

K.S.A. Chapter 25, Article 41

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K.S.A. 25-4142

25-4142. Citation of act.

K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and K.S.A. 25-4153b, and amendments thereto, shall be known and may be cited as the campaign finance act.

Credits

Laws 1981, ch. 171, § 1; Laws 1989, ch. 111, § 7; Laws 1991, ch. 150, § 5; Laws 2000, ch. 124, § 11.

K. S. A. 25-4142, KS ST 25-4142

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4143

25-4143. Campaign finance; definitions.

As used in the campaign finance act, unless the context otherwise requires:

(a) "Agent" means an individual who is:

- (1) A candidate;
- (2) a chairperson of a candidate, political or party committee;
- (3) a treasurer; or
- (4) any director, officer, employee, paid consultant or other person who is authorized to act on behalf of persons listed in this subsection.

(b) "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.

(c) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(d) "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.

(e) "Commission" means the governmental ethics commission.

(f)(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; or

(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; or

(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.

(g) "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.

(h)(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.

(i) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication that 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."

(j) "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) the political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) the 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) the 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.

(k) “Person” means any individual, committee, corporation, partnership, trust, organization or association.

(l)(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.

(m) “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.

(n) “State office” means any state office as defined in K.S.A. 25-2505, and amendments thereto.

(o) “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” includes, but are not limited to, dinners, luncheons, rallies, barbecues and picnics.

(p) “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 K.S.A. 25-4172(a)(2), and amendments thereto.

(q) “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.

Credits

Laws 1981, ch. 171, § 2; Laws 1989, ch. 111, § 3; Laws 1990, ch. 122, § 16; Laws 1991, ch. 150, § 6; Laws 1995, ch. 192, § 14; Laws 1998, ch. 117, § 4; Laws 2000, ch. 124, § 12; Laws 2001, ch. 159, § 1; Laws 2023, ch. 23, § 2, eff. April 20, 2023.

K. S. A. 25-4143, KS ST 25-4143

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4144

25-4144. Appointment of campaign treasurer or candidate committee; reports to secretary of state and county election officer; governor candidate's responsibilities.

Not later than 10 days after becoming a candidate, every candidate shall appoint a treasurer or in lieu thereof shall appoint a candidate committee. The treasurer so appointed may be the candidate making such appointment. No candidate shall appoint more than one candidate committee to exist at the same time. If a candidate appoints a candidate committee, such candidate shall appoint a chairperson and a treasurer thereof, and the treasurer so appointed may be the candidate. No person who is registered as a lobbyist in accordance with K.S.A. 46-265, and amendments thereto, shall be eligible for appointment as treasurer for any candidate or candidate committee. The name, address and email address, which such email address shall be optional, of each treasurer and chairperson appointed under this section by a candidate for a state office shall be reported to the secretary of state by the candidate not later than 10 days after such appointment. The name, address and email address, which such email address shall be optional, of each treasurer and chairperson appointed under this section by a candidate for a local office shall be reported to the county election officer by the candidate not later than 10 days after such appointment. The candidate for governor shall carry out the requirements and responsibilities of the candidate under the campaign finance act, for the pair of candidates for governor and lieutenant governor, unless another specific provision applies.

Credits

Laws 1981, ch. 171, § 3; Laws 1990, ch. 122, § 1; Laws 1991, ch. 150, § 7; Laws 2017, ch. 49, § 10, eff. July 1, 2017.

K. S. A. 25-4144, KS ST 25-4144

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4145

25-4145. Party and political committees; appointment of chairperson and treasurer; statement of organization; contents; supplemental statements; political committees annual registration, form and content; fees, amount and disposition.

(a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee which anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee which anticipates receiving contributions or making expenditures for any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee. The name of the committee shall reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with any one organization, the name shall reflect the trade, profession or primary interest of the committee as reflected by the statement of purpose of such organization;

(2) the names, addresses and email addresses, which such email addresses shall be optional, of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

(d)(1) Each political committee which anticipates receiving contributions shall register annually with the commission on or before July 1 of each year. Each political committee registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a political committee anticipating the receipt of more than \$15,000 in any calendar year shall be accompanied by an annual registration fee of \$750.

(3) Each registration by a political committee anticipating the receipt of more than \$7,500 but less than \$15,001 in any calendar year shall be accompanied by an annual registration fee of \$500.

(4) Each registration by a political committee anticipating the receipt of more than \$2,500 but less than \$7,501 in any calendar year shall be accompanied by an annual registration fee of \$250.

(5) Each registration by a political committee anticipating the receipt of \$2,500 or less in any calendar year

shall be accompanied by an annual registration fee of \$50.

(6) Any political committee that is currently registered under subsection (d)(4) or (d)(5) and that receives contributions in excess of the registered amount for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form that shall be accompanied by an additional fee for such year equal to the difference between the fee owed and the amount of the fee that accompanied the current registration.

(e) All such fees received by or for the commission shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

Credits

Laws 1981, ch. 171, § 4; Laws 1984, ch. 145, § 4; Laws 1990, ch. 122, § 2; Laws 1991, ch. 150, § 8; Laws 1994, ch. 144, § 2; Laws 1998, ch. 117, § 5; Laws 2000, ch. 168, § 2; Laws 2001, ch. 5, § 89; Laws 2015, ch. 85, § 5, eff. July 1, 2015; Laws 2017, ch. 49, § 11, eff. July 1, 2017; Laws 2023, ch. 23, § 3, eff. April 20, 2023.

K. S. A. 25-4145, KS ST 25-4145

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

25-4146. Removal of treasurer or chairperson; filling vacancy of treasurer; substantiation of records of treasurer; notification to secretary of state or county election officer; receipts and expenditures, when.

(a) A candidate may remove any treasurer or chairperson that such candidate has appointed, and a party committee or political committee may remove its chairperson or treasurer. A candidate shall remove any treasurer, that such candidate has appointed, against whom a civil penalty has been imposed pursuant to K.S.A. 25-4152, and amendments thereto. In case of a vacancy in the position of treasurer of a candidate before all of the obligations of the treasurer have been performed, such candidate shall be such candidate's own treasurer from the date of such vacancy until such time as the candidate appoints a successor and reports the name and address of the treasurer to the secretary of state if the candidate is a candidate for state office or to the county election officer if the candidate is a candidate for local office. In case of a vacancy in the position of treasurer of a candidate committee, the candidate shall be treasurer from the date of vacancy or removal, until such time as the candidate appoints a successor and reports the name and address of the treasurer to the secretary of state if the candidate is a candidate for state office or to the county election officer if the candidate is a candidate for local office. In case of a vacancy in the position of treasurer of a party committee or political committee, such committee chairperson shall be treasurer from the date of vacancy or removal until such time as the committee appoints a successor and reports the name and address of the treasurer: (1) To the secretary of state if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for state office; or (2) to the county election officer if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for local office. An individual who vacates the position of treasurer by reason of removal or resignation shall substantiate the accuracy of such person's records to the succeeding treasurer. No resignation of a treasurer shall be effective until a written statement of resignation of such treasurer has been filed with the secretary of state if the treasurer is that of a candidate or committee involving a candidate for state office or with the county election officer if the treasurer is that of a candidate or committee involving a candidate for local office. No removal of a treasurer of a candidate or candidate committee shall be effective until a written statement of such removal from the candidate has been filed with: (1) The secretary of state if the candidate is a candidate for state office; or (2) with the county election officer if the candidate is a candidate for local office. No removal of a treasurer of a party committee or political committee shall be effective until a written statement of such removal from the party committee or political committee has been filed with: (1) The secretary of state if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for state office; or (2) with the county election officer if such committee is a party committee or a political committee receiving contributions or making expenditures for a candidate for local office. The succeeding treasurer shall not be held responsible for the accuracy of the predecessor treasurer's records.

(b) No contribution or other receipt shall be received or expenditure made, by or on behalf of a candidate, pair of candidates or candidate committee, except receipt or payment of a filing fee:

(1) Until such candidate appoints a treasurer and makes the report required by K.S.A. 25-4144, and amendments thereto; and

(2) unless by or through such treasurer.

(c) No contribution or other receipt shall be received or expenditure made by or on behalf of a party committee or political committee:

- (1) Until the chairperson and treasurer of such committee are appointed;
- (2) the chairperson of the party committee or a political committee has filed a statement of organization required by K.S.A. 25-4145, and amendments thereto; and
- (3) unless by or through the treasurer of such committee.

