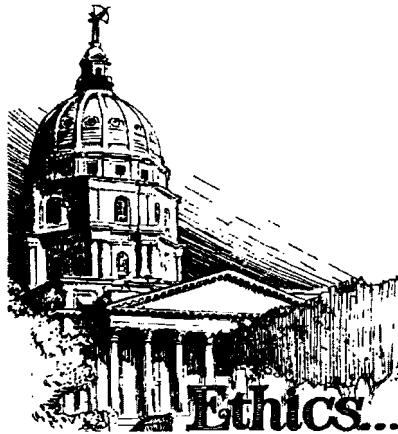


**CAMPAIGN FINANCE ACT
AND
RULES AND REGULATIONS**



**Kansas
Governmental Ethics Commission**

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2016

**Campaign Finance
Statutes**

The following statutes are being published
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25-4142. Citation of act. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and section 14, and amendments thereto shall be known and may be cited as the "campaign finance act."

History: L. 1981, ch. 171, § 1; L. 1989, ch. 111, § 7; L. 1991, ch. 150, § 5; L. 2000, ch. 124, § 11; July 1.

25-4143. Campaign finance; definitions. As used in the campaign finance act, unless the context otherwise requires:

(a) "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.

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

(c) "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.

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

(e) (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;

(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;

(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.

(f) "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.

(g) (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.

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

(i) "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) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) not more than one 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) not more than one 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.

(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(k) (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.

(l) "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.

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

(n) "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 include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

(o) "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 paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

(p) "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.

History: L. 1981, ch. 171, § 2; L. 1989, ch. 111, § 3; L. 1990, ch. 122, § 16; L. 1991, ch. 150, § 6; L. 1995, ch. 192, § 14; L. 1998, ch. 117, § 4; L. 2000, ch. 124, § 12; L. 2001, ch. 159, § 1; July 1.

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. 1990 Supp. 46-265 and amendments thereto shall be eligible for appointment as treasurer for any candidate or candidate committee. The name and address 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 and address 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.

History: L. 1981, ch. 171, § 3; L. 1990, ch. 122, § 1; L. 1991, ch. 150, § 7; July 1.

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 and addresses 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 \$2,501 or more in any calendar year shall be accompanied by an annual registration fee of \$300.

(3) Each registration by a political committee anticipating the receipt of more than \$500 but less than \$2,501 in any calendar year shall be accompanied by an annual registration fee of \$50.

(4) Each registration by a political committee anticipating the receipt of \$500 or less in any calendar year shall be accompanied by an annual registration fee of \$25.

(5) Any political committee which is currently registered under subsection (d)(3) or (d)(4) and which receives contributions in excess of \$2,500 for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form which shall be accompanied by an additional fee for such year equal to the difference between \$300 and the amount of the fee that accompanied the current registration.

(6) Any political committee which is currently registered under subsection (d)(4) and which receives contributions in excess of \$500 but which are less than \$2,501, shall file, within three days of the date when contributions exceed \$500, an amended registration form which shall be accompanied by an additional fee of \$25 for such year.

(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.

History: L. 1981, ch. 171, § 4; L. 1984, ch. 145, § 4; L. 1990, ch. 122, § 2; L. 1991, ch. 150, § 8; L. 1994, ch. 144, § 2; L. 1998, ch. 117, § 5; L. 2000, ch. 168, § 2; L. 2001, ch. 5, § 89; L. 2015, ch. 85, § 5, July 1.

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.

History: L. 1981, ch. 171, § 5; L. 1990, ch. 122, § 3; L. 1995, ch. 203, § 2; L. 1998, ch. 117, § 6; July 1.

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.

History: L. 1981, ch. 171, § 6; L. 1984, ch. 145, § 5; L. 1998, ch. 117, § 7; July 1.

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

tide 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.

History: L. 1981, ch. 171, § 7; L. 1984, ch. 145, § 6; L. 1989, ch. 111, § 4; L. 1990, ch. 122, § 4; L. 1997, ch. 12, § 1; L. 1998, ch. 117, § 8; L. 2007, ch. 125, § 8; L. 2008, ch. 166, § 4; L. 2009, ch. 134, § 9; July 1.

25-4148a. Reports of contributions; occupation and industry 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.

History: L. 1989, ch. 111, § 2; L. 1991, ch. 150, § 43; L. 2008, ch. 166, § 5; L. 2015, ch. 85, § 3; July 1.

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

(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, other than officers elected on a state-wide basis, 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. Reports filed by treasurers for candidates for state-wide office shall be filed 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. 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.

History: L. 2008, ch. 166, § 1; July 1.

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.

History: L. 2008, ch. 166, § 2; July 1.

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) 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) "Contribution" shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

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

(3) "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.

History: L. 2008, ch. 166, § 3; July 1.

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.

History: L. 1981, ch. 171, § 8; L. 1990, ch. 122, § 5; May 31.

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 statewide 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.

History: L. 1981, ch. 171, § 9; L. 1990, ch. 122, § 6; L. 1998, ch. 117, § 9; July 1.

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.

History: L. 1981, ch. 171, § 10; L. 2007, ch. 125, § 9; July 1.

25-4152. Failure to file certain reports; notice; civil penalties; waiver or collection of penalties. (a)

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) 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.

(c) 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.

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

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 each calendar year, and the aggregate amount contributed to any other party committee by a national party committee shall not exceed \$10,000 in each 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.

History: L. 1981, ch. 171, § 12; L. 1986, ch. 115, § 80; L. 1989, ch. 111, § 5; L. 1990, ch. 122, § 8; L. 1991, ch. 150, § 11; July 1

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.

(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.

History: L. 1990, ch. 306, § 10; L. 1997, ch. 191, § 1; L. 2000, ch. 124, § 13; L. 2007, ch. 125, § 1; L. 2015, ch. 85, § 6; July 1.

25-4153b. Contributions and expenditures; limitations. 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 the legislature.

History: L. 2000, ch. 124, § 14; July 1.

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.

History: L. 1981, ch. 171, § 13; July 1.

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.

History: L. 1981, ch. 171, § 14; July 1.

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 subsection (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 which 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 which 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 which 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 which 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 which 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 which 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 which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

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 which 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 which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph (E) requiring the disclosure of the name of an individual shall apply only to any website, e-mail or other type of internet communication which is made by the candidate, the candidate's candidate committee, a political committee or a party committee and such website, e-mail 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 which 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 200 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 which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

History: L. 1981, ch. 171, § 15; L. 1985, ch. 124, § 1; L. 1990, ch. 122, § 9; L. 1998, ch. 117, § 11; L. 2007, ch. 196, § 4; L. 2009, ch. 134, § 8; L. 2015, ch. 85, § 7; July 1.

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.

History: L. 1981, ch. 171, § 16; L. 1990, ch. 122, § 10; L. 2015, ch. 85, § 8; July 1.

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

(1) Legitimate campaign purposes;

(2) expenses of holding political office;

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

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

(5) 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;

(6) 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; or

(7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for "personal use" shall include 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.

