

Evolution of House Substitute for SB 208

Key: Red is text removed; Blue is text added

Section in HB 2391, as heard*	Proposed Effect in HB 2391, as heard in committee with balloon amendment*	Section in HB 2391, as amended	Proposed Effect in HB 2391, as amended by House Committee on Elections	Section in Substitute for HB 2391	Proposed Effect in Substitute for HB 2391	Section in Proposed House Substitute for SB 208	Proposed Effect in Proposed House Substitute for SB 208
New Section 1	Apply the Kansas Administrative Procedure Act (KAPA), the Kansas Code of Civil Procedure, the Kansas Judicial Review Act (KJRA), and the Kansas Public Speech Protection Act would apply to actions by the Commission or Commission staff.	New Section 1	Apply the Kansas Administrative Procedure Act (KAPA), the Kansas Code of Civil Procedure, the Kansas Judicial Review Act (KJRA), and the Kansas Public Speech Protection Act would apply to actions by the Commission or Commission staff.	New Section 1	Apply provisions of the Kansas Administrative Procedure Act (KAPA), the Kansas code of Civil Procedure, the Kansas Judicial Review Act to the Commission or Commission Staff including applications for judicial relief in district court.	New Section 1	Apply provisions of the Kansas Administrative Procedure Act (KAPA), the Kansas code of Civil Procedure, the Kansas Judicial Review Act to the Commission or Commission Staff including applications for judicial relief in district court.
	All actions pursuant to this act shall constitute a claim for purposes of the Kansas Public Speech Protection Act.		All actions pursuant to this act shall constitute a claim for purposes of the Kansas Public Speech Protection Act.		All Actions filed by the Commission in district court pursuant with the act constitute a claim for the purpose of the Kansa Public Speech Protection Act.		All Actions filed by the Commission in district court pursuant with the act constitute a claim for the purpose of the Kansa Public Speech Protection Act.
	Would implement a 2-year statute of limitations.		Would implement a 5-year statute of limitations.		Would implement a 5-year statute of limitations.		Would implement a 5-year statute of limitations.
	No action by the commission shall require a respondent to waive any civil or legal rights to judicial recourse in any manner.		No action by the commission shall require a respondent to waive any civil or legal rights to judicial recourse in any manner.		No action by the commission shall require a respondent to waive any civil or legal rights to judicial recourse in any manner.		No action by the commission shall require a respondent to waive any civil or legal rights to judicial recourse in any manner.
	No person shall be held responsible for any action on behalf of another individual or entity subject to the provisions of this act unless such person is an agent as defined by KSA 25-4143 [Note: Sec. 4]		No person shall be held responsible for any action on behalf of another individual or entity subject to the provisions of this act unless such person is an agent as defined by KSA 25-4143 [Note: Sec. 4]				
	The Commission shall provide rules and regulations the standards by which any member of the Commission or any person employed or engaged by the Commission shall recuse themselves from a matter before the Commission.		The Commission shall provide rules and regulations the standards by which any member of the commission or any person employed or engaged by the Commission shall recuse themselves from a matter before the Commission.		The Commission shall provide rules and regulations the standards by which any member of the commission or any person employed or engaged by the Commission shall recuse themselves from a matter before the Commission.		The Commission shall provide rules and regulations the standards by which any member of the commission or any person employed or engaged by the Commission shall recuse themselves from a matter before the Commission.
Section 2 KSA 25-4119a	Would apply the qualifications of Commissioners to the Executive Director	Section 2 KSA 25-4119a	Would apply the qualifications of Commissioners to the Executive Director				
	Technical change: removed references to the Commission on Governmental Standards and Conduct		Technical change: removed references to the Commission on Governmental Standards and Conduct				
Section 3 KSA 25-4119d	Removed some qualifications for Commission members: - Shall not have held office of chairperson, vice chairperson, or treasurer of any county, district, or state political party committee at any point - Shall not, within five years preceeding appointment, have been an candidate for or the holder of any partisan political office - Shall not, within three years preceeding appointment, have 1) Held elective state office; 2) held the office of Secretary of any department of State Government; 3) Been a lobbyist; 4) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services wtiin the State of Kansas or any agency thereof; or 5) provided services under contract to the State of Kansas or any agency thereof	Section 3 KSA 25-4119d	Removed some qualifications for Commission members: - Shall not have held office of chairperson, vice chairperson, or treasurer of any county, district, or state political party committee at any point - Shall not, within five years preceeding appointment, have been an candidate for or the holder of any partisan political office - Shall not, within three yeras preceeding appointment, have 1) Held elective state office; 2) held the office of Secretary of any department of State Government 3) Been a lobbyist 4) been an officer or employee who directly participated in the making of a contract on behalf of a vendor of goods and services wtiin the State of Kansas or any agency thereof	Section 2 KSA 25-4119d			

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	The bill would, for the purposes of the qualifications of Commission members, add a definition of “partisan political office” to mean any office for which any candidate is nominated or elected as representing a party whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected. The definition would exclude any office or position within a political party including, but not limited to, precinct, congressional district, or state party committee member.		The bill would, for the purposes of the qualifications of Commission members, add a definition of “partisan political office” to mean any office for which any candidate is nominated or elected as representing a party whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected. The definition would exclude any office or position within a political party including, but not limited to, precinct, congressional district, or state party committee member.		The bill would, for the purposes of the qualifications of Commission members, add a definition of “partisan political office” to mean any office for which any candidate is nominated or elected as representing a party whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected. The definition would exclude any office or position within a political party including, but not limited to, precinct, congressional district, or state party committee member.		