Credits

Laws 1981, ch. 171, § 5; Laws 1990, ch. 122, § 3; Laws 1995, ch. 203, § 2; Laws 1998, ch. 117, § 6.

K. S. A. 25-4146, KS ST 25-4146

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4147

25-4147. Treasurer; accounts required; inspection; all receipts to be forwarded to treasurer; commingling of funds prohibited; contributions from political committees to be accompanied by name or description of interest group with which affiliated.

- (a) Every treasurer shall keep detailed accounts of all contributions and other receipts received and all expenditures made by or on behalf of the treasurer's candidate or committee.
- (b) Accounts of any treasurer may be inspected under conditions determined by the commission, and shall be preserved for a period to be designated by the commission.
- (c) An individual may serve as treasurer for a candidate, candidate committee, party committee or political committee or of any two or more such committees or candidates.
- (d) Every person who receives a contribution for a candidate, candidate committee, party committee or political committee more than five days prior to the ending date of any period for which a report is required by K.S.A. 25-4148, and amendments thereto, on demand of the treasurer, or in any event on or before the ending date of the reporting period, shall remit the same and render to the treasurer an account thereof, including the amount, the name and address of the person, if known, making the contribution and the date received.
- (e) No contribution or other receipt received by a candidate, candidate committee, party committee or political committee shall be commingled with personal funds of the candidate or the treasurer or other officers or members of such committee.
- (f) No candidate, candidate committee, party committee or political committee shall receive any contribution or other receipt from a political committee unless accompanied by the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the political committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

Credits

Laws 1981, ch. 171, § 6; Laws 1984, ch. 145, § 5; Laws 1998, ch. 117, § 7.

K. S. A. 25-4147, KS ST 25-4147

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

25-4148. Reports required of treasurer; when filed; contents; electronic filing, when required.

(a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed with the office of the secretary of state. Reports filed by treasurers for candidates for state-wide office shall be filed electronically and only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such

expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:

(1)(A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and

(B) the name and address of each candidate for state or local office who is the subject of an expenditure which:

(i) Is made without the cooperation or consent of a candidate or candidate committee;

(ii) expressly advocates the nomination, election or defeat of such candidate; and

(iii) is an aggregate amount or having a fair market value in excess of \$300.

(2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.

(d) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(e) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(f) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(g) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(i) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(j) Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.

Credits

Laws 1981, ch. 171, § 7; Laws 1984, ch. 145, § 6; Laws 1989, ch. 111, § 4; Laws 1990, ch. 122, § 4; Laws 1997, ch. 12, § 1; Laws 1998, ch. 117, § 8; Laws 2007, ch. 125, § 8, eff. July 1, 2007; Laws 2008, ch. 166, § 4, eff. July 1, 2008; Laws 2009, ch. 134, § 9, eff. July 1, 2009; Laws 2011, ch. 112, § 17, eff. July 1, 2011.

K. S. A. 25-4148, KS ST 25-4148

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4148a

25-4148a. Reports of contributions; occupation of contributor or contributor's spouse if contribution over \$150

When a report is made under this act and the amount being contributed by an individual is over \$150, the report shall list the occupation of the individual contributor. If the individual contributor is not employed for compensation then the report shall list the occupation of the contributor's spouse.

Credits

Laws 1989, ch. 111, § 2; Laws 1991, ch. 150, § 43; Laws 2008, ch. 166, § 5, eff. July 1, 2008; Laws 2015, ch. 85, § 3, eff. July 1, 2015.

K. S. A. 25-4148a, KS ST 25-4148a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4148b

25-4148b. Reports of certain contributions during specified time period preceding an election; place of filing.

(a) Every treasurer for a candidate for state or local office shall file reports of campaign contributions as prescribed by this act. Reports filed by treasurers for candidates for state office shall be filed in the office of the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports required by this section shall be in addition to any other reports required by law.

(b) The report shall contain the name and address of each person who has made one or more contributions in an aggregate amount or value of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of election. The report shall be made on or before the close of business on the Thursday preceding the date of the election. The report shall contain the amount and date of the contribution, including the name and address of every lender, guarantor and endorser when the contribution is in the form of an advance or loan.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d)(1) "Local office" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(2) "State office" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(e) The provisions of this section shall be part of and supplemental to the campaign finance act.

Credits

Laws 2008, ch. 166, § 1, eff. July 1, 2008; Laws 2017, ch. 49, § 12, eff. July 1, 2017.

K. S. A. 25-4148b, KS ST 25-4148b

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4148c

25-4148c. Independent expenditures by party or political committees; reporting requirements.

(a) Every treasurer for a party committee or political committee shall file reports of independent expenditures as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in addition to any other reports required by law.

(b)(1) The report shall contain the name and address of each party committee or political committee which has made or contracted to be made independent expenditures in an aggregate amount or value in excess of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of the election. Such report shall contain the amount, date and purpose of each such independent expenditure, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. When an independent expenditure is made by payment to an advertising agency, public relations firm or political consultant for disbursement to vendors, the report of such independent expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each, as well as the name of the candidate whose nomination, election or defeat is expressly advocated. The report shall be made on or before the close of business on the Thursday preceding the date of the election.

(2) In addition, a separate report shall be made on a daily basis for the Thursday, Friday, Saturday and Sunday immediately preceding the election. Each daily report shall contain the information required in paragraph (1) of this section. Each report shall be filed by 5:00 p.m. on the next day respectively.

(c) Reports required by this section shall be filed by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state.

(d)(1) "Expenditure" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(2) "Independent expenditure" means an expenditure that is made without the cooperation or consent of the candidate or agent of such candidate intended to be benefited and which expressly advocates the election or defeat of a clearly identified candidate.

(3) "Party committee" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(4) "Political committee" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

(e) The provisions of this section shall be part of and supplemental to the campaign finance act.

Credits

Laws 2008, ch. 166, § 2, eff. July 1, 2008.

K. S. A. 25-4148c, KS ST 25-4148c

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4148d

25-4148d. Reports of certain contributions to a party or political committee during specified time period preceding an election.

(a) Every treasurer for a party committee or political committee shall file reports of contributions as prescribed by this act. Reports shall be filed with the secretary of state. Reports required by this section shall be in addition to any other reports required by law.

(b)(1) The report shall contain the name and address of each person who makes a contribution to the party committee or political committee in an aggregate amount or value in excess of \$300 or more during the period commencing 11 days before a primary or general election at which a state or local officer is to be elected and ending at 11:59 p.m. on the Wednesday preceding the date of the election. Such report shall contain the amount and date of each such contribution. The report shall be made on or before the close of business on the Thursday preceding the date of the election.

(2) In addition, a separate report shall be made on a daily basis for the Thursday, Friday, Saturday and Sunday immediately preceding the election. Each daily report shall contain the information required in paragraph (1). Each report shall be filed by 5:00 p.m. on the next day respectively.

(c) Reports required by this section shall be filed with the secretary of state during regular business hours by hand delivery or express delivery service or at any time by any electronic method authorized by the secretary of state.

(d)(1) "Contribution" means the same as defined in K.S.A. 25-4143, and amendments thereto.

(2) "Party committee" means the same as defined in K.S.A. 25-4143, and amendments thereto.

(3) "Political committee" means the same as defined in K.S.A. 25-4143, and amendments thereto.

(e) The provisions of this section shall be a part of and supplemental to the campaign finance act.

Credits

Laws 2008, ch. 166, § 3, eff. July 1, 2008; Laws 2023, ch. 79, § 58, eff. July 1, 2023.

K. S. A. 25-4148d, KS ST 25-4148d

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4149

25-4149. Allocation of contributions and other receipts and expenditures.

(a) All contributions and other receipts received and expenditures made from and including the January 1 following one general election date until and including the next ensuing primary election date shall be allocated to the primary election on such date. All contributions and other receipts received and expenditures made from midnight on the date of a primary election through and including the December 31 following the date of the next ensuing general election shall be allocated to the general election on such date.

(b) For the purposes of allocating, pursuant to subsection (a), contributions to or expenditures by a candidate seeking nomination by convention or caucus or such candidate's candidate committee, the date of such convention or caucus shall be considered the primary election date.

Credits

Laws 1981, ch. 171, § 8; Laws 1990, ch. 122, § 5.

K. S. A. 25-4149, KS ST 25-4149

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4150

25-4150. Contributions and expenditures by persons other than candidates and committees; reports, contents and filing.

