This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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OVERVIEW

The Kansas Government Ethics Commission is charged with administering the state’s lobbying laws. (http://www.kansas.gov/ethics/) Kansas' lobbying laws impose registration and reporting requirements on individuals and groups who make expenditures to lobby at the state level.

The rules regulating lobbying activity are contained in Chapter 46, Article 2 of the Kansas Statutes Annotated (K.S.A. 46-215 et seq.); Articles 60-63 of Agency 19 of the Kansas Administrative Regulations (K.A.R.); and Advisory Opinions issued by the Commission. (http://www.kansas.gov/ethics/opinion/)

DEFINITIONS

Employer – 1) A person who employs another person to a considerable degree for the purpose of lobbying; 2) a person who formally appoints a person as the primary representative of an organization or of other persons to lobby in person on state-owned or leased property; or 3) a person on whose behalf a person otherwise registers or is required to register as a lobbyist. If a lobbyist has more than one employer, the provisions of articles 60, 61, 62, and 63 of these regulations that relate to employers shall apply independently to each of the lobbyist's employers.

Expenditure – A payment or a contract to pay for any of the following:
- The providing of hospitality in the form of recreation, food and beverage to any state officers, or employees of the legislative branch, candidates for the legislature, or legislators-elect, or their spouses, except bona fide personal or business entertainment as defined in subsection (c) below;
- the provision of any entertainment, gift, honoraria, or payment to any state officers, or employees of the legislative branch, candidates for the legislature, or legislators-elect, or their spouses, except bona fide personal or business gifts, entertainment, honoraria or payments;
- the production and communication of lobbying information to any state officer or employee of the legislative branch, candidate for the legislature, or legislator-elect by any person other than an individual; or
- the production and dissemination of mass media communications, letter-writing campaigns, and similar transactions that explicitly promote or oppose a clearly identified legislative matter or regulation and that urge or request the recipient to communicate directly with state officers or employees of the legislative branch, candidates for the legislature, or legislators-elect regarding that matter.

A person shall be considered to have made an expenditure if the person does so directly or if another person does so on the person’s behalf. In
addition, in the case of membership organizations, associations, or similar entities, the entity shall be deemed to make any expenditure associated with membership events if the entity plays an integral role initiating, planning, or operating these membership events.

- The term expenditure shall not mean a payment or contract that meets any of the following conditions:
  - Is made for the preparation of proposals, position papers and similar documents;
  - is made to employ another to lobby on one’s behalf;
  - is made for personal travel and subsistence of an individual engaged in lobbying;
  - is reported in compliance with the campaign finance act;
  - is made in association with any news story, commentary, or editorial distributed in the ordinary course of business by a broadcasting station, newspaper, or other periodical publication; or
  - is made for contributions to membership organizations, associations or similar entities in which the funds are used to make expenditures attributable to the entity or its representatives.

Bona fide personal or business entertainment or gifts – Entertainment or gifts provided to state officers or employees of legislative branch, candidates for the legislature, or legislators-elect, or their spouses, that are based solely on a business or personal relationship totally unrelated to the duties of the state officer or employee of the legislative branch, candidate for the legislature, or legislator-elect. The factors that shall be taken into consideration in determining whether a specific entertainment or gift falls within this definition include the following:
  - The intent of the parties;
  - the length of time a business or personal relationship has existed;
  - the topics of discussion;
  - the setting;
  - the persons attending;
  - the reimbursement of the person providing the entertainment or gift by an organization that engages in lobbying; and
  - the deduction by the person providing the entertainment or gift, or that person’s principal, of the expenditures as lobbying expenditures.

Gift – The transfer of money or anything of value without receiving legal consideration of a reasonably equal or greater value in return. The value of a gift shall be the fair market value or a reasonable estimate of it. If a transfer is made for less than reasonable consideration, the amount by which the value of the transfer exceeds the value of the consideration received shall be deemed a gift. The term gift shall not include any of the following:
  - The provision of hospitality in the form of recreation with a value of less than $100, food, or beverage;
any bona fide personal or business gift or entertainment; or
any contribution reported in compliance with the campaign finance act.

Hospitality in the form of recreation, food and beverage – The provision of recreation to or consumption of food and beverage by a state officer or employee of the legislative branch, candidate for the legislature, or legislator-elect while the state officer or employee of the legislative branch, candidate for the legislature, or legislator-elect is in the company of the donor or the donor's authorized agent.