History: L. 1989, ch. 114, § 1; L. 1990, ch. 306, § 8; L. 1991, ch. 150, § 12; L. 1992, ch. 234, § 1; L. 1995, ch. 157, § 1; L. 1998, ch. 117, § 12; L. 2008, ch. 166, § 6; L. 2015, ch. 85, § 9; July 1.

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; notice to person being investigated; order of court, contempt; person claiming testimony or evidence may tend to incriminate or subject

person to penalty or forfeiture. (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, 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. 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 $\frac{3}{4}$ of the members of the commission. Any vote authorizing the issuance of a subpoena or subpoena duces tecum shall be taken at a meeting where the commissioners are in physical presence. Subpoenas duces tecum shall be limited to items reasonably relevant to such alleged violations. Upon the request of any person subpoenaed to appear and give testimony or to produce books, papers or documents, the commission shall provide a copy of the written findings of fact and conclusions of laws relating to the alleged violation committed by such person.

(2) In case of contumacy by, or refusal to obey a subpoena issued to any person, the district court of Shawnee county, upon application by the commission, or any officer designated by the commission, may 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.

History: L. 1981, ch. 171, § 17; L. 1990, ch. 122, § 11; L. 1991, ch. 150, § 13; L. 1998, ch. 29, § 1; July 1.

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 provision of this section shall be part of and supplemental to the Kansas campaign finance act.

History: L. 2007 ch. 125, § 7; July 1.

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.

History: L. 1981, ch. 171, § 18; July 1.

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.

History: L. 1981, ch. 171, § 19; July 1.

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 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, the commission shall fix a time for a hearing of the matter, which shall be not more than 30 days after such

finding. 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.

History: L. 1981, ch. 171, § 20; L. 1984, ch. 145, § 2; L. 1988, ch. 369, § 1; L. 1990, ch. 129, § 5; L. 1991, ch. 150, § 14; July 1.

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.

History: L. 1981, ch. 171, § 21; July 1.

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, the commission, before the hearing has commenced, shall issue subpoenas and subpoenas *duces tecum* at the request of any party. Any hearing held under K.S.A. 25-4161, 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. Final determination of all complaints shall be made by the commission as a whole. The chairperson of the commission or other member presiding over the commission or the presiding member of any subcommittee of the commission shall have the power to: (1) Administer oaths and affirmations; and (2) compel, by subpoena, the attendance of witnesses and the production of pertinent books, papers and documents. Witnesses shall be entitled to receive fees and mileage as provided by law for witnesses in civil actions, which

shall be paid out of appropriations to the commission. Depositions may be taken and used in the same manner as in civil actions. Any person subpoenaed to appear and give testimony or to produce books, papers or documents, who fails or refuses to appear or to produce such books, papers or documents, or any person, having been sworn to testify, who refuses to answer any proper question, may be cited for contempt of the district court of Shawnee county, Kansas. The commission shall report to such court the facts relating to any such contempt. Thereupon proceedings before such court shall be had as in cases of other civil contempt.

(b) At every hearing held by the commission:
(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.

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

History: L. 1981, ch. 171, § 22; L. 1990, ch. 306, § 9; May 31.

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.

History: L. 1981, ch. 171, § 23; July 1.

25-4165. Commission records; confidentiality; release to attorney general and certain prosecuting attorneys; public records. 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, shall be public records and open to public inspection.

History: L. 1981, ch. 171, § 24; July 1.

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.

History: L. 1981, ch. 171, § 25; July 1.

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.

History: L. 1981, ch. 171, § 26; L. 1994, ch. 73, § 1; April 7.

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.

History: L. 1981, ch. 171, § 27; July 1.

25-4169.

History: L. 1981, ch. 171, § 28; Repealed L. 1985, ch. 124, § 4; July 1.

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) (1) 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.

History: L. 1991, ch. 150, § 15; L. 1998, ch. 117, § 13; L. 2008, ch. 145, § 6; L. 2009, ch. 143, § 13; L. 2015, ch. 85, § 10; July 1.

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.

History: L. 1981, ch. 171, § 29; July 1.

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.

History: L. 1981, ch. 171, § 30; L. 1984, ch. 145, § 3; L. 1989, ch. 111, § 8; L. 1990, ch. 129, § 6; July 1.

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.

History: L. 1981, ch. 171, § 31; L. 1986, ch. 144, § 1; L. 1990, ch. 122, § 12; May 31.

25-4173. Candidate's affidavit of intent to expend and receive less than \$1000; 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 \$1000, 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 \$1000 in each of the primary and the 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.

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

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.

History: L. 1981, ch. 171, § 33; L. 1985, ch. 124, § 3; July 1.

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 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.

History: L. 1981, ch. 171, § 34; L. 1990, ch. 122, § 14; L. 1998, ch. 117, § 15; July 1.

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.

History: L. 1981, ch. 171, § 35; July 1.

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.

History: L. 1981, ch. 171, § 36; July 1.

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.

History: L. 1981, ch. 171, § 37; L. 1991, ch. 150, § 16; July 1.

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.

History: L. 1981, ch. 171, § 38; July 1.

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 unfilled. 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 unfilled, 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.

History: L. 1987, ch. 129, § 1; L. 1991, ch. 150, § 17; L. 1998, ch. 117, § 16; L. 1998, ch. 168, § 2; L. 2001, ch. 5, § 91; July 1.

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. 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 governmental ethics commission fee 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.

History: L. 1988, ch. 369, § 2; L. 1991, ch. 150, § 18; L. 1995, ch. 203, § 1; L. 1998, ch. 117, § 17; L. 2001, ch. 5, § 92; July 1.

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. 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.

History: L. 1988, ch. 369, § 3; L. 1991, ch. 150, § 19; July 1.

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.

History: L. 1988, ch. 369, § 4; L. 1991, ch. 150, § 20; July 1

25-4184. Same; consent decree. The commission may enter into a consent decree with any person who has violated the campaign finance act.

History: L. 1988, ch. 369, § 5; L. 1991, ch. 150, § 21; July 1.

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.

History: L. 1988, ch. 369, § 6; L. 1991, ch. 150, § 22; July 1. 2010, ch. 17, § 41; July 1.

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.

History: L. 1994, ch. 209, § 1; L. 1998, ch. 117, § 18; L. 1998, ch. 168, § 3; July 1.

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.

History: L. 1994, ch. 209, § 2; July 1

25-4188. Residual inauguration contributions not otherwise obligated credited to executive mansion gifts fund. Notwithstanding the provisions of subsection (i) of K.S.A. 25-4186, and amendments thereto, all residual inauguration contributions for the 1999 gubernatorial inauguration, and gubernatorial inaugurations thereafter, that are not otherwise obligated for payment of expenses incurred for the gubernatorial inauguration and not credited to the inaugural expense fund in accordance with paragraph (i)(1) of K.S.A. 25-4186, and amendments thereto, shall be credited 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.

