



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

Rex Gardner
Treasurer for Terry Manies
4621 Trail Road
Lawrence, KS 66049

September 21, 2016

Notification of Material Error or Omission
In A Receipts and Expenditures Report

RE: Receipts and Expenditures Report Due July 25, 2016
(Covering the Period January 1, 2016 thru July 21, 2016)

A review of your Receipts and Expenditures Report identified above indicates the material error(s) or omission(s) listed on the other side of this page. Such error(s) and omission(s) must be corrected within thirty (30) days of the date of this notice by filing an amended report.

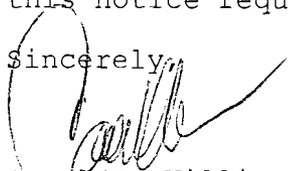
File the amended report within thirty (30) days with:

Secretary of State
120 SW 10th
Memorial Hall
Topeka, KS 66612

As provided by law, a copy of this notice has been made a part of your record in the Secretary of State's Office. The intentional failure to file an amended report within thirty (30) days is a class A misdemeanor. In addition, you may not accept contributions or make expenditures following the end of the thirty (30) day period if the amended report has not been filed.

Additional information and assistance may be obtained by writing or calling this office. If after having contacted this office substantial issues remain unresolved, you may within ten (10) days of receipt of this notice request a hearing before the Commission.

Sincerely,


Carol E. Williams
Executive Director

1. Schedule C (Expenditures & Other Disbursements) of the July 25, 2016 Receipts & Expenditures Report shows a \$212.65 expenditure to Brown's Shoes on 7-2-16 for "Supplies Canvassing". K.S.A. 25-4157a states that campaign funds may not be used for "the personal use of the candidate". The Commission has consistently held that clothing by its very nature is personal. Using campaign funds to purchase clothing is not a legitimate use of campaign funds. In Opinion No. 96-16, the Commission stated that the purchase or renting of formal wear for governmental and political functions is not a permissible use of campaign funds. Further explanation as to how this expenditure has a direct connection with or effect upon the campaign of the candidate must be provided in a letter to the Commission.

2. Schedule C (Expenditures and Other Disbursements) of the July 25, 2016 report shows an expenditure in the amount of \$33.25 for fuel. Pursuant to Advisory Opinion 2007-14, the candidate can only be reimbursed for mileage at the state mileage reimbursement rate. The candidate can not be reimbursed for fuel. The Commission opined "due to the difficulty in determining the allocation of vehicle expenses between a candidate's personal use of a vehicle and the candidate's use of a vehicle for holding political office or for campaign purposes, the Commission now determines that beginning January 1, 2008, the use of campaign funds to pay for otherwise un-reimbursed vehicle expenses will be limited to the state mileage reimbursement rate." When claiming reimbursement for mileage from campaign funds, the treasurer needs to keep detailed records for mileage expenditures showing the dates of travel, the necessity for and specific purpose of the travel, and the actual mileage traveled. It will not be necessary for the candidate to reimburse the campaign account for the fuel purchased. In the future, please be sure to claim reimbursement for mileage at the state rate of 54 cents per mile, not for fuel purchased.

3. The July 25, 2016 report did not disclose a payment to the Secretary of State for the candidate's filing fee. If the filing fee was paid by the candidate from personal funds, it should be recorded on Schedule B (In-Kind Contributions) as an "in-kind" contribution from the candidate to the campaign. If the filing fee was paid from campaign funds, this expenditure should be listed on Schedule C (Expenditures & Other Disbursements). The July 25, 2016 report must be amended by showing the payment of the filing fee either on Schedule B or Schedule C and on the cover summary page.

If you have any questions, feel free to contact this office.