

Kansas Administrative Regulations

Kansas Public Disclosure Commission

Article 21.—Candidates and Committees

19-21-3. Political committees.

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

- (1) The intent of the person or persons;
- (2) the amount of time devoted to the support or opposition of one or more candidates for state office;
- (3) the amount of time devoted to the support or opposition of any other political committee or party committee;
- (4) the amount of contributions, as defined by the act, made to any candidate, candidate committee, party committee or political committee;
- (5) the amount of expenditures, as defined by the act, made on behalf of any candidate, candidate committee, party committee or political committee; and
- (6) the importance to any candidate, candidate committee, party committee or political committee of the activities in which the person or persons engage.

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

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

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

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

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

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

(d) Affiliated or connected organizations.

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

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

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

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

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

(2) Exceptions. If a state-wide union or professional or trade association is considered to be an affiliated or connected organization of a particular political committee under any of the above tests, local units of such unions or associations shall be presumed not to be affiliated or connected organizations of the political committee so long as the state-wide entity is reported as such.

(Authorized by K.S.A. 25-4119a as amended by L. 1986, Ch. 143, Sec. 1; implementing K.S.A. 25-4143 and K.S.A. 1985 Supp. 25-4145; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15,

1977; amended, E-79-24, Sept. 21, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1987.)

***** Authenticated Kansas Administrative Regulation *****