History: L. 1998, ch. 172, § 2; July 1.

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.

History: L. 2011, ch. 112, § 18; July 1

**Campaign Finance
Rules and Regulations**

**Article 20.—CAMPAIGN FINANCE ACT;
GENERAL PROVISIONS**

19-20-1. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; revoked May 1, 1980.)

19-20-2. Definitions. (a) The term "act," unless the context requires otherwise, means K.S.A. 25-4142 et seq., including related amendments, supplemental legislation, and rules and regulations.

(b) "In-kind contribution" means a contribution of goods, services, or anything of value to a candidate, candidate committee, party committee, or any representative of them without charge or provision of such items at a charge to the recipient of less than the fair market value. "In-kind contribution" also means the use of any goods, services, or anything of value, or the spending of any money, for the benefit of any candidate, candidate committee, party committee, or political committee when the use or expenditure is made in cooperation with or with the consent of the candidate, committee, or representative of them.

(c) "Session" means both the regular and special sessions of the legislature. Regular session includes the time period commencing January 2 through final adjournment. Special session includes the time of commencement through final adjournment. (Authorized by K.S.A. 1991 Supp. 25-4119a; implementing K.S.A. 1991 Supp. 25-4143 and K.S.A. 1991 Supp. 25-4153a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective, Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; amended June 22, 1992.)

19-20-4. Disclosures required on political advertising. (a) Each disclosure required pursuant to K.S.A. 25-4156(b)(1)(A)-(C) and amendments thereto shall appear at the bottom of the advertisement or item and shall contain both the name of the chairperson, treasurer, or other responsible party and the name of the organization that the responsible party represents. With regard to the required disclosure, the following requirements shall apply:

(1) The name of the organization alone shall not be sufficient.

(2) If a political committee is responsible for the advertisement or item, the chairperson's name and the name of the political committee shall be disclosed.

(3) If a candidate or candidate committee is responsible for the advertisement or item, the

treasurer's name and the name of the candidate or candidate committee shall be disclosed.

(4) If an organization that has a chairperson, other than a political committee, candidate, or candidate committee, is responsible for the advertisement or item, the chairperson's name and the name of the responsible organization shall be disclosed.

(5) If an organization that does not have a chairperson, other than a political committee, candidate, or candidate committee, is responsible for the advertisement or item, then the responsible individual listed shall be one of the following:

(A) The individual who is the primary funding source;

(B) if no individual is the primary funding source, the individual who controlled the decision to place the advertisement or produce the item; or

(C) if no one individual controlled the decision, the individual who controlled the funds.

(6) If an individual is responsible for the item, that individual's name shall be disclosed, unless the advertisement or item is a brochure, flier, or other political fact sheet and the individual makes expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(7) The following disclosures shall be considered adequate when placed at the bottom of the advertisement or item:

(A) Paid for by the (name of candidate) campaign, (name of treasurer), treasurer;

(B) paid for by (name of candidate) for (title of office sought), (name of treasurer), treasurer;

(C) sponsored by the committee to elect (name of candidate), (name of chairperson), chairperson;

(D) paid for by (name of political action committee) political action committee, (name of treasurer), treasurer; and

(E) advertisement: paid for by committee to elect (name of candidate), (name of chairperson), chairperson.

(b) The phrase "brochure, flier or other political fact sheet," as used in K.S.A. 25-4156 and amendments thereto, shall include the following if the items "expressly advocate the nomination, election or defeat of a clearly identified candidate," as defined by K.S.A. 25-4143 and amendments thereto:

(1) Business cards;

(2) door hangers;

(3) windshield fliers;

(4) postcards;

(5) fund-raiser invitations;
 (6) traditional brochures, fliers, or mailers; and
 (7) web sites, e-mails, or other types of internet communications.

(c) The phrase "brochure, flier or other political fact sheet" shall not include any of the following:

(1) Yard signs;
 (2) billboards;
 (3) bumper stickers;
 (4) envelopes;
 (5) t-shirts;
 (6) pens, pencils, rulers, magnets, or other trinket items; or
 (7) fund-raiser invitations, business cards, brochures, or fliers if these items do not expressly advocate the nomination, election or defeat of a clearly identified candidate.

(d) A postal or internet address that contains words that expressly advocate the nomination, election or defeat of a clearly identified candidate shall be considered political advertising if that address is published. Published matter containing an address that constitutes political advertising shall require a disclosure pursuant to K.S.A. 25-4156 and amendments thereto. (Authorized by K.S.A. 2007 Supp. 25-4119a; implementing K.S.A. 2007 Supp. 25-4156; effective Jan. 23, 2004; amended July 18, 2008.)

Article 21.—CANDIDATES AND COMMITTEES

19-21-1. Candidate appointment of treasurer or committee. (a) Whenever any of the tests set forth in 1981 Kansas Session Laws, Chapter 171, Sec. 2(a) (Note: see K.S.A. 25-4143(a)) are met, an individual becomes a candidate on the date that test is met.

(1) For the purpose of this section, an appointment does not take place until an agency relationship is completed and the individual to be appointed takes significant action based on that relationship which is intended to influence the nomination or election to state office of the individual considering seeking that office.

(2) An announcement is not a public announcement unless it is intended to inform the general public that the individual is seeking nomination or election to state office.

(3) An individual makes a public announcement, or makes an expenditure or accepts a contribution if the individual does so directly, or directly or indirectly authorizes another to do so on the individual's behalf or directly or indirectly ratifies the action of another.

(b) A candidate may serve as his or her own treasurer. Only one treasurer or one candidate committee may exist at the same time. A prior treasurer or committee and a new treasurer or committee for a different candidacy may exist at the same time so long as the prior treasurer or committee does not serve in any capacity of an ongoing nature to advance the later candidacy and only to the extent necessary to close its affairs. (See K.A.R. 19-21-2 for the requirements if a candidate committee is appointed.) (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4143(a) and 25-4144; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

19-21-2. Candidate committees. (a) *General.* A candidate appoints a committee either directly or if he or she directly or indirectly authorizes a group of individuals to receive contributions or make expenditures on the candidate's behalf, or ratifies the actions of such group. A candidate shall have no more than one candidate committee at any one time.

(b) *Appointment of officers and structure.* The candidate shall appoint one chairperson and one treasurer of the candidate committee for the purposes of the act. A candidate or candidate committee member may serve as both chairperson and treasurer for a candidate committee. The committee may consist of such other officers as the candidate may desire including co-chairpersons. A candidate committee may be divided into regional and local subdivisions as long as such subdivisions are under the direct control of the chairperson and treasurer and such subdivisions otherwise comply with the terms of the act. (Authorized by K.S.A. 1979 Supp. 25-4103, 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended, E-79-24, Sept. 21, 1978; amended May 1, 1979; amended May 1, 1980.)

