

Approved: March 10, 2010

Date

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on March 3, 2010, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

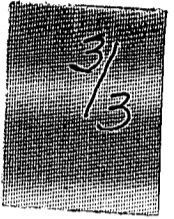
Mike Heim, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

Motion to approve the Minutes of February 24, 2010 was made by Senator Brungardt, seconded by Senator Huntington. Motion carried.



Senator Schmidt opened the hearing on **SB 443 - Campaign finance; contribution limitations; candidates for the state board of education** by introducing an amendment that would add justices of the supreme court and judges of the court of appeals to the "state office" or "state officer", incorporating them as state officers elected on a statewide basis. The purpose of the amendment is to provide extension of transparency during an election (Attachment 1).

Mike Heim, Office of the Revisor, stated that this was just a definition under the general statutes of the elections law and that statute is referred to in the campaign finance act. He pointed out that the limitations would then be the same as other state officers elected from the state as a whole.

Carol Williams, Director, Governmental Ethics Commission, indicated that under current law there are no restrictions that address current campaigns for these two positions.

Senator Schmidt moved that SB 443 be amended, seconded by Senator Brungardt. Senator Apple requested that before the bill be moved out of committee they hear from the parties affected. Motion carried.

There being no further business, the meeting was adjourned. The next meeting is scheduled for March 10, 2010.

The meeting was adjourned at 10:00 a.m.

# SENATE ETHICS AND ELECTIONS COMMITTEE GUEST LIST

DATE: Wednesday, March 3, 2010

NAME	REPRESENTING
Jackson Lindley	Hein Law
John D'Amico	Associated Press
Carol Wilton	Gov Ethics

# SENATE BILL No. 443

By Committee on Education

1-25

9 AN ACT concerning elections; relating to campaign finance; amending  
10 K.S.A. 25-4153 and repealing the existing section.

25-2505 and

sections

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 25-4153 is hereby amended to read as follows: 25-  
14 4153. (a) The aggregate amount contributed to a candidate and such  
15 candidate's candidate committee and to all party committees and political  
16 committees and dedicated to such candidate's campaign, by any political  
17 committee or any person except a party committee, the candidate or the  
18 candidate's spouse, shall not exceed the following:

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

23 (2) For the office of member of the house of representatives, district  
24 judge, district magistrate judge, district attorney, ~~member of the state~~  
25 ~~board of education~~ or a candidate for local office, \$500 for each primary  
26 election (or in lieu thereof a caucus or convention of a political party) and  
27 an equal amount for each general election.

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

32 (b) For the purposes of this section, the face value of a loan at the  
33 end of the period of time allocable to the primary or general election is  
34 the amount subject to the limitations of this section. A loan in excess of  
35 the limits herein provided may be made during the allocable period if  
36 such loan is reduced to the permissible level, when combined with all  
37 other contributions from the person making such loan, at the end of such  
38 allocable period.

39 (c) For the purposes of this section, all contributions made by une-  
40 mancipated children under 18 years of age shall be considered to be  
41 contributions made by the parent or parents of such children. The total  
42 amount of such contribution shall be attributed to a single custodial par-  
43 ent and 50% of such contribution to each of two parents.

1 (d) The aggregate amount contributed to a state party committee by  
2 a person other than a national party committee or a political committee  
3 shall not exceed \$15,000 in each calendar year; and the aggregate amount  
4 contributed to any other party committee by a person other than a na-  
5 tional party committee or a political committee shall not exceed \$5,000  
6 in each calendar year.

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

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

13 (e) Any political funds which have been collected and were not sub-  
14 ject to the reporting requirements of this act shall be deemed a person  
15 subject to these contribution limitations.

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

19 (g) The amount contributed by each individual party committee of  
20 the same political party other than a national party committee to any  
21 candidate for office, for any primary election at which two or more can-  
22 didates are seeking the nomination of such party shall not exceed the  
23 following:

24 (1) For the pair of offices of governor and lieutenant governor and  
25 for each of the other state officers elected from the state as a whole,  
26 \$2,000 for each primary election (or in lieu thereof a caucus or convention  
27 of a political party);

28 (2) For the office of member of the house of representatives, district  
29 judge, district magistrate judge, district attorney, ~~member of the state~~  
30 ~~board of education~~ or a candidate for local office, \$500 for each primary  
31 election (or in lieu thereof a caucus or convention of a political party).