Section 4 KSA 25-4143	"Agent" to mean an individual who is a candidate; a chairperson of a candidate, political, or party committee; a treasurer; or any person with written power of attorney to bind a person listed above.	Section 4 KSA 25-4143	"Agent" to mean an individual who is a candidate; a chairperson of a candidate, political, or party committee; a treasurer; or any director, officer, employee, or other person who is authorized in writing to act on behalf of persons listed in this subsection.	Section 3 KSA 25-4143	"Agent" to mean an individual who is a candidate; a chairperson of a candidate, political, or party committee; a treasurer; or any director, officer, employee, paid consultant , or other person authorized to act on behalf of a person previously listed.	Section 2	"Agent" to mean an individual who is a candidate; a chairperson of a candidate, political, or party committee; a treasurer; or any director, officer, employee, paid consultant, or other person authorized to act on behalf of a person previously listed.
	- "Coordination" or "coordinated" would be defined in terms of an express advocacy communication. A communication that is coordinated would be one that is paid for, in whole or in part, by a person other than the candidate or party committee, and meets a Federal Election Commission definition of "coordination communication"; it would exclude any action where reasonable efforts are taken to prohibit information passing from a candidate or candidate's agent to a political committee		- "Coordination" or "coordinated" would be defined in terms of an express advocacy communication. A communication that is coordinated would be one that is paid for, in whole or in part, by a person other than the candidate or party committee, and meets a Federal Election Commission definition of "coordination communication"; it would exclude any action where reasonable efforts are taken to prohibit information passing from a candidate or candidate's agent to a political committee		- "Coordination" or "coordinated" would be defined in terms of an express advocacy communication. A communication that is coordinated would be one that is paid for, in whole or in part, by a person other than the candidate or party committee, and meets a Federal Election Commission definition of "coordination communication"; it would exclude any action where reasonable efforts are taken to prohibit information passing from a candidate or candidate's agent to a political committee		
	"Political Committee" would be defined as any entity including: - A combination of two or more individuals who are not married to one another, or any person other than an individual; - Primary purpose of which is to make contributions or expenditures as defined in the Campaign Finance Act of more than \$2,500 during a calednar year; and - May include a corporate political action committee, a separate segregated fund established by a membership organization, or an independent expenditure-only political committee.		"Political Committee" would be defined as any entity including: - A combination of two or more individuals who are not married to one another, or any person other than an individual; - Primary purpose of which is to make contributions or expenditures as defined in the Campaign Finance Act of more than \$2,500 during a calednar year; and - May include a corporate political action committee, a separate segregated fund established by a membership organization, or an independent expenditure-only political committee.				

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	<p>“Primary purpose” would mean the entity in question meets at least one of the following standards:</p> <ul style="list-style-type: none"> - The entity publicly states in its articles of incorporation, bylaws, or resolutions by the board of directors that its primary purpose is to expressly advocate the nomination, election, or defeat of a clearly identified candidate for state or local office or to make contributions to or expenditures for the same purpose; or - The entity spends at least 50 percent of the entity's total spending on contributions or expenditures reportable under this act during a two-year general or local election cycle. 		<p>“Primary purpose” would mean the entity in question meets at least one of the following standards:</p> <ul style="list-style-type: none"> - The entity publicly states in its articles of incorporation, bylaws, or resolutions by the board of directors that its primary purpose is to expressly advocate the nomination, election, or defeat of a clearly identified candidate for state or local office or to make contributions to or expenditures for the same purpose; or - The entity spends at least 50 percent of the entity's total spending on contributions or expenditures reportable under this act during a two-year general or local election cycle. 				
	<p>“Total program spending,” would exclude volunteer expenses as well as volunteer time, and specify that the term includes all disbursements other than those for fundraising and administrative expenses but includes costs of fundraising communications that expressly advocate the nomination, election, or defeat of a candidate for state or local office. To determine total program spending regarding grants:</p> <ul style="list-style-type: none"> - The bill would require a grant made to a political committee or an organization organized under section 527 of the Internal Revenue Code to be counted in total program spending, unless expressly designated for use outside of Kansas or federal elections, in which case such spending would be counted in total program spending but not as a contribution or expenditure; - If the entity making a grant takes reasonable steps to ensure the transferee does not use the funds to make a contribution or expenditure in Kansas, the bill would require the grant to be counted in total program spending but not as a contribution or expenditure; and - If the entity making a grant expressly earmarks a portion of the grant for a contribution or expenditure in Kansas, the grant would be counted in total spending, and the earmarked portion would count as a contribution or expenditure. 		<p>“Total program spending,” would exclude volunteer expenses as well as volunteer time, and specify that the term includes all disbursements other than those for fundraising and administrative expenses but includes costs of fundraising communications that expressly advocate the nomination, election, or defeat of a candidate for state or local office. To determine total program spending regarding grants:</p> <ul style="list-style-type: none"> - The bill would require a grant made to a political committee or an organization organized under section 527 of the Internal Revenue Code to be counted in total program spending, unless expressly designated for use outside of Kansas or federal elections, in which case such spending would be counted in total program spending but not as a contribution or expenditure; - If the entity making a grant takes reasonable steps to ensure the transferee does not use the funds to make a contribution or expenditure in Kansas, the bill would require the grant to be counted in total program spending but not as a contribution or expenditure; and - If the entity making a grant expressly earmarks a portion of the grant for a contribution or expenditure in Kansas, the grant would be counted in total spending, and the earmarked portion would count as a contribution or expenditure. 				
