

SENATE BILL No. 145

By Committee on Ethics and Elections

2-8

1 AN ACT concerning certain crimes; dealing with corrupt political
2 advertising; amending K.S.A. 2010 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. 2010 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 space shall not exceed the charges made for comparable
11 use of such 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
19 "advertisement" or the abbreviation "adv." in a separate line together with
20 the name of the chairperson or treasurer of the political or other
21 organization sponsoring the ~~same~~*paid matter* or the name of the
22 individual who is responsible therefor;

23 (B) broadcasting or causing to be broadcast by any radio or
24 television station any paid matter which expressly advocates the
25 nomination, election or defeat of a clearly identified candidate for a state
26 or local office, unless:

27 (i) ~~such~~*The paid* matter is followed by a statement which states:
28 "Paid for" or "Sponsored by" followed by the name of the sponsoring
29 organization and the name of the chairperson or treasurer of the political
30 or other organization sponsoring the ~~same~~*paid matter* or the name of the
31 individual who is responsible therefor; *and*

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

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

35 *is* _____ *(name of candidate)*

1 candidate
 2 for _____
 3 _____
 4 _____ (name of office) _____
 5 and I _____ sponsored this
 6 ad";
 7 (or my campaign)
 8 (b) if spoken by the chairperson or the treasurer of a party or
 9 political committee,
 10 "the _____
 11 _____
 12 _____ (name of the party or political committee)
 13 sponsored this ad
 14 supporting/opposing _____
 15 _____
 16 _____ (name of candidate) _____
 17 for _____";
 18 _____
 19 _____ (name of office)
 20 (c) if spoken by an individual, "I am" or "This is"
 21 _____
 22 _____ (name of individual)
 23 "and I sponsored this ad supporting/opposing this candidate"; or
 24 (d) if spoken by any other person "I
 25 represent _____
 26 _____ (name of corporation, group, or entity)
 27 and we sponsored this ad, supporting/opposing this candidate."

28 (C) telephoning or causing to be contacted by any telephonic means
 29 including, but not limited to, any device using a voice over internet
 30 protocol or wireless telephone, any paid matter which expressly
 31 advocates the nomination, election or defeat of a clearly identified
 32 candidate for a state or local office, unless ~~such~~the paid matter is
 33 preceded by a statement which states: "Paid for" or "Sponsored by"
 34 followed by the name of the sponsoring organization and the name of the
 35 chairperson or treasurer of the political or other organization sponsoring
 36 the ~~same~~paid matter or the name of the individual who is responsible
 37 therefor;

38 (D) publishing or causing to be published any brochure, flier or
 39 other political fact sheet which expressly advocates the nomination,
 40 election or defeat of a clearly identified candidate for a state or local

1 office, unless ~~such~~*the paid* matter is followed by a statement which states:
2 "Paid for" or "Sponsored by" followed by the name of the chairperson or
3 treasurer of the political or other organization sponsoring the ~~same~~*paid*
4 *matter* or the name of the individual who is responsible therefor.

5 The provisions of this subparagraph (D) requiring the disclosure of the
6 name of an individual shall not apply to individuals making expenditures
7 in an aggregate amount of less than \$2,500 within a calendar year; or

8 (E) making or causing to be made any website, e-mail or other type
9 of internet communication which expressly advocates the nomination,
10 election or defeat of a clearly identified candidate for a state or local
11 office, unless ~~such~~*the paid* matter is followed by a statement which states:
12 "Paid for" or "Sponsored by" followed by the name of the chairperson or
13 treasurer of the political or other organization sponsoring the ~~same~~*paid*
14 *matter* or the name of the individual who is responsible therefor.

15 The provisions of this subparagraph (E) requiring the disclosure of the
16 name of an individual shall apply only to any website, e-mail or other
17 type of internet communication which is made by the candidate, the
18 candidate's candidate committee, a political committee or a party
19 committee and such website, e-mail or other internet communication
20 viewed by or disseminated to at least 25 individuals. For the purposes of
21 this subparagraph, the terms "candidate," "candidate committee," "party
22 committee" and "political committee" shall have the meanings ascribed to
23 them in K.S.A. 25-4143, and amendments thereto.

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

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

31 Sec. 2. K.S.A. 2010 Supp. 25-4156 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its
33 publication in the statute book.

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