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

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

38 (i) No person shall make any contribution or contributions to any  
39 candidate or the candidate committee of any candidate in the form of  
40 money or currency of the United States which in the aggregate exceeds  
41 \$100 for any one primary or general election, and no candidate or can-  
42 didate committee of any candidate shall accept any contribution or con-  
43 tributions in the form of money or currency of the United States which

1 in the aggregate exceeds \$100 from any one person for any one primary  
 2 or general election. are  
 3 ~~Sec. 2.~~ K.S.A. ~~25-4153~~ is hereby repealed. 25-2505 and  
3. 4 ~~Sec. 3.~~ This act shall take effect and be in force from and after its  
 5 publication in the statute book.

4.

Sec. 2. K.S.A. 25-2505 is hereby amended to read as follows: (a) "National office" or "national officer" means the office or members of the United States house of representatives, members of the United States senate and members of the United States presidential electoral college.

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

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

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

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

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

1-3

CANON 4

**A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.**

**RULE 4.1**

**Political and Campaign Activities of Judges and  
Judicial Candidates in General**

- (A) A judge or a *judicial candidate* shall not:
- (1) make speeches on behalf of a *political organization*;
  - (2) use or permit the use of campaign *contributions* for the private benefit of the judge, the candidate, or others;
  - (3) use court staff, facilities, or other court resources in a campaign for judicial office;
  - (4) *knowingly*, or with reckless disregard for the truth, make any false or misleading statement;
  - (5) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter *pending* or *impending* in any court; or
  - (6) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the *impartial* performance of the adjudicative duties of judicial office.
- (B) Except as permitted by *law*, or by Rules 4.2, 4.3, and 4.4, a judge or a *judicial candidate* shall not:
- (1) act as a leader in, or hold an office in, a *political organization*;
  - (2) publicly endorse or oppose another candidate for any public office;
  - (3) solicit funds for, pay an assessment to, or make a *contribution* to a *political organization* or a candidate for public office;
  - (4) attend or purchase tickets for dinners or other events sponsored by a *political organization* or a candidate for public office;
  - (5) publicly identify himself or herself as a candidate of a *political organization*; or
  - (6) seek, accept, or use endorsements from a *political organization*.

(C) A judge or *judicial candidate* shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or *judicial candidate*, any activities prohibited under paragraphs (A) and (B).

## COMMENT

### GENERAL CONSIDERATIONS

[1] Even when subject to public election, a judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case.

Therefore, in furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free and appear to be free from political influence and political pressure. This Canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges and judicial candidates, taking into account the various methods of selecting judges.

[2] When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.

### PARTICIPATION IN POLITICAL ACTIVITIES

[3] Public confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence. Although judges and judicial candidates may register to vote as members of a political party, they are prohibited by paragraph (B)(1) from assuming leadership roles in political organizations unless allowed under Rule 4.3(B).

[4] Paragraphs (A)(1) and (B)(2) prohibit judges and judicial candidates from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for public office, respectively, to prevent them from inappropriately using the prestige of judicial office to advance the interests of others. See Rule 1.3. These Rules do not prohibit candidates from campaigning on their own behalf in a retention election [See Rule 4.2(B)(2)], campaigning on their own behalf or against any opponent in a nonpartisan election [See Rule 4.2(C)(2)], or from campaigning on their own behalf or from endorsing or opposing candidates for the same judicial office for which they are running in a partisan public election [See Rule 4.2(D)(3)(a) and (c)].

[5] Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no “family exception” to the prohibition in paragraph (B)(2) against a judge or candidate publicly endorsing candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with, a family member’s political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take, reasonable steps to avoid any implication that they endorse any family member’s candidacy or other political activity.

[6] Judges and judicial candidates retain the right to participate in the political process as voters in both primary and general elections. For purposes of this Canon, participation in a caucus-type election procedure is not prohibited by paragraphs (A)(1) or (B)(2).

#### STATEMENTS AND COMMENTS MADE DURING A CAMPAIGN FOR JUDICIAL OFFICE

[7] Judicial candidates must be scrupulously fair and accurate in all statements made by them and by their campaign committees. Paragraph (A)(4) obligates candidates and their committees to refrain from making statements that are false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading.

[8] Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or misleading allegations may be made that bear upon a candidate's integrity or fitness for judicial office. As long as the candidate does not violate paragraphs (A)(4), (A)(5), or (A)(6), the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate's opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

[9] Subject to paragraph (A)(5), a judicial candidate is permitted to respond directly to false, misleading, or unfair allegations made against him or her during a campaign, although it is preferable for someone else to respond if the allegations relate to a pending case.