Section 5 KSA 25-4145	<p>The bill would create a new category of registration by a political committee and change the thresholds for annual registration fees for political committees. A political committee anticipating receiving within a calendar year:</p> <p>More than \$10,000, a new category, would be required to pay a \$300 registration fee;</p> <p>At least \$2,501 and less than \$10,001 would be required to pay a \$100 registration fee;</p>	Section 5 KSA 25-4145	<p>The bill would create a new category of registration by a political committee and change the thresholds for annual registration fees for political committees. A political committee anticipating receiving within a calendar year:</p> <p>More than \$10,000, a new category, would be required to pay a \$300 registration fee;</p> <p>At least \$2,501 and less than \$10,001 would be required to pay a \$100 registration fee;</p>	Section 4 KSA 25-4145	<p>The bill would create a new category of registration by a political committee and change the thresholds for annual registration fees for political committees. A political committee anticipating receiving within a calendar year:</p> <p>More than \$10,000, a new category, would be required to pay a \$500 registration fee;</p> <p>At least \$2,501 and less than \$10,001 would be required to pay a \$300 registration fee;</p>	Section 3	<p>The bill would create a new category of registration by a political committee and change the thresholds for annual registration fees for political committees. A political committee anticipating receiving within a calendar year:</p> <p>-More than \$15,001, a new category, would be required to pay a \$750 registration fee;</p> <p>-At least \$7,500 and less than \$15,001 would be required to pay a \$500 registration fee</p>

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	At least \$500 and less than \$2,501 would be required to pay a \$50 registration fee; and [Note: This would have been continuing law, it is included for clarity of information]		At least \$500 and less than \$2,501 would be required to pay a \$50 registration fee; and [Note: This would have been continuing law, it is included for clarity of information]		At least \$500 and less than \$2,501 would be required to pay a \$100 registration fee; and		-At least \$2,500 and less than \$7,501 would be required to pay a \$250 registration fee;
	Less than \$500 would be required to pay a \$25 registration fee. [Note : This would have been continuing law, it is included for clarity of information]		Less than \$500 would be required to pay a \$25 registration fee. [Note : This would have been continuing law, it is included for clarity of information]		Less than \$500 would be required to pay a \$50 registration fee.		Less than \$2,500 would be required to pay a \$50 registration fee.
	The bill would make technical amendments to continue requiring a political committee that receives more contributions than anticipated, up to \$10,000, to pay the difference between the fee owed and the amount of the fee accompanied by current registration.		The bill would make technical amendments to continue requiring a political committee that receives more contributions than anticipated, up to \$10,000, to pay the difference between the fee owed and the amount of the fee accompanied by current registration.		The bill would make technical amendments to continue requiring a political committee that receives more contributions than anticipated, up to \$10,000, to pay the difference between the fee owed and the amount of the fee accompanied by current registration.		The bill would make technical amendments to continue requiring a political committee that receives more contributions than anticipated, up to \$7,501, to pay the difference between the fee owed and the amount of the fee accompanied by current registration.
Section 6 KSA 25-4148	Would amend the directive for treasurers for political committees and party committees to report the name and address of each candidate for state or local office who is the subject of an expenditure which is made without the coordination of a candidate or candidate committee.	Section 6 KSA 25-4148	Would amend the directive for treasurers for political committees and party committees to report the name and address of each candidate for state or local office who is the subject of an expenditure which is made without the coordination of a candidate or candidate committee.	Section 5 KSA 25-4148	Would amend the directive for treasurers for political committees and party committees to report the name and address of each candidate for state or local office who is the subject of an expenditure which is made without the coordination of a candidate or candidate committee.		Section not amended; [Note: Continuing law directs treasurers for political committees and party committees to report the name and address of each candidate for state or local office who is the subject of an expenditure which is made without the cooperation or consent of a candidate or candidate committee.]
Section 7 KSA 25-4148C	Would amend the definition of "independent expenditure" to mean an expenditure that is made without the coordination of the candidate or agent of such candidate to be benefited and which expressly advocates the election or defeat of a clearly identified candidate.	Section 7 KSA 25-4148C	Would amend the definition of "independent expenditure" to mean an expenditure that is made without the coordination of the candidate or agent of such candidate to be benefited and which expressly advocates the election or defeat of a clearly identified candidate.	Section 6 KSA 25-4148C	Would amend the definition of "independent expenditure" to mean an expenditure that is made without the coordination of the candidate or agent of such candidate to be benefited and which expressly advocates the election or defeat of a clearly identified candidate.		Section not amended; [Note: Continuing law defines "independent expenditure" to mean an expenditure that is made without the cooperation or consent of the candidate or agent of such candidate to be benefited and which expressly advocates the election or defeat of a clearly identified candidate.]