Every person, other than a candidate or a candidate committee, party committee or political committee, who makes contributions or expenditures, other than by contribution to a candidate or a candidate committee, party committee or political committee, in an aggregate amount of \$100 or more within a calendar year shall make statements containing the information required by K.S.A. 25-4148, and amendments thereto. Such statements shall be filed in the office or offices required so that each such statement is in such office or offices on the day specified in K.S.A. 25-4148, and amendments thereto. If such contributions are received or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for state office, other than that of an officer elected on a state-wide basis such statement shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. If such contributions are received or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for state-wide office such statement shall be filed only in the office of the secretary of state. If such contributions or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for local office such statement shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Reports made under this section need not be cumulative.

Credits

Laws 1981, ch. 171, § 9; Laws 1990, ch. 122, § 6; Laws 1998, ch. 117, § 9.

K. S. A. 25-4150, KS ST 25-4150

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4151

25-4151. Reports; declaration of correctness; forms; late filing; preservation.

(a) Every report or statement made under the campaign finance act shall be made on forms prescribed by the commission, and contain substantially the following:

“I declare that this (report) (statement), including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor.”

(Date)

(Signature)

Every report or statement shall be dated and signed by: (1) The treasurer or candidate for any report required by K.S.A. 25-4148;(2) the candidate, for any report required by K.S.A. 25-4144; or (3) the chairperson of the committee, for any statement required by K.S.A. 25-4145. If the form is not available, the report or statement to which it relates shall be made as required, but in such form as the person signing such report or statement chooses, and the commission may require any such report or statement to be replaced after filing by a report or statement on the forms provided by the commission.

(b) Records in support of every report or statement filed under the campaign finance act shall be maintained and preserved by the person who files it for a period of time to be designated by the commission.

(c) Delay in filing a report or statement beyond the time required by law shall not prevent the acceptance of the report or statement.

(d) No treasurer shall accept or permit to be accepted any contributions or make or permit to be made any expenditures unless all reports or statements required of such treasurer prior to the time of such contributions or expenditures have been filed.

Credits

Laws 1981, ch. 171, § 10; Laws 2007, ch. 125, § 9, eff. July 1, 2007.

K. S. A. 25-4151, KS ST 25-4151

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4152

25-4152. Failure to file certain reports; notice; late filings; civil penalties; waiver or collection of penalties.

(a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, and to the candidate appointing any treasurer failing to file any such report, within the time period prescribed therefor. The notice shall state that the required report or statement has not been filed with either the office of secretary of state or county election officer or both. The person failing to file any report or statement, and the candidate appointing any such person, shall be responsible for the filing of such report or statement. The notice also shall state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b)(1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and amendments thereto, for candidates that appear on the ballot for the then-current primary or general election ballot and are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2) The candidate shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(c)(1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4145 and 25-4148, and amendments thereto, for each political committee that anticipates receiving \$2,501 or more in any calendar year and are late more than 48 hours shall be subject to civil penalties as provided in subsection (c)(2).

(2) The political committee shall be liable for a civil penalty of \$100 for the first day the report is more than 48 hours late and \$50 for each subsequent day the report is late, but in no case shall the civil penalty exceed \$1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(d) Civil penalties provided for by this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

(e) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

Credits

Laws 1981, ch. 171, § 11; Laws 1984, ch. 145, § 1; Laws 1990, ch. 122, § 7; Laws 1991, ch. 150, § 10; Laws 1995, ch. 203, § 3; Laws 1998, ch. 117, § 10; Laws 1998, ch. 168, § 1; Laws 2001, ch. 5, § 90; Laws 2018, ch.

88, § 2, eff. July 1, 2018.

K. S. A. 25-4152, KS ST 25-4152

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

25-4153. Contributions; limitations on amounts and use; minors under 18 years of age; cash contributions.

- (a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any political committee or any person except a party committee, the candidate or the candidate's spouse, shall not exceed the following:
- (1) For the pair of offices of governor and lieutenant governor or for other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.
 - (2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.
 - (3) For the office of state senator or member of the state board of education, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.
- (b) For the purposes of this section, the face value of a loan at the end of the period of time allocable to the primary or general election is the amount subject to the limitations of this section. A loan in excess of the limits herein provided may be made during the allocable period if such loan is reduced to the permissible level, when combined with all other contributions from the person making such loan, at the end of such allocable period.
- (c) For the purposes of this section, all contributions made by unemancipated children under 18 years of age shall be considered to be contributions made by the parent or parents of such children. The total amount of such contribution shall be attributed to a single custodial parent and 50% of such contribution to each of two parents.
- (d) The aggregate amount contributed to a state party committee by a person other than a national party committee or a political committee shall not exceed \$15,000 in each calendar year; and the aggregate amount contributed to any other party committee by a person other than a national party committee or a political committee shall not exceed \$5,000 in each calendar year.
- The aggregate amount contributed by a national party committee to a state party committee shall not exceed \$25,000 in any calendar year, and the aggregate amount contributed to any other party committee by a national party committee shall not exceed \$10,000 in any calendar year.
- The aggregate amount contributed to a party committee by a political committee shall not exceed \$5,000 in any calendar year.
- (e) Any political funds which have been collected and were not subject to the reporting requirements of this act shall be deemed a person subject to these contribution limitations.
- (f) 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.

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

- (1) For the pair of offices of governor and lieutenant governor and for each of the other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party).
- (2) For the office of member of the house of representatives, district judge, district magistrate judge, district attorney or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party).
- (3) For the office of state senator or member of the state board of education, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party).

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

(i) 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.

Credits

Laws 1981, ch. 171, § 12; Laws 1986, ch. 115, § 80; Laws 1989, ch. 111, § 5; Laws 1990, ch. 122, § 8; Laws 1991, ch. 150, § 11; Laws 2012, ch. 122, § 4, eff. July 1, 2012.

K. S. A. 25-4153, KS ST 25-4153

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4153a

25-4153a. Contributions; limitations during legislative sessions.

(a) No registered lobbyist, political committee or person, other than an individual, shall make a contribution after January 1 of each year and prior to adjournment sine die of the regular session of the legislature or at any other time in which the legislature is in session to a:

- (1) Legislator;
- (2) candidate for membership in the legislature;
- (3) state officer elected on a statewide basis;
- (4) candidate for state officer elected on a statewide basis;
- (5) candidate committee of persons described in paragraphs (1) through (4); or
- (6) political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.

(b) No legislator, officer, candidate or committee described in subsection (a)(1) through (6) shall accept or knowingly solicit any contribution as defined by K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee or person, other than an individual, during such period of time described in subsection (a), except that a general public solicitation which does not solicit a specific individual and is distributed via social media shall be permissible. No solicitation shall be considered a violation of this act if such solicitation is accompanied with a disclaimer that it is not intended for lobbyists, political committees or persons other than individuals.

(c) For the purposes of this act, “social media” means an electronic medium which allows users to create and view user-generated content, including, but not limited to, uploaded or downloaded videos or photographs, blogs, audio files, instant messages or email.

Credits

Laws 1990, ch. 306, § 10; Laws 1997, ch. 191, § 1; Laws 2000, ch. 124, § 13; Laws 2007, ch. 125, § 1, eff. July 1, 2007; Laws 2015, ch. 85, § 6, eff. July 1, 2015; Laws 2023, ch. 23, § 4, eff. April 20, 2023.

K. S. A. 25-4153a, KS ST 25-4153a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4153b

25-4153b. Contributions and expenditures; legislators, candidates; prohibitions.

(a) No political committee, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for the legislature or to make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature, shall be established by a member of or a candidate for the legislature.

(b) Any such political committee existing prior to the effective date of this act is hereby abolished.

Credits

Laws 2000, ch. 124, § 14; Laws 2014, ch. 122, § 1, eff. May 22, 2014.

K. S. A. 25-4153b, KS ST 25-4153b

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4154

25-4154. Contributions in name of another prohibited; anonymous contributions, aggregate, maximum; copying names of contributors for commercial purpose prohibited.

(a) No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another.

(b) No person shall give or accept any contribution in excess of \$10 unless the name and address of the contributor is made known to the individual receiving the contribution.

(c) The aggregate of contributions for which the name and address of the contributor is not reported under K.S.A. 25-4148 shall not exceed 50% of the amount one individual (other than the candidate or spouse) may contribute to or for a candidate's campaign.

(d) No person shall copy any name of a contributor from any report or statement filed under the campaign finance act and use such name for any commercial purpose, and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report or statement filed under the campaign finance act.

Credits

Laws 1981, ch. 171, § 13.

K. S. A. 25-4154, KS ST 25-4154

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4155

25-4155. Debts and obligations; statements required.

