

SENATE BILL No. 309

By Committee on Ethics and Elections

1-19

Proposed amendments to SB 309  
February 1, 2012  
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1 AN ACT concerning certain crimes; dealing with corrupt political  
2 advertising; amending K.S.A. 2011 Supp. 25-4156 and repealing the  
3 existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 25-4156 is hereby amended to read as  
7 follows: 25-4156. (a) (1) Whenever any person sells space in any  
8 newspaper, magazine or other periodical to a candidate or to a candidate  
9 committee, party committee or political committee, the charge made for  
10 the use of ~~such~~the space shall not exceed the charges made for comparable  
11 use of ~~such~~the space for other purposes.

12 (2) Intentionally charging an excessive amount for political  
13 advertising is a class A misdemeanor.

14 (b) (1) Corrupt political advertising of a state or local office is:

15 (A) Publishing or causing to be published in a newspaper or other  
16 periodical any paid matter which expressly advocates the nomination,  
17 election or defeat of a clearly identified candidate for a state or local  
18 office, unless ~~such~~the paid matter is followed by the word "advertisement"  
19 or the abbreviation "adv." in a separate line together with the name of the  
20 chairperson or treasurer of the political or other organization sponsoring  
21 the ~~same~~paid matter or the name of the individual who is responsible  
22 therefor;

23 (B) broadcasting or causing to be broadcast by any radio or television  
24 station any paid matter which expressly advocates the nomination, election  
25 or defeat of a clearly identified candidate for a state or local office, unless:  
26 (i) ~~such~~The paid matter is followed by a statement which states: "Paid  
27 for" or "Sponsored by" followed by the name of the sponsoring  
28 organization and the name of the chairperson or treasurer of the political or  
29 other organization sponsoring the ~~same~~paid matter or the name of the  
30 individual who is responsible therefor; and

31 (ii) such paid matter includes a disclosure statement which is spoken  
32 and contains at least the following words:

33 (a) *If spoken by a candidate "I am" or "This is*

34 *candidate for* \_\_\_\_\_ *and I* \_\_\_\_\_ *(name of candidate)*

35 *(name of office)* \_\_\_\_\_ *(or my campaign);*

36

1 of internet communication which is made by the candidate, the candidate's  
2 candidate committee, a political committee or a party committee and such  
3 website, e-mail or other internet communication viewed by or  
4 disseminated to at least 25 individuals. For the purposes of this  
5 subparagraph, the terms "candidate," "candidate committee," "party  
6 committee" and "political committee" shall have the meanings ascribed to  
7 them in K.S.A. 25-4143, and amendments thereto.

8 (2) Corrupt political advertising of a state or local office is a class C  
9 misdemeanor.

10 (c) If any provision of this section or application thereof to any  
11 person or circumstance is held invalid, such invalidity does not affect other  
12 provisions or applications of this section which can be given effect without  
13 the invalid application or provision, and to this end the provisions of this  
14 section are declared to be severable.

15 Sec. 2. K.S.A. 2011 Supp. 25-4156 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its  
17 publication in the Kansas register.