		Section 8 KSA 25-4150	Would remove individuals from persons who must report contributions and expenditures for express advocacy, and change those reporting requirements to include names and addresses of individuals who give more than \$50 only if such money is earmarked for express advocacy.				
Section 8 KSA 25-4152	Would direct fines assessed for late reports to the State General Fund	Section 9 KSA 25-4152	Would direct fines assessed for late reports to the State General Fund	Section 7 KSA 25-4152	Would direct fines assessed for late reports to the State General Fund		Section not amended; Continuing law directs fines assessed to the Governmental Ethics Commission Fee Fund.
Section 9 KSA 25-4153a	Would state no solicitation from January 1 through Sine Die is a violation if it is a general public solicitation and accompanied with a disclaimer that it is not intended for lobbyists, political committees, or persons other than individuals.	Section 10 KSA 25-4153a	Would state no solicitation from January 1 through Sine Die is a violation if it is a general public solicitation and accompanied with a disclaimer that it is not intended for lobbyists, political committees, or persons other than individuals.	Section 8 KSA 25-4153a	Would state no solicitation from January 1 through Sine Die is a violation if it is a general public solicitation and accompanied with a disclaimer that it is not intended for lobbyists, political committees, or persons other than individuals.	Section 4	The bill would state no solicitation from January 1 through Sine Die is a violation if it is a general public solicitation and accompanied with a disclaimer that it is not intended for lobbyists, political committees, or persons other than individuals.

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Section 10 KSA 25-4153b	The bill would prohibit any member of or candidate for the Legislature from serving as the treasurer or chairperson of a political committee. The bill would state, however, that subject to the prohibition on coordination between a candidate or candidate committee and a political committee, a candidate for or member of the Legislature may solicit funds for or participate in the activities of a party or political committee.	Section 11 KSA 25-4153b	The bill would prohibit any member of or candidate for the Legislature from serving as the treasurer or chairperson of a political committee. The bill would state, however, that subject to the prohibition on coordination between a candidate or candidate committee and a political committee, a candidate for or member of the Legislature may solicit funds for or participate in the activities of a party or political committee.	Section 9 KSA 25-4153b	Would prohibit any member of or candidate for the Legislature from serving as the treasurer or chairperson of a political committee.		Section not amended
Section 11 KSA 25-4154	Would define “Contribution in the name of another” to mean a contribution given to another individual or entity for the purpose of concealing the original source of any funds reported under this act. The bill would provide a section regarding knowingly making or accepting a contribution in the name of another would not apply to contributions, expenditures, or transfers subject to the Act made by an individual or committee otherwise reporting the contribution, expenditure, or transfer on a report or statement filed under the Act;	Section 12 KSA 25-4154	Would define “Contribution in the name of another” to mean a contribution given to another individual or entity for the purpose of concealing the original source of any funds reported under this act. The bill would provide a section regarding knowingly making or accepting a contribution in the name of another would not apply to contributions, expenditures, or transfers subject to the Act made by an individual or committee otherwise reporting the contribution, expenditure, or transfer on a report or statement filed under the Act;	Section 10 KSA 25-4154	Would define “Contribution in the name of another” to mean a contribution given to another individual or entity for the purpose of concealing the original source of any funds reported under this act. The bill would provide a section regarding knowingly making or accepting a contribution in the name of another would not apply to contributions, expenditures, or transfers subject to the Act made by an individual or committee otherwise reporting the contribution, expenditure, or transfer on a report or statement filed under the Act;		Section not amended; Continuing law does not define “contribution in the name of another”
Section 13 KS 25-4157a	<p>The bill would expand allowable personal use of moneys received by any candidate or candidate committee to include:</p> <p>Expenses, compensation, or gifts provided to any volunteer, staff member, or contractor of the candidate’s campaign or provided to any volunteer or staff of the candidate’s political office</p> <p>Payment of any civil penalty imposed by the Commission pursuant to the Act; and</p> <p>Payment of legal fees related to any matter under the Act.</p> <p>Expenses incurred for family caregiving services when such expenses are incurred as a result of the candidate’s candidacy for office or holding office and are directly related to or have an effect on the candidate’s campaign activities or duties as office holder</p> <p>The bill would also clarify “personal use” does not include any uses listed under legitimate campaign purposes and define “Family Caregiving Services,” and “Immediate Family Member”</p>	Section 13 KS 25-4157a	<p>The bill would expand allowable personal use of moneys received by any candidate or candidate committee to include:</p> <p>Expenses, compensation, or gifts provided to any volunteer, staff member, or contractor of the candidate’s campaign or provided to any volunteer or staff of the candidate’s political office, provided that the total amount provided from all sources does not exceed the total fair market value of services provided;</p> <p>Payment of any civil penalty imposed by the Commission pursuant to the Act; and</p> <p>Payment of legal fees related to any matter under the Act.