In addition to other reports and statements required by the campaign finance act, every treasurer shall make a statement of the amount and nature of debts and obligations owed by or to the candidate or candidate committee, party committee or political committee after every election, at times prescribed by the commission, continuing until such debts and obligations are fully paid or discharged.

Credits

Laws 1981, ch. 171, § 14.

K. S. A. 25-4155, KS ST 25-4155

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

25-4156. Charges for space in newspapers and other periodicals; excess charges; corrupt political advertising; misdemeanor.

(a)(1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b)(1) Except as provided in paragraph (2), corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with 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;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and 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;

(C) telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement that states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and 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;

(D) publishing or causing to be published any brochure, flier or other political fact sheet that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that 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.

The provisions of this subparagraph (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year; or

(E) making or causing to be made any website, e-mail or other type of internet communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless the matter is followed by a statement that 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.

The provisions of this subparagraph (E) requiring the disclosure of the name of an individual shall apply

only to any website, email or other type of internet communication that is made by the candidate, the candidate's candidate committee, a political committee or a party committee and the website, email or other internet communication viewed by or disseminated to at least 25 individuals. For the purposes of this subparagraph, the terms “candidate,” “candidate committee,” “party committee” and “political committee” shall have the meanings ascribed to them in K.S.A. 25-4143, and amendments thereto.

(2) The provisions of subsections (b)(1)(C) and (E) shall not apply to the publication of any communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office, if such communication is made over any social media provider which has a character limit of 280 characters or fewer.

(3) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section that can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

Credits

Laws 1981, ch. 171, § 15; Laws 1985, ch. 124, § 1; Laws 1990, ch. 122, § 9; Laws 1998, ch. 117, § 11; Laws 2007, ch. 196, § 4, eff. May 24, 2007; Laws 2009, ch. 134, § 8, eff. July 1, 2009; Laws 2015, ch. 85, § 7, eff. July 1, 2015; Laws 2018, ch. 88, § 1, eff. July 1, 2018.

K. S. A. 25-4156, KS ST 25-4156

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4157

25-4157. Termination report.

(a) Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) If a candidate dies with an open candidate committee account which contains campaign funds, the executor or administrator of the candidate's estate shall be responsible for terminating the candidate committee and disposing of the residual funds.

Credits

Laws 1981, ch. 171, § 16; Laws 1990, ch. 122, § 10; Laws 2015, ch. 85, § 8, eff. July 1, 2015.

K. S. A. 25-4157, KS ST 25-4157

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4157a

25-4157a. Contributions; personal use prohibited; uses permitted; acceptance from another candidate or candidate committee; disposition of unexpended balances on termination of campaign.

(a)(1) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

(A) Legitimate campaign purposes;

(B) expenses of holding political office;

(C) contributions to the party committees of the political party of which such candidate is a member;

(D) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate;

(E) any donations paid to any organization which is recognized as a 501(c)(3) tax exempt organization or any religious organization, community service or civic organization in the name of the candidate or candidate committee of any candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;

(F) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community;

(G) expenses incurred in the purchase and mailing of greeting cards to voters and constituents;

(H) expenses, compensation or gifts provided to any volunteer, staff member or contractor of the candidate's campaign or provided to any volunteer or staff of the candidate's political office if the total amount of such expenses, compensation or gifts provided to such persons from all sources does not exceed the total fair market value of services provided to the candidate's campaign or political office;

(I) payment of any civil penalty or fine imposed by the commission pursuant to this act related to the candidate's campaign and that is incurred by the candidate, candidate committee, treasurer or other agent of the candidate; or

(J) payment of legal fees related to any investigation or action under this act.

(2) For the purpose of this subsection, expenditures for "personal use" includes expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any

candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit a candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement.

(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state.

Credits

Laws 1989, ch. 111, § 1; Laws 1990, ch. 306, § 8; Laws 1991, ch. 150, § 12; Laws 1992, ch. 234, § 1; Laws 1995, ch. 157, § 1; Laws 1998, ch. 117, § 12; Laws 2008, ch. 166, § 6, eff. July 1, 2008; Laws 2015, ch. 85, § 9, eff. July 1, 2015; Laws 2023, ch. 23, § 5, eff. April 20, 2023.

K. S. A. 25-4157a, KS ST 25-4157a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

25-4158. Reports and statements required to be filed; furnishing forms; public inspection and copying; duties of secretary of state and county election officer; investigations by commission; administration of oaths and subpoena of witnesses, documents and records for purposes of investigations.

(a) The secretary of state shall:

- (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the secretary of state by the campaign finance act; and
- (2) make such reports and statements available for public inspection and copying during regular office hours.

(b) The county election officer shall:

- (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the county election officer by the campaign finance act; and
- (2) make such reports and statements available for public inspection and copying during regular office hours.

(c) The commission may investigate, or cause to be investigated, any matter required to be reported upon by any person under the provisions of the campaign finance act, or any matter to which the campaign finance act applies irrespective of whether a complaint has been filed in relation thereto.

(d)(1) After a preliminary investigation of any matter reported to the commission pursuant to subsection (c), and upon specific written findings of fact and conclusions of law by the commission that there is a reasonable suspicion that a violation of the campaign finance act has occurred, the commission or any officer designated by the commission may apply to the district court of Shawnee county for an order to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commission deems relevant or material to the investigation. All applications for a court order shall be made under seal of the court. The commission shall reimburse the reasonable costs of production of documents subject to subpoena. All subpoenas and subpoenas duces tecum issued under this section shall be authorized by the affirmative vote of not less than $\frac{2}{3}$ of the members of the commission. Subpoenas duces tecum shall be limited to items reasonably relevant to such alleged violations. No subpoena or other process issued by the commission pursuant to this section shall be served upon any person unless an application has been filed in the district court of Shawnee county pursuant to this section.

- (2) Upon application by the commission or any officer designated by the commission for a court order pursuant to paragraph (1), the district court of Shawnee county, after review of the sufficiency of the written findings of fact and conclusions of law, the record before the commission and the reasonableness and scope of the subpoena, shall issue to that person an order requiring the person to appear before the commission or any officer designated by the commission, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punished by the court as a contempt of court. Upon the filing of an application for a court order pursuant to paragraph (1), the commission shall provide a copy of the written findings of fact and conclusions of law relating to the alleged violation and persons under investigation along with a copy of the issued subpoena and notices required by paragraph (5) to the recipient of the subpoena.

(3) The commission shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. Any person subject to a subpoena shall be informed that such person may apply to the district court for relief on the basis that responding to the subpoena will cause an undue burden or expense. The district court on review of any such application for relief, may impose an appropriate sanction on the commission including an order requiring the commission to reimburse the person for lost earnings and attorney fees.

(4) Any person subpoenaed to testify or produce documents under this section shall be informed that the person has a right to be advised by counsel and that the person may not be required to make any self-incriminating statements. Upon a request by such person for counsel, no further examination of the witness shall take place until counsel is present. In the event that counsel of the witness' choice is not available, the person shall be required to obtain other counsel within three days in order that the examination may proceed. If such person is indigent and unable to obtain the services of counsel, the judge shall appoint counsel to assist the person who shall be compensated as counsel appointed for indigent defendants in the district court. Counsel for any witness shall be present while the witness is testifying and may interpose objections on behalf of the witness. Counsel shall not be permitted to examine or cross-examine the client or any other witness during the examination.

(5) Every subpoena issued by the commission pursuant to paragraph (1) shall be accompanied by a notice containing the information required to be provided under paragraphs (3) and (4) and the following statement: “This subpoena is not enforceable unless a district court of competent jurisdiction issues an order to enforce the subpoena. The recipient of this subpoena has rights under law including those listed in K.S.A. 25-4158(d)(3), and amendments thereto, and other laws to seek relief from complying with this subpoena, as well as a right to be represented by counsel in this matter pursuant to K.S.A. 25-4158(d)(4), and amendments thereto.”

Credits

Laws 1981, ch. 171, § 17; Laws 1990, ch. 122, § 11; Laws 1991, ch. 150, § 13; Laws 1998, ch. 29, § 1; Laws 2023, ch. 23, § 6, eff. April 20, 2023.

K. S. A. 25-4158, KS ST 25-4158

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4158a

25-4158a. Campaign finance forms; electronic filing.

The governmental ethics commission shall prescribe and provide forms for each report required to be made under the campaign finance act. After January 10, 2008, any information required to be filed pursuant to this section may be filed electronically with the secretary of state in a method authorized by the secretary of state. The provisions of this section shall be part of and supplemental to the Kansas campaign finance act.