Entertainment – The provision of recreation, food, or beverage to a state officer or employee of the legislative branch, candidate for the legislature, or legislator-elect, when the state officer or employee of the legislative branch, candidate for the legislature, or legislator-elect is not in the company of the donor or the donor's authorized agent.

Legislative Matter – Any bill, resolution, nomination, or other issue or proposal pending before the legislature or any committee, subcommittee, or council thereof. K.S.A. 46-219.

Legislator – A member or member-elect of the legislature. K.S.A. 46-220.

Lobbying – Promoting or opposing in any manner action or non-action by the legislature on any legislative matter or the adoption or non-adoption of any rule and regulation by any state agency; or entertaining any state officer or employee or giving any gift, honorarium or payment to a state officer or employee in an aggregate value of $40 or more within any calendar year, if at any time during such year the person supplying the entertainment, gifts, honoraria or payments has a financial interest in any contract with, or action, proceeding or other matter before the state agency in which such state officer or employee serves, or if such person is the representative of a person having such a financial interest. K.S.A. 46-225. Lobbying does not include bona fide personal or business entertainment or gifts. K.S.A. 46-225(e); K.A.R. 19-60-3(c), (d)(1)(B).

Lobbyist – Any person employed in considerable degree for lobbying; any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property; or any person who makes expenditures in an aggregate amount of $100 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying. K.S.A. 46-222(a).

State officer or employee – Elected or appointed state officers, any individual who is in the classified service or unclassified service of the Kansas civil service act, all officers and employees of the legislative branch and of the governor's office, irrespective of how compensated or period of employment, and any individual who receives monthly or semimonthly compensation for services from the state
or any state agency. (Does not include any justice or commissioner of the Supreme Court, any judge, employee or officer of the judicial branch; any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when performing a function or duty for the judicial branch; or any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement, when performing a function or duty of such council, commission or board.  

K.S.A. 46-221(a).

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**REGISTRATION**

Electronic Filing
Lobbyists may register, pay fees, order lobbyist badges, and file period expenditure reports online at the Secretary of State’s Kansas Lobbying Center, at: [www.kssos.org/elections/lobbyist_online.asp](http://www.kssos.org/elections/lobbyist_online.asp). All forms linked to below are PDF versions that may be filed in person or by mail.

**Who must register?**
The following individuals are required to register with the Secretary of State as a lobbyist:

- **Employed Lobbyists** (persons whose employment is, to a considerable degree, for the purpose of lobbying)
- **Appointed Lobbyists** (persons formally appointed as the primary representative of an organization or of another person to lobby in person on state property, regardless of whether that person is compensated for doing so)
- **Persons making lobbying expenditures** (any person who makes expenditures for lobbying in an aggregate amount of $100 or more, exclusive of travel and personal expenses, in a calendar year)


**When and how to register/re-register**
Any individual required to register as a lobbyist must do so prior to engaging in any lobbying in any calendar year. Registration is valid for the remainder of the calendar year in which the lobbyist registered (through December 31). Lobbyists may register for the succeeding calendar year any time after October 1. Lobbyists must re-register for each year in which they will engage in lobbying.  

K.S.A. 46-265.

To register, lobbyists must file a [Kansas Lobbyist Registration Form](http://www.kssos.org/elections/lobbyist_online.asp) with the Secretary of State.
Registration fee
Lobbyists are generally required to pay a fee for each employer, client, or organization they represent. Registration fees are as follows:
- $35 for each employer, client, or organization for which the lobbyist anticipates spending $1,000 or less for lobbying in a calendar year* and
- $300 for each employer, client, or organization for which the lobbyist anticipates spending more than $1,000 on lobbying in a calendar year
- However, a lobbyist who is an employee of a lobbying firm or group, but not an owner or partner, simply pays a total annual fee of $360.

* Any lobbyist who at the time of initial registration anticipated spending less than $1,000, on behalf of any one employer, but at a later date spends in excess of such amount, must, within three days of the date when expenditures exceed such amount, file an Amended Lobbyist Registration Statement and pay an additional fee of $265 for such year. K.S.A. 46-265.

Termination of registration
Upon terminating all lobbying activities, any registered lobbyist may file a Lobbyist Registration Termination Statement with the Secretary of State terminating such individual’s registration. K.S.A. 46-265(c).

REPORTING

Note: Individuals may subscribe with the Kansas Government Ethics Commission to be notified of upcoming lobbyist employment and expenditure reports. Subscribe at: www.accesskansas.org/mailman/listinfo/ethics_updates.

Reporting schedule
- Lobbyist employment and expenditure reports are to be filed on or before the 10th day of February, March, April, May, September, and January. K.S.A. 46-268(a); K.A.R. 19-63-2(a).