</p> <p>Expenses incurred for family caregiving services when such expenses are incurred as a result of the candidate’s candidacy for office or holding office and are directly related to or have an effect on the candidate’s campaign activities or duties as office holder</p> <p>The bill would also clarify “personal use” does not include any uses listed under legitimate campaign purposes and define “Family Caregiving Services,” and “Immediate Family Member”</p>	Section 11; KS 25-4157a	<p>The bill would expand allowable personal use of moneys received by any candidate or candidate committee to include:</p> <p>Expenses, compensation, or gifts provided to any volunteer, staff member, or contractor of the candidate’s campaign or provided to any volunteer or staff of the candidate’s political office, provided that the total amount provided from all sources does not exceed the total fair market value of services provided;</p> <p>Payment of any civil penalty imposed by the Commission pursuant to the Act; and</p> <p>Payment of legal fees related to any matter under the Act.</p>	Section 5	<p>The bill would expand allowable personal use of moneys received by any candidate or candidate committee to include:</p> <p>Expenses, compensation, or gifts provided to any volunteer, staff member, or contractor of the candidate’s campaign or provided to any volunteer or staff of the candidate’s political office, provided that the total amount provided from all sources does not exceed the total fair market value of services provided;</p> <p>Payment of any civil penalty imposed by the Commission pursuant to the Act related to the candidate’s campaign and that is incurred by the candidate, candidate committee, treasurer, or other agent of the candidate; and</p> <p>Payment of legal fees related to any matter under the Act.</p>

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	The bill would state nothing from the section regarding personal use of campaign funds would prohibit a candidate or candidate campaign from contributing moneys to a party committee, and the party committee would not be prohibited from accepting said contributions, provided it is not contractually restricted for a specific purpose. "Contractually restricted to uses for a specific purpose" would be defined to mean a binding and legally enforceable limitation on how a contribution may be used.		The bill would state nothing from the section regarding personal use of campaign funds would prohibit a candidate or candidate campaign from contributing moneys to a party committee, and the party committee would not be prohibited from accepting said contributions, provided it is not contractually restricted for a specific purpose. " Contractually restricted to uses for a specific purpose" would be defined to mean a binding and legally enforceable limitation on how a contribution may be used.		The bill would state nothing from the section regarding personal use of campaign funds would prohibit a candidate or candidate campaign from contributing moneys to a party committee, and the party committee would not be prohibited from accepting said contributions, provided it is not restricted for a specific purpose . " Restricted to uses for a specific purpose " would be defined to mean a legally enforceable limitation on how a contribution may be used .		
Section 13 KSA 25-4158	The bill would remove the Commission's authority to issue subpoenas prior to determining probable cause on a complaint. The Commission may then request the Attorney General or a County or District Attorney file an application for an inquisition in a district court for the purpose of investigating potential violations of the Act.	Section 14 KSA 25-4158	The bill would remove the Commission's authority to issue subpoenas and require the Commission to apply to the Shawnee County District Court for an order to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any documents or records that the Commission deems relevant or material to the investigation. The bill would specify that 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. The bill would require any subpoena or subpoena <i>duces tecum</i> issued by the presiding officer to be subject to the provisions of the KAPA, the Kansas Code of Civil Procedure Act, and all other laws applicable to issuance and quashing of subpoenas. The bill would allow a person responding to a subpoena to apply to a court for relief from a subpoena.	Section 12 KSA 25-4158	The bill would remove the Commission's authority to issue subpoenas and require the Commission to apply to the Shawnee County District Court for an order to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any documents or records that the Commission deems relevant or material to the investigation. The bill would require all applications for a court order to be made under the seal of the court. The bill would require a 2/3, rather than 3/4, majority vote to issue such an application and would remove the requirement that the commissioners must be physically present in order to vote. The bill would require any subpoena or other process issued by the Commission pursuant to the section on subpoenas to be served upon any person unless an application has been filed in the district court of Shawnee County.	Section 6	The bill would remove the Commission's authority to issue subpoenas and require the Commission to apply to the Shawnee County District Court for an order to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any documents or records that the Commission deems relevant or material to the investigation. The bill would require all applications for a court order to be made under the seal of the court. The bill would require a 2/3, rather than 3/4, majority vote to issue such an application and would remove the requirement that the commissioners must be physically present in order to vote. The bill would specify that 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.
			The bill would state upon application of the Commission, the district court of Shawnee County, after review of the sufficiency of the written findings of fact and conclusions of law and the record before the Commission, as well as the reasonableness and scope of the subpoena, may issue an order requiring the person to appear.		The bill would state, in case of refusal to obey a subpoena issued to any person upon application of the Commission, the district court of Shawnee County, after review of the sufficiency of the written findings of fact and conclusions of law and the record before the Commission, as well as the reasonableness and scope of the subpoena, may issue an order requiring the person to appear.		The bill would state upon application by the Commission or officer designated by the Commission for a court order 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 of the scope of the subpoena, shall issue an order requiring the person to appear.