Credits

Laws 2007, ch. 125, § 7, eff. July 1, 2007.

K. S. A. 25-4158a, KS ST 25-4158a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4159

25-4159. Commission opinions; publication and filing; effect of acts that accord with opinions.

The commission upon its own initiative may, and upon the request of any individual to which the campaign finance act applies shall, render an opinion in writing on questions concerning the interpretation of the campaign finance act. Any person who acts in accordance with the provisions of such an opinion, shall be presumed to have complied with the provisions of the campaign finance act. A copy of every opinion rendered by the commission shall be filed with the secretary of state, and any opinion so filed shall be open to public inspection. The secretary of state shall publish all opinions rendered under this section monthly and each such publication shall be cumulative. Copies of each opinion shall be filed with the secretary of the senate and the chief clerk of the house on the same date as the same are filed with the secretary of state. The secretary of state shall cause adequate copies of all filings under this section to be supplied to the state library.

Credits

Laws 1981, ch. 171, § 18.

K. S. A. 25-4159, KS ST 25-4159

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4160

25-4160. Complaints of violations; copy to respondent.

Any individual, including any member of the commission, may file, by mail or in person, with the commission a verified complaint in writing stating the name of any person to whom or to which the campaign finance act applies who is alleged to have violated any provision of the campaign finance act, and which shall set forth the particulars thereof. If a member of the commission files a complaint, such member shall be disqualified from the commission's consideration of that complaint. Whenever a complaint is filed with the commission, the commission shall promptly send a copy thereof to the person complained of, who shall thereafter be designated as the respondent.

Credits

Laws 1981, ch. 171, § 19.

K. S. A. 25-4160, KS ST 25-4160

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4161

25-4161. Complaint, confidentiality and determination of sufficiency; investigation; notification of attorney general of violation of other laws; dismissal or hearing on complaint; remedies and protections for state employees filing complaints.

(a) If a complaint is filed and the commission determines that such verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any provision of the campaign finance act, it shall dismiss the complaint and notify the complainant and respondent thereof.

(b) Whenever a complaint is filed with the commission alleging a violation of a provision of the campaign finance act, such filing and the allegations therein shall be confidential and shall not be disclosed except as provided in the campaign finance act.

(c) If a complaint is filed and the commission determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of the campaign finance act, the commission shall promptly investigate the alleged violation.

(d) The commission shall notify the attorney general of any apparent violation of criminal law or other laws not administered by the commission, which is discovered during the course of any such investigation.

(e) If after the investigation, the commission finds that probable cause does not exist for believing the allegations of the complaint, the commission shall dismiss the complaint. If after such investigation, the commission finds by an affirmative vote of not less than $\frac{2}{3}$ of the members of the commission that probable cause exists for believing the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, a hearing shall be ordered pursuant to this act. In either event the commission shall notify the complainant and respondent of its determination.

(f) The remedies and protections provided by K.S.A. 75-2973, and amendments thereto, shall be available to any state employee against whom disciplinary action has been taken for filing a complaint pursuant to this act.

(g) Any attorney or staff member representing the complainant before the commission in any matter shall not engage in ex parte communications with or otherwise advise, represent or assist the commission regarding the same or related matter before the commission. The commission shall obtain separate independent legal counsel when needed to comply with this section.

(h)(1) All hearings conducted under this act shall be in accordance with the provisions of the Kansas administrative procedure act and the Kansas code of civil procedure. Upon the request of the respondent, any hearing held under this act may be removed for hearing before a presiding officer from the office of administrative hearings. The commission shall review an initial order resulting from a hearing under this section.

(2) The commission is hereby authorized to enter into a contract with the office of administrative hearings and to provide for reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer.

(i) The duties of confidentiality under this section shall apply only to members of the commission, the executive director or any person employed or engaged by the commission.

Credits

Laws 1981, ch. 171, § 20; Laws 1984, ch. 145, § 2; Laws 1988, ch. 369, § 1; Laws 1990, ch. 129, § 5; Laws 1991, ch. 150, § 14; Laws 2023, ch. 23, § 7, eff. April 20, 2023.

K. S. A. 25-4161, KS ST 25-4161

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4162

25-4162. Same; withdrawal of complaints; civil action for malicious prosecution; when.

The commission may permit a complainant to withdraw such person's complaint at any time. The respondent may bring a civil action in the district court against the complainant for malicious prosecution for the filing or prosecution of any complaint with the commission under the campaign finance act, whenever under like circumstances an action for malicious prosecution would arise for filing or prosecution of an action or complaint in a court. All papers in the possession of the commission relating thereto shall be admissible.

Credits

Laws 1981, ch. 171, § 21.

K. S. A. 25-4162, KS ST 25-4162

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4163

25-4163. Same; rights of respondent; hearing procedure; compulsory process; hearings to be public.

(a) After a verified complaint alleging violation of a provision of the campaign finance act has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint, including the transcript of the hearing, if any. If a hearing is to be held pursuant to K.S.A. 25-4161, and amendments thereto, then a subcommittee of the commission or the presiding officer, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party. The commission shall reimburse the reasonable costs of production of documents subject to subpoena. Any hearing held under K.S.A. 25-4161, and amendments thereto, may be conducted and held by a subcommittee of not less than five members of the commission, of whom not more than a majority shall be of the same political party. Upon a request by a respondent that the hearing be held before a presiding officer from the office of administrative hearings, all pre-hearing procedures shall be conducted by such presiding officer. The hearing shall be conducted in the manner prescribed by the Kansas administrative procedure act. Final determination of all complaints shall be made by the commission as a whole. The commission shall not conduct another hearing on the matter but shall make final determination based on the record of the hearing before the presiding officer or subcommittee of the commission.

(b) At every hearing held under this act:

(1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have the right to be represented by legal counsel, to call and examine witnesses, to introduce evidence and to cross-examine opposing witnesses.

(3) The provisions of K.S.A. 25-4161(g), and amendments thereto, shall apply to legal counsel representing a complainant employed or engaged by the commission.

(c) All hearings shall be open to the public.

Credits

Laws 1981, ch. 171, § 22; Laws 1990, ch. 306, § 9; Laws 2023, ch. 23, § 8, eff. April 20, 2023.

K. S. A. 25-4163, KS ST 25-4163

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4164

25-4164. Actions of commission following hearing.

After a hearing of an alleged violation of the campaign finance act the commission shall state its findings of fact. If the commission finds that the respondent has not violated any provisions of the campaign finance act, it shall order the action dismissed, and shall notify the respondent and complainant thereof. If the commission finds that the respondent has violated any provisions of the campaign finance act, it shall state its findings of fact and submit a report thereon to the attorney general and to the county or district attorney of the appropriate county.

Credits

Laws 1981, ch. 171, § 23.

K. S. A. 25-4164, KS ST 25-4164

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4165

25-4165. Commission records; confidentiality; release to attorney general and certain prosecuting attorneys; public records.

(a) The commission shall maintain a record of its investigations, inquiries, and proceedings. 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 commission may, by adoption of a resolution, authorize the release to the attorney general or to the county or district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession material to any matter pending before the attorney general or any county or district attorney. All matters presented at a public hearing of the commission and all reports of the commission stating a final finding of fact pursuant to K.S.A. 25-4164, and amendments thereto, shall be public records and open to public inspection.

(b) The duties under this section shall apply only to members of the commission, the executive director or any person employed or engaged by the commission.

Credits

Laws 1981, ch. 171, § 24; Laws 2023, ch. 23, § 9, eff. April 20, 2023.

K. S. A. 25-4165, KS ST 25-4165

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4166

25-4166. Reports of disposition of cases; information to accompany report; procedure for consideration of and action upon reports; ouster; impeachment or removal, when.

(a) Whenever a report is made under K.S.A. 25-4164, and the respondent is elected to a state office pursuant to a primary election or general election to which such report applies, the commission shall transmit a copy thereof to the supreme court, legislature or attorney general on the first day of the term for which the respondent is so elected.

(b) If the respondent is elected to be a member of the house of representatives or senate, such commission report shall be transmitted to the house to which the respondent is elected. If the respondent is elected to an office to which impeachment applies, the commission report shall be transmitted to the house of representatives. If the respondent is elected to a judicial office, and is not subject to impeachment, the commission report shall be transmitted to the supreme court. If the respondent is elected to an office not heretofore mentioned in this subsection, the commission report shall be transmitted to the attorney general.