[10] Paragraph (A)(5) prohibits judicial candidates from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

#### PLEDGES, PROMISES, OR COMMITMENTS INCONSISTENT WITH IMPARTIAL PERFORMANCE OF THE ADJUDICATIVE DUTIES OF JUDICIAL OFFICE

[11] The role of a judge is different from that of a legislator or executive branch official, even when the judge is subject to public election. Campaigns for judicial office must be conducted differently from campaigns for other offices. The narrowly drafted restrictions upon political and campaign activities of judicial candidates provided in Canon 4 allow candidates to conduct campaigns that provide voters with sufficient information to permit them to distinguish between candidates and make informed electoral choices.

[12] Paragraph (A)(6) makes applicable to both judges and judicial candidates the prohibition that applies to judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.



[13] The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine if a reasonable person would believe that the candidate for judicial office has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

[14] A judicial candidate may make campaign promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A candidate may also pledge to take action outside the courtroom, such as working toward an improved jury selection system, or advocating for more funds to improve the physical plant and amenities of the courthouse.

[15] Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph (A)(6) does not specifically address judicial responses to such inquiries. Judicial candidates may respond but, depending upon the wording and format of such questionnaires, candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph (A)(6), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

#### **RULE 4.2**

##### **Political and Campaign Activities of *Judicial Candidates in Public Elections***

- (A) A *judicial candidate* in a retention, nonpartisan, or partisan *public election* shall:
- (1) act at all times in a manner consistent with the *independence, integrity, and impartiality* of the judiciary;
  - (2) comply with all applicable election, election campaign, and election campaign fund-raising *laws* and regulations of this jurisdiction;
  - (3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by Rule 4.4, before their dissemination; and
  - (4) take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities, other than those described in Rule 4.4, that the candidate is prohibited from doing by Rule 4.1.

(B) A candidate for retention to judicial office may, unless prohibited by *law*, and not earlier than one year before the retention election in which the candidate is running:

- (1) establish a campaign committee pursuant to the provisions of Rule 4.4;
- (2) speak on behalf of his or her candidacy through any medium, including but not limited to advertisements, websites, or other campaign literature and;
- (3) obtain and use publicly stated support from any person or organization other than a partisan *political organization*.

(C) A candidate for nonpartisan election to judicial office may, unless prohibited by *law*, and not earlier than one year before the first applicable primary election, caucus, or general election in which the candidate is running:

- (1) establish a campaign committee pursuant to the provisions of Rule 4.4;
- (2) speak on behalf of his or her candidacy or against any opponents' candidacies through any medium, including but not limited to advertisements, websites, or other campaign literature; and
- (3) obtain and use publicly stated support from any person or organization other than a partisan *political organization*.

(D) A judge or a *judicial candidate* subject to partisan *public election* may, unless prohibited by *law*:

- (1) at any time
  - (a) attend or purchase tickets for dinners or other events sponsored by a *political organization* or a candidate for public office;
  - (b) identify himself or herself as a member of a political party; and
  - (c) contribute to a *political organization*;
- (2) establish a campaign committee pursuant to the provisions of Rule 4.4;
- (3) when a candidate for election
  - (a) speak on behalf of his or her own candidacy or against any opponents' candidacies through any medium, including but not limited to advertisements, web sites, or other campaign literature;
  - (b) distribute pamphlets and other promotional campaign literature supporting his or her candidacy;

(c) publicly endorse or publicly oppose other candidates for the same judicial office in a *public election* in which the judge or *judicial candidate* is running;

(d) identify himself or herself as a candidate of a *political organization*, including permitting the candidate's name to be listed on election materials along with the names of other candidates for elective public office and appearing in promotions of the ticket; and

(e) obtain and use publicly stated support from any person or organization, including a *political organization*.

## COMMENT

[1] Paragraphs (B), (C), and (D) permit judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by Rule 4.1(B).

[2] Despite paragraphs (B), (C), and (D), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4) and (6).

[3] In partisan public elections for judicial office, a candidate may be nominated by, affiliated with, or otherwise publicly identified or associated with a political organization, including a political party. This relationship may be maintained throughout the period of the public campaign, and may include use of political party or similar designations on campaign literature and on the ballot.

[4] In nonpartisan public elections or retention elections, paragraphs (B)(3) and (C)(3) prohibit a candidate from obtaining and using publicly stated support from a partisan political organization.

[5] A judge or judicial candidate subject to partisan public election is permitted to attend or purchase tickets for dinners and other events sponsored by political organizations.