19-21-3. Political committees. (a) *General.* The following factors shall be considered in determining whether a combination of two or more persons, or a person other than an individual, constitutes a political committee:

(1) The intent of the person or persons;
 (2) The amount of time devoted to the support or opposition of one or more candidates for state office;
 (3) The amount of time devoted to the support or opposition of any other political committee or party committee;

(4) The amount of contributions, as defined by the act, made to any candidate, candidate committee, party committee or political committee;

(5) The amount of expenditures, as defined by the act, made on behalf of any candidate, candidate committee, party committee or political committee; and

(6) The importance to any candidate, candidate committee, party committee or political committee of the activities in which the person or persons engage.

(b) *Structure and filing statement of organization.* Each political committee which anticipates that it will receive contributions or make expenditures shall appoint one chairperson and one treasurer for the purposes of the act. A political committee member may serve as both chairperson and treasurer. A political committee may appoint such other officers as it desires, including co-chairpersons.

(c) *Payroll deduction plan exception.* Any person or persons who receive political contributions under a program similar to a payroll deduction plan shall be presumed not to be a political committee if the program administered by the person or persons meets all of the following tests:

(1) The decision to make any contribution by any individual employee is strictly voluntary;

(2) The employee alone determines to whom the employee's contribution will be distributed;

(3) Any contribution made by the employee is made and transferred in the employee's name only; and

(4) The recipient candidate or committee is not made aware by the employer or the employer's agents that the contribution was made as a part of any such program.

(d) *Affiliated or connected organizations.*

(1) An organization shall be considered to be affiliated or connected with a reporting political committee if it is:

(A) an organization or group which founded or maintains the reporting committee with a major purpose of influencing the nomination or election of a candidate or candidates to state office;

(B) an organization or group which has as a major purpose providing support to a reporting committee or committees;

(C) an organization or group whose membership is generally composed of the same individuals as the reporting committee where the reporting committee advances the political goals of the organization either directly or indirectly on behalf of the organization; or

(D) an organization or group, whether or not a reporting committee, which is substantially controlled, directly or indirectly, by a reporting committee or committees or the controlling persons thereof. In addition, any organization or group controlling an affiliated or connected organization shall likewise be considered an affiliated or connected organization of the group or organization which it controls.

(2) *Exceptions.* If a state-wide union or professional or trade association is considered to be an affiliated or connected organization of a particular political committee under any of the above tests, local units of such unions or associations shall be presumed not to be affiliated or connected organizations of the political committee so long as the state-wide entity is reported as such. (Authorized by K.S.A. 25-4119a as amended by L. 1986, Ch. 143, Sec. 1; implementing K.S.A. 25-4143 and K.S.A. 1985 Supp. 25-4145; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended, E-79-24, Sept. 21, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1987.)

19-21-4. Party committees. (a) Party committees do not include committees authorized and regulated by K.S.A. 25-3803 or 25-3806. These committees may, however, in appropriate circumstances constitute political committees under K.A.R. 19-21-3.

(b) A party committee shall be subject to the same requirements as a political committee as set out in K.A.R. 19-21-3(b) and (d). However, county central committees shall not be deemed, for the purpose of this section, to be affiliated or connected organizations of their respective state committees. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4143, 25-4145; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

19-21-5. Other reporting persons. Every person, other than a candidate or a candidate committee, party committee, or political committee, who makes independent contributions or expenditures other than by contribution to a candidate or a candidate committee, party committee, or political committee, in an aggregate amount of one hundred dollars (\$100) or more within a calendar year shall make verified statements containing the information required by K.A.R. 19-29-2 on forms prescribed and provided

by the commission, and file them in the office of the secretary of state so that each statement is in that office on the day specified in 1981 Kansas Session Laws, Chapter 171, Sec. 7. Reports made under this section need not be cumulative. For the purposes of this section, "independent contributions and expenditures" means contributions or expenditures made without cooperation or consent of the candidate or committee intended to be benefited and which expressly advocate the election or defeat of a clearly identified candidate. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4150; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

19-21-6. Out-of-state committees, and persons.

Any combination of three or more individuals or a person other than an individual, not domiciled in this state, which is required to file a verified statement pursuant to K.S.A. 25-4172 as amended by L. 1986, Ch. 144, § 1 shall include the names and addresses of contributors who are residents of Kansas, non-residents with jobs in Kansas, and those making contributions earmarked for use in Kansas. Other contributions may be disclosed in the aggregate. (Authorized by K.S.A. 25-4119a as amended by L. 1986, Ch. 143, Sec. 1; implementing K.S.A. 25-4172 as amended by L. 1986, Ch. 144, Sec. 1; effective, E-77-29, June 3, 1976; effective, Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1987.)

**Article 22.—CONTRIBUTIONS AND
OTHER RECEIPTS**

19-22-1. Contributions. (a) *General.* A transfer of goods and services, or the forgiving of a debt, or the rendering of a discount, does not constitute a contribution if the transaction is made in the ordinary course of business or complies with common trade practices and does not have as its purpose the influencing of the nomination or election of any individual to state office. In addition, the carryover of funds or inventory by a candidate, candidate committee, party committee or political committee from one election period to another or the transfer thereof to a bona fide successor committee or candidacy does not constitute a contribution.

(b) *Transfer of funds.* Except as provided in subsection (a), the transfer of funds between any two (2) or more candidates, candidate committees, party committees or political committees constitutes a

contribution made to the recipient. (See K.A.R. 19-23-1(b) for the treatment of such transactions by the donor.)

(c) *Candidate contributions.* The transfer of a candidate's personal funds to the candidate's treasurer for use by the treasurer in the candidate's campaign constitutes a contribution made by the candidate.

(d) *In-kind contributions.* An in-kind contribution constitutes a contribution. Those transactions which are excluded from the definition of in-kind contribution are likewise excluded from the definition of contribution. (See K.A.R. 19-24 for the definition of in-kind contribution.) (Authorized by K.S.A. 1979 Supp. 25-4102(d), 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-22-2. Other receipts. Rebates and refunds given in the ordinary course of business constitute other receipts, as do the transfer of funds from an existing committee to its successor. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

**Article 23.—EXPENDITURES AND
OTHER DISBURSEMENTS**

19-23-1. Expenditures. (a) *General.* The carryover of funds or inventory by a candidate, candidate committee, party committee or political committee from one election period to another or the transfer thereof to a bona fide successor's committee or candidacy does not constitute an expenditure. In addition, expenditure does not include costs which are directly related to any communication by an incumbent elected state officer with one or more of the incumbent's constituents unless the primary purpose of such direct costs is to influence the nomination or election of the candidate. In addition, those indirect costs which facilitate such communications and are insubstantial in value per person are within the exclusion unless the primary purpose of such indirect costs is to influence the nomination or election of the candidate. Costs which relate to communications occurring forty-five (45) days after adjournment *sine die* of the legislature in an election year when the elected state officer is seeking office are presumed to be for the primary purpose of influencing the candidate's election. Costs related to a response by an incumbent official to inquiries from the public concerning any official matter before the incumbent do not fall within this presumption.