(c) Each commission report transmitted in accordance with this section shall include or be accompanied by a summary of the facts relating to the report under K.S.A. 25-4164, and shall make appropriate reference to this section. All information, reports, transcripts and other records relating to the respondent which are or have been in the possession of the commission shall be available to the body to which the commission report is transmitted.

(d) Reports relating to respondents who are elected to the legislature shall be considered by the house to which the respondent is elected, and such house shall impose censure or disqualification or it may determine that neither censure or disqualification is justified. Reports relating to impeachable officers shall be considered by the house of representatives. Reports relating to judicial officers, except those subject to impeachment, shall be considered by the supreme court. Reports relating to any officer not mentioned in this subsection may be the basis for an ouster action brought by the attorney general.

Credits

Laws 1981, ch. 171, § 25.

K. S. A. 25-4166, KS ST 25-4166

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4167

25-4167. Failure to file a campaign finance report; misdemeanor.

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 or (b) the intentional failure of any person required by K.S.A. 25-4172, and amendments thereto, to submit a statement to a treasurer to submit the same.

Failure to file a campaign finance report is a class A misdemeanor.

Credits

Laws 1981, ch. 171, § 26; Laws 1994, ch. 73, § 1.

K. S. A. 25-4167, KS ST 25-4167

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4168

25-4168. Fraudulent campaign finance reporting; misdemeanor.

Fraudulent campaign finance reporting is intentionally making any false material statement in a report or statement made under the campaign finance act.

Fraudulent campaign finance reporting is a class A misdemeanor.

Credits

Laws 1981, ch. 171, § 27.

K. S. A. 25-4168, KS ST 25-4168

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4169a

25-4169a. Use of public funds, vehicles, machinery, equipment and supplies and time of certain officers and employees to influence nomination or election of candidate prohibited; exceptions; distribution of political material in public buildings, limitations on; misdemeanor.

(a) No officer or employee of the state of Kansas, or any municipality, shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, to expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer. The provisions of this section shall not apply to the statutory duties of the commission on judicial performance pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(2) The provisions of this subsection shall not apply to the use of internet connectivity provided by the state of Kansas or any municipality to any candidate or elected official.

(3) Except as otherwise provided in this section, no municipality shall permit or allow any person to distribute, or cause to be distributed, within any building or other structure owned, leased or rented by such municipality any brochure, flier, political fact sheet or other document which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office unless each candidate for such state or local office is permitted or allowed to do so in the same manner.

(4) For the purposes of this subsection, the term municipality shall have the meaning ascribed to it in K.S.A. 12-105a, and amendments thereto.

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Credits

Laws 1991, ch. 150, § 15; Laws 1998, ch. 117, § 13; Laws 2008, ch. 145, § 6, eff. May 22, 2008; Laws 2009, ch. 143, § 13, eff. July 1, 2009; Laws 2015, ch. 85, § 10, eff. July 1, 2015.

K. S. A. 25-4169a, KS ST 25-4169a

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4170

25-4170. Excessive campaign contributions; misdemeanor.

Excessive campaign contribution is: (a) Intentionally making any contribution in violation of any provision of K.S.A. 25-4153, or

(b) intentionally accepting any contribution made in violation of any provision of K.S.A. 25-4153.

Excessive campaign contribution is a class A misdemeanor.

Credits

Laws 1981, ch. 171, § 29.

K. S. A. 25-4170, KS ST 25-4170

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4171

25-4171. Violation of certain provisions of act declared misdemeanor; additional penalties for violation of confidentiality provisions by commission members and employees.

(a) Intentional violation of any provision of K.S.A. 25-4144, 25-4145, 25-4146, 25-4147, 25-4151, 25-4154 or 25-4165, and amendments thereto, or K.S.A. 25-4157a, or the confidentiality provision of K.S.A. 25-4161, and amendments thereto, is a class A misdemeanor.

(b) In addition to any penalty imposed under subsection (a) of this section, any member of the commission convicted of violating the confidentiality provisions of K.S.A. 25-4161, and amendments thereto, shall be removed from membership on the commission and any employee of the commission convicted of violating the confidentiality provisions of such section shall be discharged from employment by the commission. No member or employee of the commission convicted of violating the confidentiality provisions of K.S.A. 25-4161, and amendments thereto, shall be permitted to enter into any contract with or be employed by the state of Kansas or any agency or political or taxing subdivision thereof within five years next following the date of such conviction.

Credits

Laws 1981, ch. 171, § 30; Laws 1984, ch. 145, § 3; Laws 1989, ch. 111, § 8; Laws 1990, ch. 129, § 6.

K. S. A. 25-4171, KS ST 25-4171

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4172

25-4172. Statements or reports by certain out-of-state individuals and persons; contents; filing; maintenance of records.

(a) Except as provided by subsection (b), any combination of three or more individuals or a person other than an individual, not domiciled in this state, which makes or intends to make a contribution or contributions to a candidate, candidate committee, party committee or political committee in this state shall either:

(1) Prepare a verified statement containing: (A) The names and addresses of the responsible individuals; (B) the name and address of each person who has made one or more contributions to such out-of-state combination of individuals or person other than an individual in an aggregate amount in excess of \$50 within the preceding 12 months, together with the amount and date of such contributions; and (C) the aggregate amount of all other contributions to such out-of-state combination of individuals or person other than an individual within the preceding 12 months. Such statement shall be filed in the office of the secretary of state at the times prescribed for the filing of reports of treasurers by K.S.A. 25-4148, and amendments thereto; or

(2) file a statement of organization as provided by K.S.A. 25-4145, and amendments thereto, establish a separate fund for the purpose of receiving contributions and making expenditures relating to any election for state office in this state and file statements and reports involving such fund in the manner provided by K.S.A. 25-4148, and amendments thereto, for political committees and party committees. Any transfer from another fund to the separate fund herein provided for shall be subject to the requirements of provision (1).

(b) The provisions of subsection (a) shall not apply to: (1) Any political party having a national organization which reports under federal law; (2) a bona fide corporation organized under the laws of another state; or (3) a union, if the contribution is made from union funds.

(c) Each combination of individuals or person other than an individual which is subject to this section shall maintain, in its own records, the name and address of any person who has made one or more contributions to such combination of individuals or person other than an individual, together with the amount and date of such contributions, regardless of whether such information is required to be reported.

Credits

Laws 1981, ch. 171, § 31; Laws 1986, ch. 144, § 1; Laws 1990, ch. 122, § 12.

K. S. A. 25-4172, KS ST 25-4172

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4173

25-4173. Candidate's affidavit of intent to expend and receive less than \$1,000; filing; certain reports not required.

Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than \$1,000 in each of the primary and general elections shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices. In the case of a candidate for a local office, such affidavit also shall be filed with the county election officer of the county in which the name of the candidate is on the ballot. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.

Credits

Laws 1981, ch. 171, § 32; Laws 1985, ch. 124, § 2; Laws 1989, ch. 111, § 6; Laws 1990, ch. 122, § 13; Laws 1998, ch. 117, § 14; Laws 2015, ch. 85, § 11, eff. July 1, 2015.

K. S. A. 25-4173, KS ST 25-4173

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4174

25-4174. Same; when amount exceeded; filing of past and future reports.

Any candidate who has signed an affidavit pursuant to K.S.A. 25-4173, and amendments thereto, and who incurs expenses in excess of or receives contributions in excess of \$500, exclusive of such candidate's filing fee, for either the primary or the general election shall, within three days of the date when expenditures or contributions exceed such amount, file all past due reports and shall be required to file all future reports on the dates required by K.S.A. 25-4148, and amendments thereto.

Credits

Laws 1981, ch. 171, § 33; Laws 1985, ch. 124, § 3.

K. S. A. 25-4174, KS ST 25-4174

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4175

25-4175. Affidavit of intent by treasurer of party or political committee to expend and receive less than \$500 and not more than \$50 from any one contributor; filing; certain reports not required.

For any calendar year during which a party or political committee intends to expend an aggregate amount or value of less than \$500 and intends to receive contributions in an aggregate amount or value of less than \$500 and during which such party or political committee intends to receive no contributions in excess of \$50 from any one contributor, the treasurer of such party or political committee shall file an affidavit of such intent with the secretary of state if such committee is a party committee or a political committee which expressly advocates the nomination, election or defeat of a clearly identified candidate for state office and with the county election officer if the committee is a political committee which expressly advocates the nomination, election or defeat of a clearly identified candidate for local office. Such treasurer shall not be required to file the reports required by K.S.A. 25-4148, and amendments thereto, for the year for which such affidavit is filed. Such affidavit may be filed at any time not later than the ninth day preceding the primary election.

