

HOUSE BILL No. 2173

By Committee on Judiciary

1-29

1 AN ACT concerning campaign finance; relating to judicial retention
2 elections; amending K.S.A. 25-2505 and 25-4144 and K.S.A. 2014
3 Supp. 25-4143 and 25-4153 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 25-2505 is hereby amended to read as follows: 25-
7 2505. (a) "National office" or "national officer" means the office or
8 members of the United States house of representatives, members of the
9 United States senate and members of the United States presidential
10 electoral college.

11 (b) "State office" or "state officer" means the state officers elected on
12 a statewide basis, members of the house of representatives and state
13 senators, *justices of the supreme court, judges of the court of appeals,*
14 members of the state board of education, district judges, district magistrate
15 judges and district attorneys.

16 (c) "County office" or "county officer" means such county officers as
17 are provided by law to be elected.

18 (d) "City office" or "city officer" means such city officers as are
19 provided by law to be elected.

20 (e) "School office" or "school officer" means members of the
21 governing body of any school district or community college.

22 (f) "Township office" or "township officer" means the trustee,
23 treasurer and clerk of a township.

24 Sec. 2. K.S.A. 2014 Supp. 25-4143 is hereby amended to read as
25 follows: 25-4143. As used in the campaign finance act, unless the context
26 otherwise requires:

27 (a) "Candidate" means an individual who:

28 (1) Appoints a treasurer or a candidate committee;

29 (2) makes a public announcement of intention to seek nomination,
30 *retention* or election to state or local office;

31 (3) makes any expenditure or accepts any contribution for such
32 person's nomination or election to any state or local office; or

33 (4) files a declaration or petition to become a candidate for state or
34 local office.

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

1 candidate.

2 (c) "Clearly identified candidate" means a candidate who has been
3 identified by the:

4 (1) Use of the name of the candidate;

5 (2) use of a photograph or drawing of the candidate; or

6 (3) unambiguous reference to the candidate whether or not the name,
7 photograph or drawing of such candidate is used.

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

9 (e) (1) "Contribution" means:

10 (A) Any advance, conveyance, deposit, distribution, gift, loan or
11 payment of money or any other thing of value given to a candidate,
12 candidate committee, party committee or political committee for the
13 express purpose of nominating, electing or defeating a clearly identified
14 candidate for a state or local office.

15 (B) Any advance, conveyance, deposit, distribution, gift, loan or
16 payment of money or any other thing of value made to expressly advocate
17 the nomination, election or defeat of a clearly identified candidate for a
18 state or local office;

19 (C) a transfer of funds between any two or more candidate
20 committees, party committees or political committees;

21 (D) the payment, by any person other than a candidate, candidate
22 committee, party committee or political committee, of compensation to an
23 individual for the personal services rendered without charge to or for a
24 candidate's campaign or to or for any such committee;

25 (E) the purchase of tickets or admissions to, or advertisements in
26 journals or programs for, testimonial events;

27 (F) a mailing of materials designed to expressly advocate the
28 nomination, election or defeat of a clearly identified candidate, which is
29 made and paid for by a party committee with the consent of such
30 candidate.

31 (2) "Contribution" does not include:

32 (A) The value of volunteer services provided without compensation;

33 (B) costs to a volunteer related to the rendering of volunteer services
34 not exceeding a fair market value of \$50 during an allocable election
35 period as provided in K.S.A. 25-4149, and amendments thereto;

36 (C) payment by a candidate or candidate's spouse for personal meals,
37 lodging and travel by personal automobile of the candidate or candidate's
38 spouse while campaigning;

39 (D) the value of goods donated to events such as testimonial events,
40 bake sales, garage sales and auctions by any person not exceeding a fair
41 market value of \$50 per event.

42 (f) "Election" means:

43 (1) A primary or general election for state or local office; and

1 (2) a convention or caucus of a political party held to nominate a
2 candidate for state or local office.

3 (g) (1) "Expenditure" means:

4 (A) Any purchase, payment, distribution, loan, advance, deposit or
5 gift of money or any other thing of value made by a candidate, candidate
6 committee, party committee or political committee for the express purpose
7 of nominating, electing or defeating a clearly identified candidate for a
8 state or local office.

9 (B) Any purchase, payment, distribution, loan, advance, deposit or
10 gift of money or any other thing of value made to expressly advocate the
11 nomination, election or defeat of a clearly identified candidate for a state
12 or local office;

13 (C) any contract to make an expenditure;

14 (D) a transfer of funds between any two or more candidate
15 committees, party committees or political committees; or

16 (E) payment of a candidate's filing fees.