[6] For purposes of paragraph (D)(3)(c) candidates are considered to be running for the same judicial office if they are competing for a single judgeship or if several judgeships on the same court are to be filled as a result of the election. In endorsing or opposing another candidate for a position on the same court, a judicial candidate must abide by the same rules governing campaign conduct and speech as apply to the candidate's own campaign.

**RULE 4.3**  
**Activities of Candidates for Appointment to Judicial Office**

- (A) A candidate for appointment to judicial office may:
- (1) communicate with the appointing authority, including any selection, screening, or nominating commission or similar agency; and
  - (2) seek endorsements for the appointment from any person or organization other than a partisan *political organization*.
- (B) a nonjudge candidate for appointment to judicial office may, in addition, unless otherwise prohibited by *law*:
- (1) retain an office in a *political organization*,
  - (2) attend or purchase tickets for dinners or other events sponsored by a *political organization* or a candidate for public office, and
  - (3) solicit funds for, pay an assessment to, or make a *contribution* to a *political organization* or a candidate for public office.

**COMMENT**

When seeking support or endorsement, or when communicating directly with an appointing authority, a candidate for appointment to judicial office must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule 4.1(A)(6).

**RULE 4.4**  
**Campaign Committees**

- (A) A *judicial candidate* for retention, nonpartisan, or partisan election may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of this Code. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable *law*. A judicial candidate may also *personally solicit* or accept campaign *contributions*.
- (B) A *judicial candidate* for retention, nonpartisan, or partisan election shall direct his or her campaign committee:
- (1) to solicit and accept only such campaign *contributions* as are permitted by *law*.
  - (2) not to solicit or accept *contributions* for a candidate's current campaign more than one year before the applicable primary election, caucus, or general or retention election, nor more than 90 days after the last election in which the candidate participated; and

- (3) to comply with all applicable statutory requirements for disclosure and divestiture of campaign *contributions*.

#### COMMENT

[1] Campaign committees may solicit and accept campaign contributions, manage the expenditure of campaign funds, and generally conduct campaigns. Candidates are responsible for compliance with the requirements of election law and other applicable law, and for the activities of their campaign committees.

[2] At the start of a campaign, the candidate must instruct the campaign committee to solicit or accept only such contributions as are permitted by law. Although lawyers and others who might appear before a successful candidate for judicial office are permitted to make campaign contributions, the candidate should instruct his or her campaign committee to be especially cautious in connection with such contributions, so they do not create grounds for disqualification if the candidate is elected to judicial office. See Rule 2.11.

#### RULE 4.5

##### Activities of Judges Who Become Candidates for Nonjudicial Office

(A) Upon becoming a candidate for election to a nonjudicial office either in a primary or in a general election or upon election or appointment to fill a vacancy in an elective nonjudicial office, a judge shall resign from judicial office.

(B) Upon becoming a candidate for appointment to a nonjudicial office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.

#### COMMENT

[1] In campaigns for election to nonjudicial public offices, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office. Although appropriate in nonjudicial campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office, and the political promises that the judge would be compelled to make in the course of campaigning for election to nonjudicial office, together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate.

[2] The "resign to run" rule set forth in paragraph (A) ensures that a judge cannot use the judicial office to promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointment to nonjudicial office, however, the dangers are not sufficient to warrant imposing the "resign to run" rule.

[3] A judge cannot hold judicial office while holding an elective nonjudicial office, whether the nonjudicial office is held by election or by appointment.

## Kansas Legislature

[Home](#) > [Statutes](#) > Statute[Previous](#)[Next](#)**25-4143****Chapter 25.--ELECTIONS****Article 41.--ELECTION CAMPAIGN FINANCE; GENERAL**

**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,

Kansas Legislature

[Home](#) > [Statutes](#) > Statute

[Previous](#)

[Next](#)

**25-2505**

**Chapter 25.--ELECTIONS**

**Article 25.--ELECTION DEFINITIONS OF GENERAL APPLICATION**

**25-2505. Same; national, state, county, city, school and township offices and officers.** (a) "National office" or "national officer" means the office or members of the United States house of representatives, members of the United States senate and members of the United States presidential electoral college.

(b) "State office" or "state officer" means the state officers elected on a statewide basis, members of the house of representatives and state senators, members of the state board of education, district judges, district magistrate judges and district attorneys.

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

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

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

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

**History:** L. 1968, ch. 406, § 5; L. 1974, ch. 166, § 35; L. 1976, ch. 181, § 10; L. 1986, ch. 115, § 78; Jan. 12, 1987.