Credits

Laws 1981, ch. 171, § 34; Laws 1990, ch. 122, § 14; Laws 1998, ch. 117, § 15.

K. S. A. 25-4175, KS ST 25-4175

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4176

25-4176. Same; when amount exceeded; filing of past and future reports.

The treasurer of any party or political committee for which an affidavit has been filed pursuant to K.S.A. 25-4175, in the year for which such affidavit is filed, makes expenditures or receives contributions in an aggregate amount or value in excess of \$500 or receives contributions from any one contributor in excess of \$50 shall, within three days of the date when such expenditures or contributions exceed such amount, file all past due reports and shall be required to file all future reports on the dates required by K.S.A. 25-4148.

Credits

Laws 1981, ch. 171, § 35.

K. S. A. 25-4176, KS ST 25-4176

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4177

25-4177. Failure to file affidavit of intent; misdemeanor.

Failure to file an affidavit of intent is the intentional failure to file an affidavit as required by K.S.A. 25-4173 or 25-4175 or failing to file the reports required by the campaign finance act after a change in intent as required by K.S.A. 25-4174 or 25-4176.

Failure to file an affidavit of intent is a class A misdemeanor.

Credits

Laws 1981, ch. 171, § 36.

K. S. A. 25-4177, KS ST 25-4177

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4178

25-4178. Continuation in force and effect of advisory opinions and rules and regulations.

(a) All advisory opinions of the commission created by K.S.A. 25-4119a, and amendments thereto, and which opinions were rendered prior to the effective date of this act and concerned campaign finance shall continue to be in force and effect respecting the provisions of law contained in the campaign finance act and shall be deemed advisory opinions of the commission concerning the provisions of the campaign finance act until revised, amended or nullified pursuant to law.

(b) All rules and regulations of the commission which were adopted prior to the effective date of this act as modified or changed by such commission shall continue to be in force and effect respecting the provisions of law contained in the campaign finance act and shall be deemed rules and regulations of the commission concerning the provisions of the campaign finance act until revised, amended or nullified pursuant to law.

Credits

Laws 1981, ch. 171, § 37; Laws 1991, ch. 150, § 16.

K. S. A. 25-4178, KS ST 25-4178

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4179

25-4179. Severability.

If any provisions of the campaign finance act or the application thereof to any person or circumstances is held invalid the invalidity does not affect other provisions or applications of the campaign finance act which can be given effect without the invalid provisions or application and to this end the provisions of the campaign finance act are severable.

Credits

Laws 1981, ch. 171, § 38.

K. S. A. 25-4179, KS ST 25-4179

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

25-4180. Elections on amendments to Kansas constitution; financial reports of constitutional campaigns; contents; annual reports; preliminary reports; supplemental reports; notice of failure to file; civil penalties; violation class A misdemeanor.

(a) Every person who engages in any activity promoting or opposing the adoption or repeal of any provision of the Kansas constitution and who accepts moneys or property for the purpose of engaging in such activity shall make an annual report to the secretary of state of individual contributions or contributions in kind in an aggregate amount or value in excess of \$50 received during the preceding calendar year for such purposes. The report shall show the name and address of each contributor for the activity and the amount or value of the individual contribution made, together with a total value of all contributions received, and also shall account for expenditures in an aggregate amount or value in excess of \$50 from such contributions by showing the amount or value expended to each payee and the purpose of each such expenditure, together with a total value of all expenditures made. The annual report shall be filed on or before February 15 of each year for the preceding calendar year.

In addition to the annual report, a person engaging in an activity promoting the adoption or repeal of a provision of the Kansas constitution who accepts any contributed moneys for such activity shall make a preliminary report to the secretary of state 15 days prior to each election at which a proposed constitutional amendment is submitted. Such report shall show the name and address of each individual contributor, together with the amount contributed or contributed in kind in an aggregate amount or value in excess of \$50, and the expenditures in an aggregate amount or value in excess of \$50 from such contributions by showing the amount paid to each payee and the purpose of the expenditure. A supplemental report in the same format as the preliminary report shall be filed with the secretary of state within 15 days after any election on a constitutional proposition where contributed funds are received and expended in opposing or promoting such proposition.

Any person who engages in any activity promoting or opposing the adoption or repeal of any provision of the Kansas constitution shall be considered engaged in such activity upon the date the concurrent resolution passes the Kansas house of representatives and senate in its final form. Upon such date, if the person has funds in the constitutional amendment campaign treasury, such person shall be required to report such funds as provided by this section.

(b)(1) The commission shall send a notice by registered or certified mail to any person failing to file any report required by subsection (a) within the time period prescribed therefor. The notice shall state that the required report has not been filed with the office of the secretary of state. The notice also shall state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(2) Civil penalties provided for by this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

(3) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(c) The intentional failure to file any report required by subsection (a) is a class A misdemeanor.

(d) This section shall be part of and supplemental to the campaign finance act.

Credits

Laws 1987, ch. 129, § 1; Laws 1991, ch. 150, § 17; Laws 1998, ch. 117, § 16; Laws 1998, ch. 168, § 2; Laws 2001, ch. 5, § 91.

K. S. A. 25-4180, KS ST 25-4180

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4181

25-4181. Violations of campaign finance act; civil fine; person failing to pay fine ineligible to become candidate.

(a) 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, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. Except as otherwise provided, the fine imposed by the commission in any one matter shall not exceed an amount that is triple the applicable fine for a single violation in such matter. In the event the respondent derived pecuniary gain from the specific violations, then, in lieu of the above fine amounts, the fine imposed may be fixed at an amount greater than that provided in this section, but in no event shall such amount exceed double the pecuniary gain derived from the violation by the respondent. Nothing in this section shall prevent the imposition of a separate fine by a court in a criminal proceeding. Whenever any civil fine or penalty is proposed to be assessed against the treasurer of any candidate who is not also the candidate, such notice shall be given to both the treasurer and the candidate prior to the assessment of such fine or penalty. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(b) No individual who has failed to pay any civil penalty or civil fine assessed, or failed to file any report required to be filed under the campaign finance act, unless such penalty or fine has been waived or is under appeal, shall be eligible to become a candidate for state office or local office until such penalty or fine has been paid or such report has been filed or both such penalty or fine has been paid and such report filed.

(c) The commission shall not order community service or any other specific performance in lieu of a civil fine as part of a consent decree or final order. Nothing in this section shall prohibit the commission from requiring training regarding or compliance with any provision of this act as part of a consent decree or final order.

(d) The commission shall not enter into any agreement with any person that legally binds the commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of the commission in any matter unless such person has received immunity from criminal prosecution in the same matter from a county or district attorney or the attorney general pursuant to K.S.A. 22-3415, and amendments thereto.

Credits

Laws 1988, ch. 369, § 2; Laws 1991, ch. 150, § 18; Laws 1995, ch. 203, § 1; Laws 1998, ch. 117, § 17; Laws 2001, ch. 5, § 92; Laws 2023, ch. 23, § 10, eff. April 20, 2023.

K. S. A. 25-4181, KS ST 25-4181

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4182

25-4182. Same; cease and desist order; emergencies.

(a) If the commission determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of the campaign finance act or any rule and regulation or order hereunder, the commission by order may require that such person cease and desist from the unlawful act or practice and take such affirmative action as in the judgment of the commission will carry out the purposes of such act.

(b) If the commission makes written findings of fact that the public interest will be irreparably harmed by delay in issuing an order under subsection (a), the commission may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. 77-502, and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536, and amendments thereto. Upon the entry of such an order, the commission shall promptly notify the person subject to the order that it has been entered, of the reasons therefor and that upon written request the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Upon the request of the respondent, any hearing held under this act may be removed for hearing before a presiding officer from the office of administrative hearings as provided in K.S.A. 25-4161, and amendments thereto. If no hearing is requested and none is ordered by the commission, the order will remain in effect until it is modified or vacated by the commission. If a hearing is requested or ordered, the commission, after notice of and opportunity for hearing to the person subject to the order, shall by written findings of fact and conclusions of law vacate, modify or make permanent the order. Any such order shall be enforceable in any court of competent jurisdiction.

Credits

Laws 1988, ch. 369, § 3; Laws 1991, ch. 150, § 19; Laws 2023, ch. 23, § 11, eff. April 20, 2023.