(b) *Transfer of funds.* Except as provided in subsection (a), the transfer of funds between any two (2) or more candidates, candidate committees, party committees or political committees constitutes an expenditure made by the transferor, provided however that a transfer from one (1) candidate or candidate committee to another and different candidate or candidate committee, or political committee or party committee, does not constitute an expenditure by the transferor when the funds thus transferred are not used for the transferor's benefit (see K.A.R. 19-23-2 concerning the treatment of the transfer as an other disbursement).

(c) *Filing fees.* The payment of a candidate's filing fee constitutes an expenditure.

(d) *Meeting the requirements of the act.* Costs associated with attending informational meetings of the commission or otherwise obtaining information from the commission do not constitute expenditures. In addition, costs associated with defending actions brought pursuant to the act do not constitute expenditures. Costs associated with employing accountants, attorneys, or other persons for advice concerning the requirements of the act or to keep accounts and records do, however, constitute expenditures.

(e) *Treasurer's payment of certain costs.* The payment by the treasurer of a candidate or a candidate committee of costs incurred for the personal meals, lodging and travel by personal automobile of the candidate or the candidate's spouse does not constitute an expenditure.

(f) *In-kind contributions.* An in-kind contribution constitutes an expenditure. Those transactions which are excluded from the definitions of in-kind contributions are likewise excluded from the definition of expenditure. (See K.A.R. 19-24 for the definition of in-kind contribution.) (Authorized by K.S.A. 1979 Supp. 25-4102(f), 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-23-2. Other disbursements. Other disbursements include but are not limited to:

(a) the repayment of loans by a treasurer in his or her official capacity as such;

(b) the disbursement of illegal contributions;

(c) the payment of recoverable security deposits; and

(d) transfers to other treasurers or to a successor

committee which do not constitute expenditures. (Authorized by K.S.A. 1979 Supp. 25-4108, 25-4119a effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Article 24.—IN-KIND CONTRIBUTIONS

19-24-1. Value of an in-kind contribution. The value of an in-kind contribution shall equal the fair market value of the item or service if it had been purchased, sold, or leased in the ordinary course of business. When a charge is made for an item or service which is less than the fair market value, then the difference between the fair market value and the charge shall be the value of the in-kind contribution. The donor of the item or service shall place the value on the in-kind contribution when given. The treasurer may question the value set by the donor if it appears unreasonable and shall revalue the in-kind contribution to a reasonable value. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4143; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

19-24-2. Candidate in-kind contributions. The transfer of anything of value by the candidate to his or her campaign without charge or at a charge of less than the fair market value constitutes an in-kind contribution. That payment by a candidate or the candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning does not constitute an in-kind contribution. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-24-3. Endorsements, voter registration drives and related matters. The costs associated with any news story, commentary, or editorial distributed in the ordinary course of business by a broadcasting station, newspaper or other periodical publication does not constitute an in-kind contribution. In addition, costs associated with nonpartisan activities designed to encourage individuals to register to vote or to vote do not constitute in-kind contributions. Finally, the costs associated with internal organizational communications of business, labor, professional or other associations which merely endorse a candidate

do not constitute in-kind contributions. (Authorized by K.S.A. 1976 Supp. 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977.)

19-24-4. Volunteer service. The value of volunteer services provided without compensation does not constitute an in-kind contribution. Costs to a volunteer which are related to the rendering of volunteer services which do not exceed a fair market value of fifty dollars (\$50) during an allocable election period are also excluded from the definition of in-kind contribution. Once the fifty dollar (\$50) limit is reached in any allocable period, the excess during that period constitutes an in-kind contribution. For the purpose of K.A.R. 19-24 a candidate shall be considered a volunteer. (Authorized by K.S.A. 1979 Supp. 25-4102(d), 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-24-5. Campaign worker expenditures. When a campaign worker is reimbursed for payments the worker has made during the same allocable election period in which the payment is made, the campaign worker has not made an in-kind contribution. Payments which are not reimbursed in the same allocable election period in which they are made constitute in-kind contributions. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-76-56, Nov. 25, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-24-6. General overhead and other costs. (a) *Party committees.* Expenditures by a party committee for its own general overhead, salaries and supplies do not constitute reportable in-kind contributions to the candidates of the party. Other expenditures by a party committee which are intended to accrue to the equal benefit of its candidates do not constitute reportable in-kind contributions. In addition, costs associated with the provisions of campaign materials and general advice by a party committee to its candidates do not constitute reportable in-kind contributions to the recipient except to the extent the materials are prepared for a specific candidate or the advice is of a specialized nature and the value exceeds fifty dollars (\$50) in any allocable election period.

(b) *Affiliated or connected organizations of political committees.* Expenditures by an affiliated organization

of a political committee, to the extent the expenditures exceed fifty dollars (\$50) during an allocable period for the use of office space to a political committee constitute reportable in-kind contributions to the committee. Costs associated with the provision of supervisory personnel, clerical or secretarial assistance constitute reportable in-kind contributions to the extent the costs exceed a value of fifty dollars (\$50) during an allocable election period. Where the supervisory personnel, clerks or secretaries volunteer their time and are not reimbursed no in-kind contribution exists. In addition, the provision of office supplies and telephone services by an affiliated organization to its political committee constitute reportable in-kind contributions but only to the extent the value exceeds fifty dollars (\$50) during an allocable election period. (Authorized by K.S.A. 1980 Supp. 25-4119a; implementing K.S.A. 1980 Supp. 25-4102(d),(f); effective, E-77-29, June 3, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1981.)

Article 25.—TESTIMONIAL EVENTS AND OTHER POLITICAL EVENTS

19-25-1. Testimonial events. When a testimonial event is held for the benefit of more than one candidate, except when an individual contributor dedicates a contribution to a particular candidate, the value of each contribution or in-kind contribution shall be attributed to each candidate in the same ratio as that by which the candidates share the profits from the event, or, if there are no profits, in the same ratio by which the candidates share the expenses of the event. An event is held to raise funds if it is intended to do so, or if not intended to do so, if the effect is nonetheless attained. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4143; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

19-25-2. Other political events. (a) *Purchase of tickets, goods or services.* The purchase of tickets, goods or services at political events or fund raisers which do not constitute testimonial events constitute contributions when the price substantially exceeds the value of the goods or services received, provided however, that a bulk purchase of tickets, goods or services constitutes a contribution. A bulk purchase is made whenever a person purchases tickets in excess of that reasonably necessary for the person's personal use and that of his or her immediate family. The value to

be attributed to a contribution which occurs when the price paid substantially exceeds the value of the goods or services is the difference between the price and the fair market value of the goods or services. A treasurer may, if the treasurer so desires, consider the price the value of the contribution. The value attributed to a contribution when a bulk purchase is made is the full value of the bulk purchase.

