



## GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

May 25, 2022

Opinion No. 2022-03

Cited herein: K.S.A. 25-4143(i) and (k).

### TO ALL INTERESTED PERSONS:

Pursuant to K.S.A. 25-4159, the Kansas Governmental Ethics Commission issues this opinion regarding political committees (PACs) subject to the Kansas campaign finance act in response to recent inquiries about application of the act to joint fundraising agreements.

### ISSUE

May a political committee subject to the Kansas campaign finance act include a candidate committee or a party committee?

### ANALYSIS AND OPINION

K.S.A. 25-4143(j) defines a person as meaning “any individual, committee, corporation, partnership, trust, organization or association.” Candidate committees and party committees meet the “any...committee” portion of this definition. It follows that candidate and party committees are persons for purposes of the Kansas campaign finance act.

K.S.A. 25-4143(k) defines a political committee:

- (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.

In isolation, K.S.A. 25-4143(j) and (k)(1) would allow a candidate or party committee to comprise one of the two or more persons required to have a political committee. However, the language of subparagraph (k)(2) overrides it by specifying that a political committee shall not include a candidate committee or a party committee. The word include means “to contain as a part of something.” See *Black’s Law Dictionary*, 8<sup>th</sup> ed.

(2004), p. 777. The only components of a political committee are individuals and persons other than individuals. Read together, the language of K.S.A. 25-4143(k)(1) and (k)(2) is clear and unambiguous. When statutory language is clear and unambiguous, Kansas courts have opined that resorting to the traditional rules of statutory construction is unwarranted.

## CONCLUSION

We conclude that candidate committees and party committees may not combine with each other or with another individual or person to form political committees as defined by K.S.A. 25-4143(k). We understand Federal Election Commission guidance allows candidates and political parties to form joint fundraising committees, which are registered PACs for reporting purposes. This guidance is not viable in Kansas due to the K.S.A. 25-4143(k)(2) prohibition. Conceivably, a joint fundraising agreement could utilize a political committee that only includes persons other than candidate committees and party committees, but still benefiting candidate committees and party committees that are not otherwise included in the political committee.

Sincerely,



Nick Hale, Chairman

By Direction of the Commission

NH:BB:sf