K. S. A. 25-4182, KS ST 25-4182

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4183

25-4183. Same; injunction; restraining order; mandamus.

Whenever it appears to the commission that any person has engaged in any act or practice constituting a violation of any provision of the campaign finance act or any rule and regulation or order hereunder, the commission may bring an action in any court of competent jurisdiction to enjoin the acts or practices and to enforce compliance with such act or any rule and regulation or order hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, restitution, writ of mandamus or other equitable relief shall be granted.

Credits

Laws 1988, ch. 369, § 4; Laws 1991, ch. 150, § 20.

K. S. A. 25-4183, KS ST 25-4183

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4184

25-4184. Same; consent decree.

The commission may enter into a consent decree with any person who has violated the campaign finance act.

Credits

Laws 1988, ch. 369, § 5; Laws 1991, ch. 150, § 21.

K. S. A. 25-4184, KS ST 25-4184

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4185

25-4185. Same; appeal of commission orders.

Any person aggrieved by any order of the commission pursuant to this act may appeal such order in accordance with the provisions of the Kansas judicial review act.

Credits

Laws 1988, ch. 369, § 6; Laws 1991, ch. 150, § 22; Laws 2010, ch. 17, § 41, eff. July 1, 2010.

K. S. A. 25-4185, KS ST 25-4185

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

25-4186. Gubernatorial inauguration contributions; treasurer; accounts required; reports; use of information in reports; disposition of contributions; civil penalties, disposition; certain violations declared misdemeanors.

- (a) Not later than 10 days after receiving any contribution or making any expenditure for a gubernatorial inauguration, the governor-elect shall appoint an inaugural treasurer. The name and address of such treasurer shall be reported to the secretary of state by the governor-elect not later than 10 days after the appointment.
- (b) No person shall make any expenditure or make or receive any contribution or receipt, in kind or otherwise, for a gubernatorial inauguration except by or through the inaugural treasurer.
- (c) The inaugural treasurer shall keep detailed accounts of all contributions and other receipts received, in kind or otherwise, and all expenditures made for a gubernatorial inauguration. Accounts of the treasurer may be inspected under conditions determined by the commission and shall be preserved for a period to be designated by the commission. Every person who receives a contribution or other receipt, in kind or otherwise, for an inaugural treasurer more than five days before the ending date of any period for which a report is required under this section, on demand of the treasurer, or in any event on or before the ending date of the reporting period, shall remit the same and render to the treasurer an account thereof, including the name and address of the person, if known, making the contribution or other receipt and the date received. No contribution or other receipt received by the inaugural treasurer shall be commingled with personal funds of the governor-elect or inaugural treasurer.
- (d) The inaugural treasurer shall file with the secretary of state a report on March 10 and July 10 following the inauguration. The report filed on March 10 shall be for the period ending on February 28 and the report filed on July 10 shall be for the period beginning on March 1 and ending on June 30. Each report shall contain the information required to be stated in a report pursuant to K.S.A. 25-4148 and 25-4148a, and amendments thereto, and a declaration as to the correctness of the report in the form prescribed by K.S.A. 25-4151, and amendments thereto. The July 10 report shall be a termination report which shall include full information as to the disposition of residual funds. If a report is sent by certified mail on or before the day it is due, the mailing shall constitute receipt by the secretary of state.
- (e) The aggregate amount contributed, in kind or otherwise, by any person for a gubernatorial inauguration shall not exceed \$2,000. No person shall make a contribution in the name of another person, and no person knowingly shall accept a contribution made by one person in the name of another. No person shall give or accept any contribution in excess of \$10 unless the name and address of the contributor is made known to the individual receiving the contribution. The aggregate of contributions for which the name and address of the contributor is not known shall not exceed 50% of the amount one person may contribute.
- (f) No person shall copy any name of a contributor from any report filed under this section and use such name for any commercial purpose, and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report filed under this section.
- (g) In addition to other reports required by this section, the inaugural treasurer shall report the amount and nature of debts and obligations owed for the gubernatorial inauguration, at times prescribed by the

commission, continuing until such debts and obligations are fully paid or discharged.

(h) No moneys received by any inaugural treasurer shall be used or be made available for the personal use of the governor-elect or governor and no such moneys shall be used by such governor-elect or governor except for legitimate gubernatorial inauguration expenses.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses and expenditures for personal benefit having no direct connection with or effect upon the inauguration.

(i)(1) Before the filing of a termination report in accordance with this section, all residual funds not otherwise obligated for the payment of expenses incurred for the gubernatorial inauguration shall be remitted to the inaugural expense fund created by

K.S.A. 25-4187, and amendments thereto, in an amount equal to the amount certified to the director of accounts and reports by the adjutant general as the amount expended by the adjutant general for expenses incurred in connection with the gubernatorial inauguration, or if the amount of residual funds is less than the amount certified, the entire amount of the deposit.

(2) Any residual funds not otherwise obligated shall either be:

(A) Donated to any charitable organization which qualifies as a 501(c)(3) not-for-profit corporation under the federal internal revenue code; or

(B) shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit such money to the executive mansion gifts fund for the purpose of funding expenditures relating to the governor's residence, historic properties or both. Such expenditures shall be subject to approval of the governor's residence advisory commission.

(j)(1) The commission shall send a notice by registered or certified mail to any inaugural treasurer who fails to file any report required by this section within the time period prescribed therefor. The notice shall state that the required report has not been filed with the office of the secretary of state. The notice also shall state that the treasurer shall have 15 days from the date such notice is deposited in the mail to comply with the reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If the treasurer fails to comply within the prescribed period, the treasurer shall pay to the state a civil penalty of \$10 per day for each day that the report remains unfiled, except that no such civil penalty shall exceed \$300. The commission may waive, for good cause, payment of any civil penalty imposed by this subsection.

(2) Civil penalties provided for by this subsection shall be paid to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the governmental ethics commission fee fund.

(3) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of Shawnee county.

(k) Any violation of subsection (e), (f) or (h) or any intentional failure to file any report required by this section is a class A misdemeanor.

(l) Nothing in this section shall be construed to apply to expenditures of state moneys related to any inaugural activity.

(m) This section shall be part of and supplemental to the campaign finance act.

Credits

Laws 1994, ch. 209, § 1; Laws 1998, ch. 117, § 18; Laws 1998, ch. 168, § 3; Laws 2011, ch. 64, § 1, eff. May 19, 2011.

K. S. A. 25-4186, KS ST 25-4186

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4187

25-4187. Inaugural expense fund; administration by adjutant general; authorized uses.

(a) There is hereby created in the state treasury the inaugural expense fund. Expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of the accounts and reports issued pursuant to vouchers approved by the adjutant general or a person designated by the adjutant general.

(b) Moneys credited to the inaugural expense fund shall be expended only to reimburse the adjutant general for expenses incurred by the adjutant general in connection with a gubernatorial inauguration.

Credits

Laws 1994, ch. 209, § 2.

K. S. A. 25-4187, KS ST 25-4187

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.

K.S.A. 25-4189

25-4189. Public service announcements or advertisements; when prohibited.

(a) No candidate for elected office shall either appear in a public service announcement or advertisement or allow the candidate's name to be used in a public service announcement or advertisement during a period beginning 60 days before any primary election in which the candidate's name appears on the ballot and ending with the conclusion of the general election.

(b) As used in this section:

(1) "Public service announcement or advertisement" means any message broadcast by electronic, telephone or print media promoting or announcing some issue of public importance, public concern or public welfare regardless of whether or not the announcement or advertisement involves the donation of time or space on behalf of the media or is paid for with public sector funds or private sector funds from the current contractor of the sponsoring government entity;

(2) "electronic media" shall not include the website for the government agency or other entity that administers the program promoted by the public service announcement or advertisement; and

(3) "print media" means direct mail literature and advertisements in any newspaper, magazine or any other periodical publication, but it shall not include printed literature promoting a program so long as it is used regularly throughout the year in the regular course of business and not distributed in an unsolicited direct mail advertising campaign at a cost exceeding \$2,000 during a period beginning 60 days before any primary election in which the candidate's name appears on the ballot and ending with the conclusion of the general election.

(c) Any candidate who intentionally violates this section shall be subject to the civil penalties provided by K.S.A. 25-4181, and amendments thereto.

(d) This act shall be part of and supplemental to the campaign finance act.

Credits

Laws 2011, ch. 112, § 18, eff. July 1, 2011.

K. S. A. 25-4189, KS ST 25-4189

Statute are current through laws enacted during the 2023 Regular Session of the Kansas Legislature.