17 (2) "Expenditure" does not include:

18 (A) The value of volunteer services provided without compensation;

19 (B) costs to a volunteer incidental to the rendering of volunteer
20 services not exceeding a fair market value of \$50 during an allocable
21 election period as provided in K.S.A. 25-4149, and amendments thereto;

22 (C) payment by a candidate or candidate's spouse for personal meals,
23 lodging and travel by personal automobile of the candidate or candidate's
24 spouse while campaigning or payment of such costs by the treasurer of a
25 candidate or candidate committee;

26 (D) the value of goods donated to events such as testimonial events,
27 bake sales, garage sales and auctions by any person not exceeding fair
28 market value of \$50 per event; or

29 (E) any communication by an incumbent elected state or local officer
30 with one or more individuals unless the primary purpose thereof is to
31 expressly advocate the nomination, election or defeat of a clearly
32 identified candidate.

33 (h) "Expressly advocate the nomination, election or defeat of a clearly
34 identified candidate" means any communication which uses phrases
35 including, but not limited to:

36 (1) "Vote for the secretary of state";

37 (2) "re-elect your senator";

38 (3) "support the democratic nominee";

39 (4) "cast your ballot for the republican challenger for governor";

40 (5) "Smith for senate";

41 (6) "Bob Jones in '98";

42 (7) "vote against Old Hickory";

43 (8) "defeat" accompanied by a picture of one or more candidates; or

1 (9) "Smith's the one."

2 (i) "Party committee" means:

3 (1) The state committee of a political party regulated by article 3 of
4 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

5 (2) the county central committee or the state committee of a political
6 party regulated under article 38 of chapter 25 of the Kansas Statutes
7 Annotated, and amendments thereto;

8 (3) the bona fide national organization or committee of those political
9 parties regulated by the Kansas Statutes Annotated;

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

13 (5) not more than one political committee established by the state
14 committee of any such political party and designated as a recognized
15 political committee for the house of representatives; or

16 (6) not more than one political committee per congressional district
17 established by the state committee of a political party regulated under
18 article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments
19 thereto, and designated as a congressional district party committee.

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

22 (k) (1) "Political committee" means any combination of two or more
23 individuals or any person other than an individual, a major purpose of
24 which is to expressly advocate the nomination, election or defeat of a
25 clearly identified candidate for state or local office or make contributions
26 to or expenditures for the nomination, election or defeat of a clearly
27 identified candidate for state or local office.

28 (2) "Political committee" shall not include a candidate committee or a
29 party committee.

30 (l) "Receipt" means a contribution or any other money or thing of
31 value, but not including volunteer services provided without
32 compensation, received by a treasurer in the treasurer's official capacity.

33 (m) "State office" means any state office as defined in K.S.A. 25-
34 2505, and amendments thereto.

35 (n) "Testimonial event" means an event held for the benefit of an
36 individual who is a candidate to raise contributions for such candidate's
37 campaign. Testimonial events include but are not limited to dinners,
38 luncheons, rallies, barbecues and picnics.

39 (o) "Treasurer" means a treasurer of a candidate or of a candidate
40 committee, a party committee or a political committee appointed under the
41 campaign finance act or a treasurer of a combination of individuals or a
42 person other than an individual which is subject to ~~paragraph (2) of~~
43 ~~subsection (a) of K.S.A. 25-4172(a)(2), and amendments thereto.~~

1 (p) "Local office" means a member of the governing body of a city of
2 the first class, any elected office of a unified school district having 35,000
3 or more pupils regularly enrolled in the preceding school year, a county or
4 of the board of public utilities.

5 Sec. 3. K.S.A. 25-4144 is hereby amended to read as follows: 25-
6 4144. (a) *Except as provided in subsection (b)*, not later than 10 days after
7 becoming a candidate, every candidate shall appoint a treasurer or in lieu
8 thereof shall appoint a candidate committee. The treasurer so appointed
9 may be the candidate making such appointment. No candidate shall
10 appoint more than one candidate committee to exist at the same time. If a
11 candidate appoints a candidate committee, such candidate shall appoint a
12 chairperson and a treasurer thereof, and the treasurer so appointed may be
13 the candidate. No person who is registered as a lobbyist in accordance with
14 K.S.A. 46-265, and amendments thereto, shall be eligible for appointment
15 as treasurer for any candidate or candidate committee. The name and
16 address of each treasurer and chairperson appointed under this section by a
17 candidate for a state office shall be reported to the secretary of state by the
18 candidate not later than 10 days after such appointment. The name and
19 address of each treasurer and chairperson appointed under this section by a
20 candidate for a local office shall be reported to the county election officer
21 by the candidate not later than 10 days after such appointment. The
22 candidate for governor shall carry out the requirements and responsibilities
23 of the candidate under the campaign finance act, for the pair of candidates
24 for governor and lieutenant governor, unless another specific provision
25 applies.