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<th>Report Due</th>
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For any calendar year in which a lobbyist expects to make lobbyist expenditures in an aggregate amount of less than $100 during each reporting period, the lobbyist must file and affidavit of such intent with the Secretary of State. While such lobbyists will not be required to file periodic reports during the year for which such affidavit is filed, they are required to file a year-end report on or before January 10 of all expenditures made in the previous calendar year. If a lobbyist filing such an affidavit expends more than $100 in reportable expenses in a reporting period, the lobbyist must file an expenditure report for that period. K.S.A. 46-268(b).

Expenditure reports are public records
- All lobbyist employment and expenditure reports are public records open to public inspection. K.S.A. 46-269.

Retention of records
- Lobbyists are required to retain records in support of every statement or record filed for five years from the date of filing. K.A.R. 19-63-6.

LOBBYING REGULATIONS

Time Restrictions on Lobbying
- There are no time restrictions on lobbying.

Identification of Lobbyists
- Registered lobbyists are required to wear photo ID badges when lobbying in the state capitol. Badges are to be provided by the Secretary of State upon filing of a Lobbyist Badge Order Card, which can be submitted along with the Lobbyist Registration Form. K.S.A. 46-270.

Note that many states’ rules on gifts, travel and other benefits provided to public officials are extremely complex. The laws outlined below are only summaries of some of the more commonly encountered issues; organizations and lobbyists are advised to consult with legal counsel for a complete analysis of their proposed activities before giving gifts or other benefits to officials.

Gifts
- Lobbyists are prohibited from offering or giving to any state officer or employee or state office candidate any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year with a major purpose of influencing official duties. K.S.A. 46-271.
• State officers and employees and state office candidates are prohibited from soliciting, accepting or agreeing to accept any 1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year; or 2) hospitality in the form of recreation having an aggregate value of $100 or more in any calendar year from any person whom they know to have a special interest and the officer or employee knows or should know that a major purpose of the interested party is to influence official duties. K.S.A. 46-236 and 46-237(a). Similar rules apply to certain state officials and employees in the executive branch of government. K.S.A. 46-237a.

• Duly reported, allowable campaign contributions, however, can be solicited, made and accepted except when a particular course of official action is to be followed as a condition thereon. K.S.A. 46-271, 46-236 and 46-237(e).

• State officers and employees are prohibited from accepting honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the commission prior to the acceptance of the speaking engagement. State officers and employees are permitted to receive reimbursement for reasonable expenses incurred in attending seminars, conferences and other speaking engagements. K.S.A. 46-237(f).

Travel and Entertainment
• Legislators are prohibited from soliciting contributions to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization.

• Legislators are, however, permitted to accept reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization. K.S.A. 46-237(h). See also Kansas Government Ethics Commission Opinion No. 2000-33 (modifying Opinion No. 2000-1).
No Campaign Contributions by Lobbyists during Legislative Session

- Registered lobbyists are prohibited from making campaign contributions in the period after January 1 up to adjournment sine die of the regular session of the legislature or at any other time in which the legislature is in session to a:
  - Legislator;
  - candidate for membership in the legislature;
  - state officer elected on a statewide basis;
  - candidate for state officer elected on a statewide basis;
  - candidate committee of any of the above listed individuals; or
  - political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.


Contingency Fees for Lobbying Prohibited

- No person shall pay or accept (or agree to pay or accept) compensation for lobbying that is contingent upon the results achieved. K.S.A. 46-267.

Revolving Door

- There are no revolving door restrictions on lobbyists.

Lobbying by State Officer or Employee Prohibited

- State officers and employees are prohibited from engaging in lobbying his or her own state agency if he or she accepts compensation specifically attributable to such lobbying. K.S.A. 46-232.

False Information and Other Violations

- The intentionally making of false or incomplete statements in lobbyist registration or reporting forms is a class B misdemeanor. K.S.A. 46-275. Most other violations of the lobbying statutes are also class B misdemeanors. K.S.A. 46-276. Civil fines up to $15,000 may also be imposed by the Governmental Ethics Commission. K.S.A. 46-288.
CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Kansas Government Ethics Commission
109 SW 9th Street, Suite 504
Topeka, KS 66612
785-296-4219
www.kansas.gov/ethics

Kansas Secretary of State
Elections and Legislative Matters
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612-1594
785-296-4564
www.kssos.org

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:
Email: advocacy@afj.org
Telephone: 1-866-NPLOBBY (675-6229)

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