			The bill would state, at the filing of an application for a court order under this section, the Commission shall provide copy of 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 this section.		The bill would state, at the request of any person filing of an application for a court order under this section, the Commission shall provide copy of 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 this section.		The bill would state the Commission shall, upon the filing of an application for a court order, provide a copy of 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 this section to the recipient of the subpoena.

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			The bill also would require the Commission to take reasonable steps to avoid imposing undue burden or expense on a person subject to subpoena and require the court to enforce this duty against the Commission and impose an appropriate sanction.		The bill would require the Commission to take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena, and such a 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 may impose an appropriate sanction on the Commission including an order requiring the Commission to reimburse the person for lost earnings and attorney fees.		The bill would require the Commission to 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 district court for relief on the basis that responding to the subpoena will cause an undue burden or expense. The district court may impose an appropriate sanction on the Commission including an order requiring the Commission to reimburse the person for lost earnings and attorney fees.
			The bill would provide specific language to be included in a notice accompanying a subpoena informing the subject of the subpoena of their rights.		The bill would provide specific language to be included in a notice accompanying a subpoena informing the subject of the subpoena of their rights.		The bill would provide specific language to be included in a notice accompanying a subpoena informing the subject of the subpoena of their rights. [Note: This provision is relocated to the end of Section 6.]
			The bill would require every subpoena so issued to include notices regarding the rights of the person to whom the subpoena was issued. The bill would require any person ordered to testify or produce documents to be informed that the person has a right to be advised by counsel and may not be required to make any self-incriminating statement. The bill would direct the judge to appoint counsel if the person is indigent and requests counsel. The bill would authorize counsel to be present while the witness is testifying and interpose objections on behalf of the witness, but would not authorize counsel to examine or cross-examine any witness.		The bill would require every subpoena so issued to include notices regarding the rights of the person to whom the subpoena was issued. The bill would require any person ordered to testify or produce documents to be informed that the person has a right to be advised by counsel and may not be required to make any self-incriminating statement. The bill would direct the judge to appoint counsel if the person is indigent and requests counsel. The bill would authorize counsel to be present while the witness is testifying and interpose objections on behalf of the witness, but would not authorize counsel to examine or cross-examine any witness.		The bill would require every subpoena so issued to include notices regarding the rights of the person to whom the subpoena was issued. The bill would require any person ordered to testify or produce documents to be informed that the person has a right to be advised by counsel and may not be required to make any self-incriminating statement. The bill would direct the judge to appoint counsel if the person is indigent and requests counsel. The bill would authorize counsel to be present while the witness is testifying and interpose objections on behalf of the witness, but would not authorize counsel to examine or cross-examine any witness.
Section 14 KSA 25-4161		Section 15 KSA 25-4161		Section 13 KSA 25-4161	The bill would direct the Commission to have an affirmative vote of not less than 2/3 of the members of the Commission to find that probable cause exists for believing the allegations of a complaint.	Section 7	The bill would direct the Commission to have an affirmative vote of not less than 2/3 of the members of the Commission to find that probable cause exists for believing the allegations of a complaint.
	The bill would also prohibit any attorney or staff member representing the complainant before the Commission from engaging in ex parte communication with the Commission, as well as advising, representing, or assisting the Commission regarding any matter before the Commission. The bill would require the Commission to obtain separate independent legal counsel in the event any attorney or staff employed by the Commission represents the complainant.		The bill would also prohibit any attorney or staff member representing the complainant before the Commission from engaging in ex parte communication with the Commission, as well as advising, representing, or assisting the Commission regarding any matter before the Commission. The bill would require the Commission to obtain separate independent legal counsel in the event any attorney or staff employed by the Commission represents the complainant.		The bill would also prohibit any attorney or staff member representing the complainant before the Commission from engaging in ex parte communication with the Commission, as well as advising, representing, or assisting the Commission regarding the same or related matter before the Commission. The bill would require the Commission to obtain separate independent legal counsel when needed to comply with these requirements.		The bill would also prohibit any attorney or staff member representing the complainant before the Commission from engaging in ex parte communication with the Commission, as well as advising, representing, or assisting the Commission regarding the same or related matter before the Commission. The bill would require the Commission to obtain separate independent legal counsel when needed to comply with these requirements.

Evolution of House Substitute for SB 208

Section in HB 2391, as heard*	Proposed Effect in HB 2391, as heard in committee with balloon amendment*	Section in HB 2391, as amended	Proposed Effect in HB 2391, as amended by House Committee on Elections	Section in Substitute for HB 2391	Proposed Effect in Substitute for HB 2391	Section in Proposed House Substitute for SB 208	Proposed Effect in Proposed House Substitute for SB 208
	The bill would authorize the Commission to enter into a contract with the Office of Administrative Hearings and provide reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer and would add duties of confidentiality for hearings to members of the Commission, the Executive Director, or any person employed or engaged by the Commission.		The bill would authorize the Commission to enter into a contract with the Office of Administrative Hearings and provide reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer and would add duties of confidentiality for hearings to members of the Commission, the Executive Director, or any person employed or engaged by the Commission.		The bill would authorize the Commission to enter into a contract with the Office of Administrative Hearings and provide reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer and would add duties of confidentiality for hearings to members of the Commission, the Executive Director, or any person employed or engaged by the Commission.		The bill would authorize the Commission to enter into a contract with the Office of Administrative Hearings and provide reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer and would add duties of confidentiality for hearings to members of the Commission, the Executive Director, or any person employed or engaged by the Commission.
