



## GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

### Election Sensitive Late Report Guidance Document

**POLICY ENFORCEMENT DATE: JULY 1, 2024**

#### Policy

Any campaign finance receipts and expenditures report required by K.S.A. 25-4148(a)(1) or K.S.A. 25-4148(a)(2) (a primary or general election report) that is for a candidate whose name appears on the primary election ballot or general election ballot for the same office shall constitute an "election-sensitive report."

If a complaint is filed due to a failure to timely file an election-sensitive report, and the election-sensitive report is not properly filed to meet the deadline, the Commission shall not dismiss the complaint prior to the public hearing if the only justification for dismissal is that the election-sensitive report was filed before the hearing.

At any resulting hearing, the Commission may consider any aggravating and mitigating factors offered by the parties. In general, the Commission adopts the following formula to calculate fines if the relevant report is on file before the hearing, but may adjust for any reason:

\$100 + 5% of contributions received during that period, up to the statutory maximum.

The sum is increased by 25% per previous campaign finance reporting violation.

#### Statutory authority

Failure to file a report on the date the report is due is a violation, even if the report is submitted later. K.S.A. 25-4167.

*Failure to file a campaign finance report is (a) the intentional failure of any person required to make any report, amended report or statement by the campaign finance act to file the same with the secretary of state or county election officer at the time specified in the campaign finance act...*

The Commission can assess fines in discretionary amounts up to the statutory maximum. K.S.A. 25-4181.

*The commission, in addition to any other penalty prescribed under the campaign finance act, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of the campaign finance act in an amount not to exceed \$5,000 for the first violation...*