted, the campaign must be aware who gave the cash contribution and the donor's address. However, unlike more conventional campaign finance contributions, there is little evidence of the transaction other than the currency itself. This scenario is very similar to cryptocurrency contributions, which would provide a unique address identifying the existence of a transaction but would not contain information that specifically identifies the donor.

As such, it is the recommendation of the Commission that campaign contributions of cryptocurrency should be permitted, subject to the following restrictions:

- Political contributions of cryptocurrency are limited to \$100 in each primary or general election from any one donor to any one candidate, identical to cash contribution limits,

- The value of the contribution is based upon the market value of the cryptocurrency at the time it is received by the campaign,
- Campaigns are responsible for providing accurate market valuation of cryptocurrency received by a campaign,
- Campaigns must sell the virtual currency and deposit the proceeds into the campaign account before using the funds to make disbursements for goods and services,
- Campaigns must detail on campaign finance reports the amount and type of virtual currency received (e.g., 0.005 Bitcoins) as an in-kind contribution,
- Anonymous virtual currency contributions are prohibited, and
- The following information must be obtained before accepting the contribution: the contributor's name, address, an affirmation that the contributor is the owner of the virtual currency, and an affirmation that the contributor is not a foreign national.

#### **4. Support of Federal Candidates**

Currently, Kansas campaign finance law strictly prohibits using any funds to benefit a federal candidate:

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

K.S.A. 25-4153(f). The Commission does not perceive a benefit to prohibiting state party committees, county party committees, and PACs from engaging in this sort of activity. As such, the Commission recommends adding an exemption for party committees and political committees to this prohibition.

**Appendix I**

**SUMMARY**

**OF**

**ADVISORY OPINIONS**

**ISSUED IN**

**FY 2022**

**Opinion No. 2021-01 – Issued July 28, 2021 [State Conflict of Interests]**

A state employee may work two different state positions on the same day when the official duties for each do not overlap and the work performed for one position would not occur during time compensated by the other.

**Opinion No. 2022-01 – Issued February 23, 2022 [Local Conflict of Interests]**

A lease agreement in which a local governmental officer is a tenant does not inherently create a substantial interest.

**Opinion No. 2022-02 – Issued March 23, 2022 [Campaign Finance]**

Party committees and political committees may contribute funds to federally registered party committees and political committees without violating the federal use prohibition as long as the funds are not earmarked for a specific purpose.

**Opinion No. 2022-03 – Issued May 25, 2022 [Campaign Finance]**

Candidate committees and party committees cannot combine with each other to form joint fundraising committees in Kansas.

**Opinion No. 2022-04 – Issued June 22, 2022 [Lobbying]**

The Commission provided extensive summary and analysis of the “considerable degree” test for when a person is employed sufficiently as a lobbyist to require registration.

## **Appendix II**

# **STATISTICAL COMPARISON OF LOBBYING EXPENDITURES 2012-2022**

## Statistical Comparison of Lobbying Expenditures 2012-22

Year	Number of Lobbyists/Registrations	Food and Beverage	Recreation	Entertainment Gifts and Honoraria	Mass Media	Communications	Other	Total	
2012	550	1531	\$475,936	\$9,613	\$16,143	\$134,899	\$114,851	\$12,791	\$764,236
2013	542	1506	\$551,649	\$26,126	\$13,154	\$642,475	\$60,457	\$10,279	\$1,304,140
2014	548	1585	\$523,393	\$15,813	\$24,495	\$507,340	\$104,323	\$12,037	\$1,187,401
2015	557	1672	\$570,815	\$14,926	\$21,532	\$609,551	\$505,443	\$23,242	\$1,745,509
2016	552	1491	\$456,850	\$9,271	\$9,491	\$144,365	\$370,759	\$3,074	\$993,810
2017	556	1520	\$564,296	\$8,360	\$20,367	\$134,048	\$766,018	\$13,110	\$1,506,199
2018	538	1478	\$527,483	\$6,993	\$7,553	\$76,192	\$309,068	\$13,781	\$941,071
2019	560	1543	\$500,852	\$4,470	\$8,775	\$126,785	\$664,674	\$18,941	\$1,324,497
2020	558	1650	\$384,523	\$3,461	\$19,376	\$28,377	\$344,664	\$14,066	\$794,467
2021	581	1800	\$250,858	\$9,047	\$20,375	\$13,302	\$152,915	\$2,330	\$448,827
2022 Q1	598	1892	\$397,390	\$6,087	\$10,919	\$78,424	\$56,329	\$5,858	\$555,007

