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KS Governmental Ethics Commission

May 4, 2022

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Re: February 21, 2022 E&O Letter to Kansans for Life

Dear Mark:

As you know, I represent Kansans for Life in relation to the Notification of Material Error or Omission letter from your office dated February 21, 2022 (“the E&O Letter”). Thanks again to you and Kaitlin for discussing this matter with me on the phone on April 20.

Mike Cannady
Special Counsel

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Retired

The E&O Letter covers the following three reporting periods: July 27, 2020, October 26, 2020, and January 10, 2021. By e-mail after our phone call, Kaitlin requested a similar amendment to KFL’s January 10, 2022 report. We hope this letter addresses and resolves all these matters.

The E&O Letter notes that independent expenditures in excess of \$300 must show the amount, date, purpose, and name and address of the supported or opposed candidate for each expenditure. We understand this additional reporting requirement for independent expenditures applies when both of the following elements are present: (1) the expenditure expressly advocates the election or defeat of a clearly identified candidate; and (2) the expenditure exceeds \$300 in an election.

With few exceptions, noted below, the subject expenditures involve the printing, mailing, or advertising of KFL’s Voter Guides (“the Guides”), and the Guides do not expressly advocate for the election or defeat of a clearly identified candidate. The Guides simply provide a list of candidates that the organization has endorsed. With only one exception, the first element is not present.

Fleeson Goong Coulson & Kitch L.L.C
Established 1886

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Even if the Guides were express advocacy, they do not pass the \$300 threshold. The Guides include endorsement information for many different races, sometimes even for races such as precinct committeeperson. For example, the July 27, 2020 expense for postage of \$25,690.00 for the KFL Voter Guide identified KFL endorsement information for 635 races. That comes to an average spend per candidate of \$40.46. Even added to the other expenditures for the cycle, the total for each candidate does not pass the \$300 threshold. Thus, the second element is not present either (with few exceptions).

The exceptions are identified on the chart enclosed with this letter. Line items 18 and 19 are expenditures exceeding the \$300 threshold but were not express advocacy. Line item 20 was express advocacy but was less than \$300. No expenditure was both express advocacy and in excess of \$300.

Note the calculations at the bottom of the spreadsheet provide the total expenditures and total average expenditures for each cycle.

Line items 16 and 17 are expenditures for digital advertisements. These lines were excluded from the calculation of total expenditures for the 2020 General because none of these ads identified a candidate at all. These ads simply provided a link for people to follow to access the Guides (i.e., "find the names of your local pro-life candidates here").

For these reasons KFL does not plan to file an amended report at this time. If any further information is necessary, KFL is ready to provide it. We look forward to hearing back from you.

Very truly yours,

FLEESON, GOOING, COULSON & KITCH, L.L.C.

By



T. Chet Compton

TCC:rsh
Enclosure
cc: Hubbell, Kaitlin [KGEC] Kaitlin.Hubbell@ks.gov

Kansans For Life, Inc.

Report - 7/27/2020							
Line Item	Date	To	Amount	Number of Endorsements	Expenditure Per Endorsement	Cycle	Notes
1	1/21/2020	Valley Offset Printing	\$636.05	7	\$90.86	2019 Local	Not Express Advocacy
2	7/8/2020	Wichita Postmater	\$25,690.00	635	\$40.46	2020 Primary	Not Express Advocacy

Report - 10/26/2020							
Line Item	Date	To	Amount	Number of Endorsements	Expenditure Per Endorsement	Cycle	Notes
3	7/27/2020	Wichita Postmaster	\$16,660.00	635	\$26.24	2020 Primary	Not Express Advocacy
4	8/18/2020	Valley Offset Printing	\$13,279.22	635	\$20.91	2020 Primary	Not Express Advocacy
5	8/18/2020	Valley Offset Printing	\$584.23	33	\$17.70	2020 Primary	Not Express Advocacy
6	8/18/2020	Burdiss Lettership Services	\$11,410.00	635	\$17.97	2020 Primary	Not Express Advocacy
7	9/8/2020	Valley Offset Printing	\$665.95	38	\$17.53	2020 Primary	Not Express Advocacy
8	10/7/2020	Wichita Postmaster	\$23,114.48	305	\$75.79	2020 General	Not Express Advocacy
9	10/8/2020	Firepit PR	\$420.00	46	\$9.13	2020 General	Not Express Advocacy
10	10/8/2020	Barker Printing	\$1,704.55	134	\$12.72	2020 General	Not Express Advocacy
11	10/16/2020	Valley Offset Printing	\$572.01	47	\$12.17	2020 General	Not Express Advocacy
12	10/20/2020	Wichita Postmaster	\$23,114.48	305	\$75.79	2020 General	Not Express Advocacy

Report - 1/10/2021							
Line Item	Date	To	Amount	Number of Endorsements	Expenditure Per Endorsement	Cycle	Notes
13	11/1/2020	Valley Offset Printing	\$578.12	46	\$12.57	2020 General	Not Express Advocacy
14	11/19/2020	Valley Offset Printing	\$12,110.76	305	\$39.71	2020 General	Not Express Advocacy
15	11/19/2020	Valley Offset Printing	\$12,110.76	305	\$39.71	2020 General	Not Express Advocacy
16	11/20/2020	Game Changer Strategies	\$7,000.00	157	\$44.59	2020 General	No Candidate Named
17	12/9/2020	Metro Voice Now	\$537.60	305	\$1.76	2020 General	No Candidate Named

Report - 1/10/2022							
Line Item	Date	To	Amount	Number of Endorsements	Expenditure Per Endorsement	Cycle	Notes
18	8/3/2021	Firepit (for Jo Co Schools)	\$4,505.42	9	\$500.60	2021 Primary	Not Express Advocacy
19	10/19/2021	Firepit (for SG/BU Schools)	\$7,946.15	17	\$467.42	2021 Primary	Not Express Advocacy
20	10/27/2021	Firepit (for Jo Co Schools)	\$7,651.07	40	\$191.28	2021 General	Express Advocacy

2020 Primary	
Total Expenditures	Total Average Expenditure
\$68,289.40	\$140.80

2020 General	
Total Expenditures*	Total Average Expenditure
\$73,725.16	\$277.57

*Note: 2020 General calculations do not include line items 16 or 17.