(b) *Donation of goods.* The value of goods donated to political events and fund raisers which do not constitute testimonial events are treated in the same manner as donations to testimonial events. (See K.A.R. 19-25-1(c).) (Authorized by K.S.A. 1979 Supp. 25-4102(d)(1), 25-4102(l), 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Article 26.—RECEIVING CONTRIBUTIONS AND MAKING EXPENDITURES

19-26-1. Treasurer's duty. All contributions or other receipts received and all expenditures or other disbursements made by or on behalf of a candidate or committee shall be received or made by or through the treasurer. For a contribution or other receipt to be received or an expenditure or other disbursement to be made by or through a treasurer, it must be received or made by a person who is the agent of the treasurer either by prior approval or by ratification. In either case the treasurer is required to keep records of the transaction as if received or made by the treasurer. (Authorized by K.S.A. 1979 Supp. 25-4105, 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-26-2. Solicitation of contributions. Solicitors of contributions on behalf of a particular candidate or committee shall be deemed a part of the candidate or committee and therefore will not be required to report the contributions on their own behalf so long as the following tests are met:

(a) Prior approval both to permit solicitation and the procedure to be used has been received by the candidate's or committee's treasurer;

(b) The treasurer has final discretion over the activities of the solicitors;

(c) Contributions are made payable to the candidate or committee and are turned over to the treasurer pursuant to 1981 Kansas Session Laws, Chapter 171, Sec. 6 (Note: see K.S.A. 25-4147);

(d) All expenditures incurred in soliciting the contributions are reported to the treasurer in the same

manner as provided for contributions by 1981 Kansas Session Laws, Chapter 171, Sec. 6 (Note: see K.S.A. 25-4147); and

(e) The treasurer keeps and preserves all records of these contributions and expenditures as a part of the treasurer's accounts and records and reports when required by the act. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4147 and 25-4150; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

19-26-3. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; revoked May 1, 1980.)

Article 27.—ACCOUNTS AND RECORDS

19-27-1. Duty of treasurer. Each treasurer shall keep accounts and records of all contributions and other receipts received and all expenditures and other disbursements made by or on behalf of the treasurer's candidate or committee, as well as all other transactions relating thereto. A treasurer keeps such accounts and records if he or she does so directly or if another person does so under the treasurer's continuing supervision, authority and review. Whenever an individual vacates the position of treasurer, the individual shall substantiate the accuracy of his or her accounts and records to the succeeding treasurer on forms prescribed by the commission. The term "accuracy" shall mean true, complete and correct. The statement of substantiation shall become a part of the succeeding treasurer's records. (Authorized by K.S.A. 1980 Supp. 25-4106, 25-4119a; implementing K.S.A. 1980 Supp. 25-4105, 25-4106; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1981.)

19-27-2. Contributions and other receipts. (a) Each treasurer shall maintain a complete record of all contributions as follows:

(1) A detailed account of all contributions, including tickets or admissions to testimonials or other political events, that includes the following:

(A) The full name and address of the person making the contribution;

(B) the occupation of each individual contributor who contributes more than \$150 or, if the individual contributor is not employed, the occupation of the

contributor's spouse;

(C) a description of the contribution as cash, check, in-kind, or loan, including the rate of interest, term, guarantor, and endorser;

(D) the date received;

(E) the amount; and

(F) the cumulative amount given by the contributor that is allocable to the primary or general election period;

(2) the date, the amount, and a description of each contribution of \$10 or less for which the name and address of the contributor is not known, subject to the limitations of K.S.A. 25-4154 and amendments thereto; and

(3) the aggregate total of all contributions received as the proceeds from the sale of political materials and the date of each sale and a description of the materials sold.

(b) Each treasurer shall keep an account of all other receipts, including the following:

(1) The full name and mailing address of a person making the payment;

(2) a description of the other receipt indicating whether the receipt is a rebate, refund, or other miscellaneous receipt;

(3) the date received; and

(4) the amount of the receipt.

(c) Each treasurer shall perform one of the following:

(1) Photocopy each contribution or other receipt in the form of a check, money order, or similar instrument in the amount of \$50 or more and keep all deposit slips with the photocopies of the checks to which the deposit slips relate; or

(2) at the request of the commission, arrange with a depository or other person to provide the commission with these photocopies at the treasurer's expense. In addition, when necessary, each treasurer shall arrange with the treasurer's depository to permit the commission access to the depository's records of any contributions or other receipt in the form of a check, money order, or similar instrument at the treasurer's expense.

(d) Cash and in-kind contributions and other cash and in-kind receipts in an amount of \$10 or more shall be accounted for by written receipt, the original of which shall be kept by the treasurer. These receipts shall include the full name and address of the person making the contribution or payment, the date, and the amount. Each receipt shall be signed by the treasurer or the treasurer's agent. If the contribution is an in-kind

contribution, a complete description shall be attached to the receipt.

(e) All treasurers or committees that use online merchant account providers or maintain a payroll deduction, dues, checkoff, or comparable system for political contributions shall keep sufficient supporting documentation to fully substantiate each contribution or transfer to the committee. (Authorized by K.S.A. 2007 Supp. 25-4119a; implementing K.S.A. 25-4147, K.S.A. 2007 Supp. 25-4148, and K.S.A. 25-4148a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended, E-77-29, June 3, 1976; amended, E-77-47, Sept. 30, 1976; amended, E-79-24, Sept. 21, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended June 22, 1992; amended July 18, 2008.)

19-27-3. Expenditures and other disbursements.

(a) Each treasurer shall keep a detailed account of all expenditures, including:

(1) The full name and address of a person to whom the expenditure is made;

(2) The purpose of the expenditure;

(3) The date of the expenditure; and

(4) The amount of the expenditure.

(b) Each treasurer shall keep a detailed account of all other disbursements, including:

(1) The full name and address of the person to whom the disbursement is made;

(2) The purpose of the disbursement;

(3) The date of the disbursement; and

(4) The amount of the disbursement.

(c) Each treasurer shall obtain and keep a receipted bill from the person to whom an expenditure or other disbursement is made, which bill shall contain the information required in subsections (a) and (b) of this section. In lieu of a receipted bill the treasurer may keep the cancelled check(s) showing payment(s) and the bill, invoice, contract or other documentation of the transaction containing the information required in subsections (a) and (b) of this section.

(d) Each treasurer shall keep all cancelled checks, void checks, cancelled deposit slips, and bank statements in the order in which they are received.

(e) When expenditures are made by payments to advertising agencies, public relations firms, and political consultants for disbursement to vendors, each treasurer shall obtain and keep the documentation required by subsection (c) of this section. The documentation shall in turn contain the information

required in subsection (a) of this section for each vendor to which disbursements are made by the advertising agency, public relations firm, or political consultant. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4147; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

19-27-4. Maintenance, preservation and inspection. (a) *Maintenance.* All accounts shall be kept reasonably current at all times and shall be completely current at the close of each reporting period.

