

K.S.A. 25-4158

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

(a) The secretary of state shall:

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

(b) The county election officer shall:

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

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

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

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

(3) The commission shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. Any person subject to a subpoena shall be informed that such person may apply to the district court for

relief on the basis that responding to the subpoena will cause an undue burden or expense. The district court on review of any such application for relief, may impose an appropriate sanction on the commission including an order requiring the commission to reimburse the person for lost earnings and attorney fees.

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

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

#### **Credits**

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

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

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