Section 15 KSA 25-4163	The bill would state that if a hearing is to be held under the provisions of the Act, the presiding officer shall, before the hearing has commenced, issue subpoenas and subpoenas duces tecum at the request of any party, subject to the provisions of KAPA, the Kansas Code for Civil Procedure, and all other general laws applicable to issuance and quashing of subpoenas. The Commission shall reimburse the reasonable costs of production of documents subject to subpoena. Upon respondent request, any hearing or pre-hearing procedure would be before a presiding officer from the Office of Administrative Hearings. The bill would specify the Commission shall not have another hearing on the matter, but make a final determination based on the record of the hearing before the presiding officer or subcommittee of the Commission.	Section 16 KSA 25-4163	The bill would state that if a hearing is to be held under the provisions of the Act, the presiding officer shall, before the hearing has commenced, issue subpoenas and subpoenas duces tecum at the request of any party, subject to the provisions of KAPA, the Kansas Code for Civil Procedure, and all other general laws applicable to issuance and quashing of subpoenas. The Commission shall reimburse the reasonable costs of production of documents subject to subpoena. Upon respondent request, any hearing or pre-hearing procedure would be before a presiding officer from the Office of Administrative Hearings. The bill would specify the Commission shall not have another hearing on the matter, but make a final determination based on the record of the hearing before the presiding officer or subcommittee of the Commission.	Section 14 KSA 25-4163	The bill would state that if a hearing is to be held under the provisions of the Act, the presiding officer shall, before the hearing has commenced, issue subpoenas and subpoenas duces tecum at the request of any party, subject to the provisions of KAPA, the Kansas Code for Civil Procedure, and all other general laws applicable to issuance and quashing of subpoenas. The Commission shall reimburse the reasonable costs of production of documents subject to subpoena. Upon respondent request, any hearing or pre-hearing procedure would be before a presiding officer from the Office of Administrative Hearings. The bill would specify the Commission shall not have another hearing on the matter, but make a final determination based on the record of the hearing before the presiding officer or subcommittee of the Commission.	Section 8	The bill would state that if a hearing is to be held under the provisions of the Act before a presiding officer, then a subcommittee of the Commission or the presiding officer shall, before the hearing has commenced, issue subpoenas at the request of any party. The Commission shall reimburse reasonable costs of production of documents subject to subpoena. Upon request by a respondent that the hearing be held before a presiding officer from the Office of Administrative Hearings, the hearing shall be conducted by a presiding officer in the manner prescribed by KAPA. The bill would specify the Commission shall not have another hearing on the matter, but make a final determination based on the record of the hearing before the presiding officer or subcommittee of the Commission.
Section 16 KSA 25-4165	The bill would apply the duties of confidentiality only to members of the Commission, the Executive Director, or any person employed or engaged by the commission.	Section 17 KSA 25-4165	The bill would apply the duties of confidentiality only to members of the Commission, the Executive Director, or any person employed or engaged by the commission.	Section 15 KSA 25-4165	The bill would apply the duties of confidentiality only to members of the Commission, the Executive Director, or any person employed or engaged by the commission.	Section 9	The bill would apply the duties of confidentiality only to members of the Commission, the Executive Director, or any person employed or engaged by the commission.
Section 17 KSA 25-4170	The bill would clarify nothing in the section regarding excessive campaign contributions shall prohibit a contribution, expenditure, or transfer of money between a party or political committees and candidates and candidate committees made in compliance with the statute regarding campaign contributions in the name of another.	Section 18 KSA 25-4170	The bill would clarify nothing in the section regarding excessive campaign contributions shall prohibit a contribution, expenditure, or transfer of money between a party or political committees and candidates and candidate committees made in compliance with the statute regarding campaign contributions in the name of another.	Section 16 KSA 25-4170	The bill would clarify nothing in the section regarding excessive campaign contributions shall prohibit a contribution, expenditure, or transfer of money between a party or political committees and candidates and candidate committees made in compliance with the statute regarding campaign contributions in the name of another and allowable expenditures for campaign funds.		Section not amended
Section 18 KSA 25-4181	The bill would cap fines imposed by the Commission in any one matter at double the applicable fine for a single violation in such a matter.	Section 19 KSA 25-4181	The bill would cap fines imposed by the Commission in any one matter at double the applicable fine for a single violation in such a matter.	Section 17 KSA 25-4181	The bill would cap fines imposed by the Commission in any one matter at double the applicable fine for a single violation in such a matter.	Section 10	The bill would cap fines imposed by the Commission in any one matter at triple the applicable fine for a single violation in any such matter, except as otherwise provided. In the event the respondent gained money from the specific violation, then the fine imposed may be fixed at an amount greater than described above, but in no event more than double the pecuniary gain derived from the violation of the respondent.