(b) *Preservation.* All accounts required to be made and kept by this article (and all other accounts a treasurer makes in the course of his or her official duties) shall be preserved for a period of six (6) years for an office with a four year term or four (4) years for an office with a two (2) year term and for party and political committees six (6) years from the closing date of the reporting period for which the account is kept by the treasurer. An individual who vacates the position of treasurer by reason of removal or resignation shall substantiate the accuracy of his or her accounts and transfer them to the succeeding treasurer. Upon the dissolution of a committee or the position of a candidate's treasurer, the last treasurer of record is responsible for the preservation of the required accounts.

(c) *Inspection.* The commission may inspect a treasurer's accounts at any reasonable time and place by giving written notice of the need to do so. (Authorized by K.S.A. 1980 Supp. 25-4119a; implementing K.S.A. 1980 Supp. 25-4105, 25-4106; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1981.)

Article 28.—REPORTING PERIODS AND ELECTION PERIODS

19-28-1. Nomination by convention or caucus. For the treasurer of any candidate seeking nomination by convention or caucus or the treasurer of such candidate's committee or for any treasurer of a party committee or political committee of which the primary purpose is supporting or opposing the nomination of any such candidate, the date of such convention or caucus shall be considered the date of the primary election for the purposes of relevant law. (Authorized by K.S.A. 1979 Supp. 25-4109, 25-4119a; effective,

E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-28-2. Allocation of contributions and expenditures. (a) All contributions and other receipts received and expenditures and other disbursements made shall be allocated within each election period to the reporting period in which received or made. Contributions to or expenditures by a candidate seeking nomination by convention or caucus or by the candidate committee shall be allocated in the same manner as above except that the date of the convention or caucus shall be considered the primary election date.

(b) A contribution or other receipt made in cash, check, or similar instrument is received on the date it is physically in the hands of the candidate, treasurer, or the treasurer's agent, whichever occurs first.

(c) An expenditure or other disbursement is made on the date the actual payment is made or the expenditure contracted for, whichever occurs first.

(d) An in-kind contribution is received on the date the services or goods inure to the recipient's benefit. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4149; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

Article 29.—RECEIPTS AND EXPENDITURES REPORT

19-29-1. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended, E-79-24, Sept. 21, 1978; amended May 1, 1979; revoked May 1, 1980.)

19-29-1a. Place and time of filing. (a) Place of filing.

(1) Each political committee and each party committee whose primary purpose is the nomination or election of candidates to state office shall file reports required by K.S.A. 25-4148 in the office of the secretary of state.

(2) Each political committee and each party committee whose primary purpose is the nomination or election of candidates to local office shall file reports required by K.S.A. 25-4148 in the office of the county election officer.

(b) Time of filing.

(1) Each political committee and each party committee whose primary purpose is the nomination

or election of candidates to state office or a local office where the election dates are August and November shall file the reports required by K.S.A. 25-4148 only on the dates required for those elections.

(2) Each political committee whose primary purpose is the nomination or election of candidates to local office with election dates in February, March, or April shall file the reports required by K.S.A. 25-4148 only on the dates required for those elections. (Authorized by K.S.A. 1992 Supp. 25-4119a; implementing K.S.A. 1992 Supp. 25-4148; effective Oct. 18, 1993.)

19-29-2. Contents of receipts and expenditures report. (a) General. Each receipts and expenditures report shall contain:

- (1) the full name and address of the candidate, party committee, or political committee;
- (2) in the case of candidates, the office sought, and in the case of committees, a designation as to type;
- (3) the period covered by the report;
- (4) a designation, when applicable, that the report is an amended or a termination report; and
- (5) a declaration as to completeness and accuracy, signed by the treasurer.

(b) Summary section. Each report shall contain a summary section for the reporting period which shall include:

- (1) cash on hand at the beginning of the period;
- (2) total contributions and receipts, except in-kind contributions;
- (3) total cash available during the period;
- (4) total expenditures and other disbursements;
- (5) cash on hand at the close of the period;
- (6) total in-kind contributions; and
- (7) the total of other obligations.

(c) Supporting schedules.

(1) General. Each report shall contain the supporting schedules required by this subsection. For the purpose of subsection (c):

(A) The term "date" means the month, day and year.

(B) The term "name" means the full name of the person indicated.

(C) The term "address" means the street address or rural route, the city, state and zip code

Each accompanying schedule shall include the name of the candidate or committee on whose behalf the report is filed. When the name is used more than once, the same name shall appear throughout the schedule. Whenever additional sheets are necessary to list the information required by any supporting schedule, each page of that schedule shall contain a space, completed

by the treasurer, to indicate the subtotal for that page.

(2) "Monetary contributions and receipts" schedule. Monetary contributions and receipts shall be listed on an accompanying schedule. This schedule shall include:

(A) A date column, which shall state the date when the contribution was received by the treasurer or the treasurer's authorized agent, whichever occurs first;

(B) a name and address column, which shall state the name and address for each contributor. This column shall also be used to show the name of the candidate or committee to whom funds are dedicated whenever a treasurer receives a contribution which is dedicated in whole or in part for use or transfer to another candidate or committee.

(C) An occupation of contributor column, which shall state the occupation of each individual contributor who contributes more than \$150, or if the individual contributor is not employed, the occupation of the contributor's spouse. If the contribution is from a political action committee, this column shall also be used to describe the political committee by including the name of the organization affiliated or connected with the committee or the trade, profession, or primary interest of the contributors.

(D) A description column, which shall state whether the contribution or receipt is in the form of a loan, cash, check or other. If the contribution is a loan, the interest rate and the name and address of any guarantors or endorsers shall be noted in this column.

(E) a column which states the amount of the cash, check, loan or other receipt;

(F) a total amount space in which the aggregate amount of monetary contributions and other receipts received during the reporting period shall be shown; this amount shall be carried forward to the summary page.

(G) itemized monetary contributions and receipts. Each monetary contribution or receipt over \$50 received during the reporting period shall be itemized. In addition, each contribution or receipt of more than \$10 received during the reporting period for which the name and address of the donor is unknown shall be disclosed on this schedule; and

(H) unitemized monetary contributions and receipts. The aggregate total of all contributions and receipts of \$50 or less received during the reporting period for which the name and address of the donor is known shall be reported as unitemized contributions or receipts. Receipts during the reporting period from the sale of

political materials shall also be reported. The proceeds from the sale of tickets or admissions to testimonial events, except those required to be itemized, shall be reported on this schedule. Contributions of \$10 or less received during the election period for which the name and address of the donor is unknown shall be disclosed on this schedule.

(3) "In-kind contributions" schedule. All in-kind contributions shall be listed on this accompanying schedule. This schedule shall include:

(A) A date column, which shall state the date the in-kind contribution was received by the treasurer or the treasurer's authorized agent, whichever occurs first;

(B) a name, address and occupation of contributor column, which shall state the name and address of each in-kind contributor, as well as the occupation of each individual contributor who contributes more than \$150, or, if the individual contributor is unemployed, the occupation of the contributor's spouse;

(C) a description column, which shall briefly describe the goods or services provided. When a treasurer receives a contribution which is dedicated in whole or in part for use or transfer to another candidate or committee, the name of the candidate or committee to whom the goods or services are dedicated shall be included in this column as well.