26 (b) *Any justice of the supreme court or judge of the court of appeals*
27 *that has filed an affidavit pursuant to K.S.A. 25-4173, and amendments*
28 *thereto, shall not be required to appoint or maintain a treasurer during*
29 *any period during which the justice or judge is covered by such affidavit.*

30 Sec. 4. K.S.A. 2014 Supp. 25-4153 is hereby amended to read as
31 follows: 25-4153. (a) The aggregate amount contributed to a candidate and
32 such candidate's candidate committee and to all party committees and
33 political committees and dedicated to such candidate's campaign, by any
34 political committee or any person except a party committee, the candidate
35 or the candidate's spouse, shall not exceed the following:

36 (1) For the pair of offices of governor and lieutenant governor or for
37 other state officers elected from the state as a whole, \$2,000 for each
38 primary election (or in lieu thereof a caucus or convention of a political
39 party) and an equal amount for each general election.

40 (2) For the office of member of the house of representatives, district
41 judge, district magistrate judge, district attorney or a candidate for local
42 office, \$500 for each primary election (or in lieu thereof a caucus or
43 convention of a political party) and an equal amount for each general

1 election.

2 (3) For the office of state senator or member of the state board of
3 education, \$1,000 for each primary election (or in lieu thereof a caucus or
4 convention of a political party) and an equal amount for each general
5 election.

6 (4) *For the office of judge of the court of appeals, \$2,000 for each*
7 *general election during which such judge's name is on the ballot for*
8 *retention.*

9 (5) *For the office of justice of the supreme court, \$2,000 for each*
10 *general election during which such justices name is on the ballot for*
11 *retention.*

12 (b) For the purposes of this section, the face value of a loan at the end
13 of the period of time allocable to the primary or general election is the
14 amount subject to the limitations of this section. A loan in excess of the
15 limits herein provided may be made during the allocable period if such
16 loan is reduced to the permissible level, when combined with all other
17 contributions from the person making such loan, at the end of such
18 allocable period.

19 (c) For the purposes of this section, all contributions made by
20 unemancipated children under 18 years of age shall be considered to be
21 contributions made by the parent or parents of such children. The total
22 amount of such contribution shall be attributed to a single custodial parent
23 and 50% of such contribution to each of two parents.

24 (d) The aggregate amount contributed to a state party committee by a
25 person other than a national party committee or a political committee shall
26 not exceed \$15,000 in each calendar year; and the aggregate amount
27 contributed to any other party committee by a person other than a national
28 party committee or a political committee shall not exceed \$5,000 in each
29 calendar year.

30 The aggregate amount contributed by a national party committee to a
31 state party committee shall not exceed \$25,000 in any calendar year, and
32 the aggregate amount contributed to any other party committee by a
33 national party committee shall not exceed \$10,000 in any calendar year.

34 The aggregate amount contributed to a party committee by a political
35 committee shall not exceed \$5,000 in any calendar year.

36 (e) Any political funds which have been collected and were not
37 subject to the reporting requirements of this act shall be deemed a person
38 subject to these contribution limitations.

39 (f) Any political funds which have been collected and were subject to
40 the reporting requirements of the campaign finance act shall not be used in
41 or for the campaign of a candidate for a federal elective office.

42 (g) The amount contributed by each individual party committee of the
43 same political party other than a national party committee to any candidate

1 for office, for any primary election at which two or more candidates are
2 seeking the nomination of such party shall not exceed the following:

3 (1) For the pair of offices of governor and lieutenant governor and for
4 each of the other state officers elected from the state as a whole, \$2,000 for
5 each primary election (or in lieu thereof a caucus or convention of a
6 political party).

7 (2) For the office of member of the house of representatives, district
8 judge, district magistrate judge, district attorney or a candidate for local
9 office, \$500 for each primary election (or in lieu thereof a caucus or
10 convention of a political party).

11 (3) For the office of state senator or member of the state board of
12 education, \$1,000 for each primary election (or in lieu thereof a caucus or
13 convention of a political party).

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

17 (i) No person shall make any contribution or contributions to any
18 candidate or the candidate committee of any candidate in the form of
19 money or currency of the United States which in the aggregate exceeds
20 \$100 for any one primary or general election, and no candidate or
21 candidate committee of any candidate shall accept any contribution or
22 contributions in the form of money or currency of the United States which
23 in the aggregate exceeds \$100 from any one person for any one primary or
24 general election.

25 Sec. 5. K.S.A. 25-2505 and 25-4144 and K.S.A. 2014 Supp. 25-4143
26 and 25-4153 are hereby repealed.

27 Sec. 6. This act shall take effect and be in force from and after its
28 publication in the statute book.