Evolution of House Substitute for SB 208

Section in HB 2391, as heard*	Proposed Effect in HB 2391, as heard in committee with balloon amendment*	Section in HB 2391, as amended	Proposed Effect in HB 2391, as amended by House Committee on Elections	Section in Substitute for HB 2391	Proposed Effect in Substitute for HB 2391	Section in Proposed House Substitute for SB 208	Proposed Effect in Proposed House Substitute for SB 208
	<p>The bill would clarify nothing in the section shall prevent the imposition of a separate fine by court in a criminal proceeding.</p> <p>The bill would direct the fines assessed and collected to go to credit the State General Fund.</p> <p style="color: red;">The bill would prohibit the Commission from reducing, waiving, or otherwise modifying any fines previously imposed due to a consent decree or final order.</p> <p>The bill would prohibit the Commission from ordering community service or other specific performance in lieu of a civil fine.</p> <p>The bill would prohibit the Commission from entering into any agreement with any person that legally binds the Commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of the Commission in any matter.</p>		<p>The bill would clarify nothing in the section shall prevent the imposition of a separate fine by court in a criminal proceeding.</p> <p>The bill would direct the fines assessed and collected to go to credit the State General Fund.</p> <p>The bill would prohibit the Commission from ordering community service or other specific performance in lieu of a civil fine. The bill would clarify this does not prohibit the commission from requiring compliance with any provision of the Act.</p> <p>The bill would prohibit the Commission from entering into any agreement with any person that legally binds the Commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of the Commission in any matter unless that person has received immunity from criminal prosecution in the matter from a county or district attorney or the Attorney General.</p>		<p>The bill would clarify nothing in the section shall prevent the imposition of a separate fine by court in a criminal proceeding.</p> <p>The bill would direct the fines assessed and collected to go to credit the State General Fund.</p> <p>The bill would prohibit the Commission from ordering community service or other specific performance in lieu of a civil fine. The bill would clarify this does not prohibit the commission from requiring training regarding or compliance with any provision of the Act.</p> <p>The bill would prohibit the Commission from entering into any agreement with any person that legally binds the Commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of the Commission in any matter unless that person has received immunity from criminal prosecution in the matter from a county or district attorney or the Attorney General.</p>		<p>The bill would clarify nothing in the section shall prevent the imposition of a separate fine by court in a criminal proceeding.</p> <p>The bill would direct the fines assessed and collected to go to credit the State General Fund.</p> <p>The bill would prohibit the Commission from ordering community service or other specific performance in lieu of a civil fine. The bill would clarify this does not prohibit the commission from requiring training regarding or compliance with any provision of the Act.</p> <p>The bill would prohibit the Commission from entering into any agreement with any person that legally binds the Commission from enforcing any law against that person in exchange for the person's cooperation with or assistance of the Commission in any matter unless that person has received immunity from criminal prosecution in the matter from a county or district attorney or the Attorney General.</p>
Section 19 KSA 25-4182	Continuing law allows a person subject to an emergency temporary cease and desist order from the Commission to submit written request for a hearing on the matter of the cease and desist order to be held in accordance with the provisions of KAPA. The bill would allow the respondent to request for any such hearing to be removed for hearing before a presiding officer from the Office of Administrative Hearings as provided in the statute regarding Commission procedures for complaints (Section 15 of the bill).	Section 20 KSA 25-4182	Continuing law allows a person subject to an emergency temporary cease and desist order from the Commission to submit written request for a hearing on the matter of the cease and desist order to be held in accordance with the provisions of KAPA. The bill would allow the respondent to request for any such hearing to be removed for hearing before a presiding officer from the Office of Administrative Hearings as provided in the statute regarding Commission procedures for complaints (Section 15 of the bill).	Section 18 KSA 25-4182	Continuing law allows a person subject to an emergency temporary cease and desist order from the Commission to submit written request for a hearing on the matter of the cease and desist order to be held in accordance with the provisions of KAPA. The bill would allow the respondent to request for any such hearing to be removed for hearing before a presiding officer from the Office of Administrative Hearings as provided in the statute regarding Commission procedures for complaints (Section 13 of the bill).	Section 11	Continuing law allows a person subject to an emergency temporary cease and desist order from the Commission to submit written request for a hearing on the matter of the cease and desist order to be held in accordance with the provisions of KAPA. The bill would allow the respondent to request for any such hearing to be removed for hearing before a presiding officer from the Office of Administrative Hearings as provided in the statute regarding Commission procedures for complaints (Section 7 of the bill).
Section 20 KSA 25-4185	The bill would clarify any appeal to district court shall be a trial de novo and shall include an evidentiary hearing at which issues of law and fact shall be determined anew.	Section 21 KSA 25-4185	The bill would clarify any appeal to district court shall be a trial de novo and shall include an evidentiary hearing at which issues of law and fact shall be determined anew.	Section 19 KSA 25-4185	The bill would clarify any appeal to district court shall be a trial de novo and shall include an evidentiary hearing at which issues of law and fact shall be determined anew. A verified complaint reviewed by a district court on appeal pursuant to this shall constitute a claim by the Commission for the purposes of the Kansas Public Speech Protection Act.		Section not amended