

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2183

By Committee on Elections

1-29

1 AN ACT concerning campaign finance; relating to political campaigns and
2 technology; amending K.S.A. 2014 Supp. 25-4153a, 25-4156 and 25-
3 4169a and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 25-4153a is hereby amended to read as
7 follows: 25-4153a. (a) No registered lobbyist, political committee or
8 person, other than an individual, shall make a contribution after January 1
9 of each year and prior to adjournment sine die of the regular session of the
10 legislature or at any other time in which the legislature is in session to a:

- 11 (1) Legislator;
12 (2) candidate for membership in the legislature;
13 (3) state officer elected on a statewide basis;
14 (4) candidate for state officer elected on a statewide basis;
15 (5) candidate committee of persons described in paragraphs (1)
16 through (4); or
17 (6) political committee established by a state committee of any
18 political party and designated as a recognized political committee for the
19 senate or house of representatives.

20 (b) No legislator, officer, candidate or committee described in
21 paragraphs (1) through (6) of subsection (a) shall accept or
22 knowingly solicit any contribution as defined by K.S.A. 25-4143, and
23 amendments thereto, from any registered lobbyist, political committee or
24 person, other than an individual, during such period of time described in
25 subsection (a), *except that a general public solicitation which does not*
26 *solicit a specific individual and is distributed via social media shall be*
27 *permissible.*

28 (c) *For the purposes of this act, "social media" means ~~computer or~~*
29 *cellphone-based websites or applications that enable users to create and*
30 *share content and to participate in public social networking* **an electronic**
31 **medium which allows users to create and view user-generated content,**
32 **including, but not limited to, uploaded or downloaded videos or**
33 **photographs, blogs, audio files, instant messages or email.**

34 Sec. 2. K.S.A. 2014 Supp. 25-4156 is hereby amended to read as
35 follows: 25-4156. (a) (1) Whenever any person sells space in any
36 newspaper, magazine or other periodical to a candidate or to a candidate

1 committee, party committee or political committee, the charge made for
2 the use of such space shall not exceed the charges made for comparable
3 use of such space for other purposes.

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

6 (b) (1) *Except as provided in subsection (2)*, corrupt political
7 advertising of a state or local office is:

8 (A) Publishing or causing to be published in a newspaper or other
9 periodical any paid matter which expressly advocates the nomination,
10 election or defeat of a clearly identified candidate for a state or local
11 office, unless such matter is followed by the word "advertisement" or the
12 abbreviation "adv." in a separate line together with the name of the
13 chairperson or treasurer of the political or other organization sponsoring
14 the same or the name of the individual who is responsible therefor;

15 (B) broadcasting or causing to be broadcast by any radio or television
16 station any paid matter which expressly advocates the nomination, election
17 or defeat of a clearly identified candidate for a state or local office, unless
18 such matter is followed by a statement which states: "Paid for" or
19 "Sponsored by" followed by the name of the sponsoring organization and
20 the name of the chairperson or treasurer of the political or other
21 organization sponsoring the same or the name of the individual who is
22 responsible therefor;

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

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

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

42 (E) making or causing to be made any website, e-mail or other type of
43 internet communication which expressly advocates the nomination,

1 election or defeat of a clearly identified candidate for a state or local
2 office, unless such matter is followed by a statement which states: "Paid
3 for" or "Sponsored by" followed by the name of the chairperson or
4 treasurer of the political or other organization sponsoring the same or the
5 name of the individual who is responsible therefor.

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

15 *(2) The provisions of subsections (b)(1)(C) and (E) shall not apply to*
16 *the publication of any communication which expressly advocates the*
17 *nomination, election or defeat of a clearly identified candidate for state or*
18 *local office, if such communication is made over any social media*
19 *provider which has a character limit of ~~140~~ 200 characters or fewer ~~which~~*
20 *would prevent the communicator from publishing both such person's*
21 *statement of advocacy and the "paid for" or "sponsored by" message.*

22 (3) Corrupt political advertising of a state or local office is a class C
23 misdemeanor.

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

29 Sec. 3. K.S.A. 2014 Supp. 25-4169a is hereby amended to read as
30 follows: 25-4169a. (a) (1) No officer or employee of the state of Kansas,
31 or any municipality, shall use or authorize the use of public funds or public
32 vehicles, machinery, equipment or supplies of any such governmental
33 agency or the time of any officer or employee of any such governmental
34 agency, for which the officer or employee is compensated by such
35 governmental agency, to expressly advocate the nomination, election or
36 defeat of a clearly identified candidate to state office or local office. The
37 provisions of this section prohibiting the use of time of any officer or
38 employee for such purposes shall not apply to an incumbent officer
39 campaigning for nomination or reelection to a succeeding term to such
40 office or to members of the personal staff of any elected officer. The
41 provisions of this section shall not apply to the statutory duties of the
42 commission on judicial performance pursuant to article 32 of chapter 20 of
43 the Kansas Statutes Annotated, and amendments thereto.

1 (2) *The provisions of this subsection shall not apply to the use of the*
2 *wireless broadband internet connectivity provided in the Kansas*
3 *statehouse to elected officials who work in the statehouse, including, but*
4 *not limited to, the governor, the lieutenant governor, members of the house*
5 *of representatives or members of the senate* **by the state of Kansas or any**
6 **municipality to any candidate or elected official.**

7 (3) Except as otherwise provided in this section, no municipality shall
8 permit or allow any person to distribute, or cause to be distributed, within
9 any building or other structure owned, leased or rented by such
10 municipality any brochure, flier, political fact sheet or other document
11 which expressly advocates the nomination, election or defeat of a clearly
12 identified candidate for state or local office unless each candidate for such
13 state or local office is permitted or allowed to do so in the same manner.

14 ~~(3)~~ (4) For the purposes of this subsection, the term municipality shall
15 have the meaning ascribed to it in K.S.A. 12-105a, and amendments
16 thereto.

17 (b) Any person violating the provisions of this section shall be guilty
18 of a class C misdemeanor.

19 Sec. 4. K.S.A. 2014 Supp. 25-4153a, 25-4156 and 25-4169a are
20 hereby repealed.

21 Sec. 5. This act shall take effect and be in force from and after its
22 publication in the statute book.