

**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  
7 as follows: 25-4156. (a) (1) Whenever any person sells space in any  
8 newspaper, magazine or other periodical to a candidate or to a  
9 candidate committee, party committee or political committee, the  
10 charge made for the use of such space shall not exceed the charges  
11 made for comparable 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  
20 with 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  
26 state 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  
30 political or other organization sponsoring the ~~same~~ *paid matter* or the  
31 name of the individual who is responsible therefor; *and*

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

1 (a) If spoken by a candidate "I am" or "This is \_\_\_\_\_  
 2 (name of candidate)  
 3 candidate for \_\_\_\_\_ and I \_\_\_\_\_  
 4 (name of office) (or my campaign)  
 5 sponsored **[approved]** this ad";

6 (b) if spoken by the chairperson or the treasurer of a party or  
 7 political committee, "the \_\_\_\_\_  
 8 (name of the party or political committee)  
 9 sponsored **[approved]** this ad supporting/opposing \_\_\_\_\_  
 10 (name of candidate)  
 11 for \_\_\_\_\_";  
 12 (name of office)

13 (c) if spoken by an individual, "I am" or "This is" \_\_\_\_\_  
 14 (name of individual)  
 15 and I sponsored **[approved]** this ad supporting/opposing this  
 16 candidate"; or

17 (d) if spoken by any other person "I represent \_\_\_\_\_  
 18 \_\_\_\_\_ and we sponsored **[approved]** this ad,  
 19 (name of corporation, group, or entity)  
 20 supporting/opposing this candidate."

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

31 (D) publishing or causing to be published any brochure, flier or  
 32 other political fact sheet which expressly advocates the nomination,  
 33 election or defeat of a clearly identified candidate for a state or local  
 34 office, unless ~~such~~the paid matter is followed by a statement which  
 35 states: "Paid for" or "Sponsored by" followed by the name of the  
 36 chairperson or treasurer of the political or other organization  
 37 sponsoring the ~~same~~paid matter or the name of the individual who is  
 38 responsible therefor.

39 The provisions of this subparagraph (D) requiring the disclosure of  
 40 the name of an individual shall not apply to individuals making

1 expenditures in an aggregate amount of less than \$2,500 within a  
2 calendar year; or

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

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

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

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

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

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