(D) a value of in-kind contributions column, which shall state the fair market value of the contribution;

(E) a total amount space in which the aggregate value of itemized and unitemized in-kind contributions shall be shown. This value shall be carried forward to the summary page.

(F) itemized in-kind contributions. Each in-kind contribution having a value of more than \$50 received during the reporting period shall be itemized.

(G) unitemized in-kind contributions. The aggregate total of in-kind contributions from any one contributor having a value of \$50 or less received during the reporting period shall be disclosed.

(4) an "Expenditures and disbursements" schedule. All expenditures and disbursements to any person shall be listed on this accompanying schedule. This schedule shall include:

(A) a date column that shall state the date or dates the payee was actually paid during the reporting period;

(B) a name column that shall state the name of the person to whom the payment was made;

(C) a purpose of expenditure column that shall reflect the nature of the expenditure; when an expenditure

is made by payment to an advertising agency, public relations firm, or political consultants for disbursement to vendors, the report shall show in detail the name of each vendor and the information required on this schedule with regard to each expenditure. Whenever a treasurer makes a disbursement which constitutes a contribution to another candidate or committee and when it is made up in whole or in part of dedicated funds, the treasurer shall disclose the names and addresses of those persons who dedicated the funds. The treasurer shall, in transferring any of these contributions, report the same information to the recipient.

(D) an amount column that shall reflect the aggregate amount of payment to the payee on the date of the entry;

(E) a total amount space in which the total amount of itemized and unitemized expenditures and disbursements during the reporting period shall be shown; this amount shall be carried forward to the summary page.

(F) itemized expenditures and disbursements; each expenditure or disbursement over \$50 made during the reporting period shall be itemized; and

(G) unitemized expenditures and disbursements; the aggregate total of all expenditures and disbursements of \$50 or less made during the reporting period shall be disclosed.

(5) "Other transactions" schedule. All other reportable financial transactions made during the reporting period shall be disclosed with reasonable specificity.

(A) Accounts and loans payable. All accounts and loans outstanding at the close of a reporting period shall be disclosed. This disclosure shall include:

(i) the date the debts or loans were contracted;

(ii) the person to whom the debt or loan is owed;

(iii) a description of the goods or services subject to debt or a description of the principal amount and terms of the loan; and

(iv) the amount outstanding at the close of the reporting period.

(B) loans receivable. All loans receivable outstanding at the close of the reporting period shall be disclosed. This disclosure shall include:

(i) the date the loan agreement was completed;

(ii) the person to whom the funds were loaned;

(iii) the principal amount and terms of the loan; and

(iv) the amount outstanding at the close of the reporting period. (Authorized by K.S.A. 1991 Supp.

25-4119a; implementing K.S.A. 1991 Supp. 25-4148 and 25-4148a; effective, E-76-56, Nov. 26, 1975; effective E-77-29, June 3, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; amended June 22, 1992.)

19-29-3. Material errors and omissions. Giving due regard to the number of errors or omissions, the dollar value involved, the percentage of error, the magnitude of the contributions and expenditures of the particular candidate or committee, and the importance of presentation of a true public record, and professional accounting judgment, the following shall be considered material errors and omissions:

(a) *General.*

(1) Failure to use forms prescribed by the commission.

(2) Incomplete identification of the candidate or committee.

(3) Failure of treasurer to sign report.

(4) Illegibility.

(b) *Summary page.*

(1) Failure to complete or incorrect or omitted totals.

(c) *Accompanying schedules.*

(1) Dates inadequate, incorrect or omitted.

(2) Full name inadequate, incorrect or omitted.

(3) Address inadequate, incorrect or omitted.

(4) Description or purpose inadequate or omitted.

(5) Amount incorrect or omitted.

(6) Failure to report transaction on proper report.

(7) Transaction not reported or reported on wrong schedule.

(8) Transaction reported on correct schedule, but improperly.

(9) Total(s) for schedule incorrect or omitted.

(10) Contribution cumulative amount column incorrect or not completed.

(11) Detail provided for expenditures to advertising agencies, public relations firms, or political consultants inadequate or omitted.

(12) Disposition of loans or accounts payable from previous report(s) inadequate or omitted. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

19-29-4. Termination reports and reports of debts and obligations. (a) Before any committee may be dissolved or the position of any treasurer terminated, a termination report shall be filed with the secretary

of state, local election officer or both. A termination report may not be filed until the disbursement of all residual funds and the discharge of all remaining debts and obligations. These and all other transactions from the date of the last report shall be disclosed on the termination report. Any report required by K.S.A. 25-4148 may serve as a termination report if the requirements described in this subsection are met.

(b) The position of treasurer may not be terminated until a termination report is filed. In addition, the position of treasurer shall not be deemed terminated to the extent of any report provided for by K.S.A. 25-4148(d) or (e) is required or to the extent necessary for the maintenance and preservation of records.

(c) A treasurer shall continue to file a report each January 10 as required by K.S.A. 25-4148 so long as any residual funds or outstanding debts or obligations remain. (Authorized by K.S.A. 1991 Supp. 25-4119a; implementing K.S.A. 25-4155 and K.S.A. 1991 Supp. 25-4157; effective, E-79-24, Sept. 21, 1978; effective May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended June 22, 1992.)

19-29-5. Computer generated campaign reports. Reports prepared on computer will be acceptable, provided that:

(1) Each computer generated page contains all information required in K.S.A. 25-4148;

(2) Print-outs are legible, clear black on white paper;

(3) Each page is on 8½" x 11" paper;

(4) Each page is numbered;

(5) Each report includes the commission's prescribed front page summary sheet; and

(6) The type is no smaller than pica (10 characters per inch). (Authorized by K.S.A. 1991 Supp. 24-4119a; implementing K.S.A. 25-4151; effective June 22, 1992.)

Article 30.—CONTRIBUTION LIMITATIONS

19-30-1 and 19-30-2. (Authorized by K.S.A. 1979 Supp. 25-4119a; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; revoked May 1, 1980.)

19-30-3. (Authorized by K.S.A. 1980 Supp. 25-4119a; implementing K.S.A. 1980 Supp. 25-4112; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; revoked May 1, 1981.)

19-30-4. Change in office sought. When during an election period a candidate decides to seek state

or local office other than that originally anticipated or sought in the preceding election, all contributions received during the election period shall be attributed to the individual's contributions limits for the office finally sought. In the situation where an individual is a candidate with a deficit from a prior election year and during the primary election period decides to seek state office with a lower contribution limitation, the candidate may accept contributions up to the higher contribution limitation until the earlier debts are paid off, but shall not accept any further contributions from any person which exceed the lower contribution limitation for the office finally sought. (Authorized by K.S.A. 1991 Supp. 25-4119a; implementing K.S.A. 25-4153; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended June 22, 1992.) **Overruled by Kansas Supreme Court decision *Cole v. Mayans* 276 Kan. 866 (2003).**