

## HOUSE BILL No. 2169

By Committee on Elections

2-6

1 AN ACT concerning the campaign finance act; relating to express  
2 advocacy for a candidate; concerning certain disclosures in  
3 advertisements; amending K.S.A. 2018 Supp. 25-4143 and 25-4156  
4 and repealing the existing sections.

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

7 Section 1. K.S.A. 2018 Supp. 25-4143 is hereby amended to read as  
8 follows: 25-4143. As used in the campaign finance act, unless the context  
9 otherwise requires:

10 (a) "Candidate" means an individual who: (1) Appoints a treasurer or  
11 a candidate committee;

12 (2) makes a public announcement of intention to seek nomination or  
13 election to state or local office;

14 (3) makes any expenditure or accepts any contribution for such  
15 person's nomination or election to any state or local office; or

16 (4) files a declaration or petition to become a candidate for state or  
17 local office.

18 (b) "Candidate committee" means a committee appointed by a  
19 candidate to receive contributions and make expenditures for the  
20 candidate.

21 (c) "Clearly identified candidate" means a candidate who has been  
22 identified by the:

23 (1) Use of the name of the candidate;

24 (2) use of a photograph or drawing of the candidate; or

25 (3) unambiguous reference to the candidate whether or not the name,  
26 photograph or drawing of such candidate is used.

27 (d) "Commission" means the governmental ethics commission.

28 (e) (1) "Contribution" means:

29 (A) Any advance, conveyance, deposit, distribution, gift, loan or  
30 payment of money or any other thing of value given to a candidate,  
31 candidate committee, party committee or political committee for the  
32 express purpose of nominating, electing or defeating a clearly identified  
33 candidate for a state or local office.

34 (B) Any advance, conveyance, deposit, distribution, gift, loan or  
35 payment of money or any other thing of value made to expressly advocate  
36 the nomination, election or defeat of a clearly identified candidate for a

1 state or local office;

2 (C) a transfer of funds between any two or more candidate  
3 committees, party committees or political committees;

4 (D) the payment, by any person other than a candidate, candidate  
5 committee, party committee or political committee, of compensation to an  
6 individual for the personal services rendered without charge to or for a  
7 candidate's campaign or to or for any such committee;

8 (E) the purchase of tickets or admissions to, or advertisements in  
9 journals or programs for, testimonial events;

10 (F) a mailing of materials designed to expressly advocate the  
11 nomination, election or defeat of a clearly identified candidate, which is  
12 made and paid for by a party committee with the consent of such  
13 candidate.

14 (2) "Contribution" does not include:

15 (A) The value of volunteer services provided without compensation;

16 (B) costs to a volunteer related to the rendering of volunteer services  
17 not exceeding a fair market value of \$50 during an allocable election  
18 period as provided in K.S.A. 25-4149, and amendments thereto;

19 (C) payment by a candidate or candidate's spouse for personal meals,  
20 lodging and travel by personal automobile of the candidate or candidate's  
21 spouse while campaigning;

22 (D) the value of goods donated to events such as testimonial events,  
23 bake sales, garage sales and auctions by any person not exceeding a fair  
24 market value of \$50 per event.

25 (f) "Election" means:

26 (1) A primary or general election for state or local office; and

27 (2) a convention or caucus of a political party held to nominate a  
28 candidate for state or local office.

29 (g) (1) "Expenditure" means:

30 (A) Any purchase, payment, distribution, loan, advance, deposit or  
31 gift of money or any other thing of value made by a candidate, candidate  
32 committee, party committee or political committee for the express purpose  
33 of nominating, electing or defeating a clearly identified candidate for a  
34 state or local office.

35 (B) Any purchase, payment, distribution, loan, advance, deposit or  
36 gift of money or any other thing of value made to expressly advocate the  
37 nomination, election or defeat of a clearly identified candidate for a state  
38 or local office;

39 (C) any contract to make an expenditure;

40 (D) a transfer of funds between any two or more candidate  
41 committees, party committees or political committees; or

42 (E) payment of a candidate's filing fees.

43 (2) "Expenditure" does not include:

- 1 (A) The value of volunteer services provided without compensation;  
2 (B) costs to a volunteer incidental to the rendering of volunteer  
3 services not exceeding a fair market value of \$50 during an allocable  
4 election period as provided in K.S.A. 25-4149, and amendments thereto;  
5 (C) payment by a candidate or candidate's spouse for personal meals,  
6 lodging and travel by personal automobile of the candidate or candidate's  
7 spouse while campaigning or payment of such costs by the treasurer of a  
8 candidate or candidate committee;  
9 (D) the value of goods donated to events such as testimonial events,  
10 bake sales, garage sales and auctions by any person not exceeding fair  
11 market value of \$50 per event; or  
12 (E) any communication by an incumbent elected state or local officer  
13 with one or more individuals unless the primary purpose thereof is to  
14 expressly advocate the nomination, election or defeat of a clearly  
15 identified candidate.
- 16 (h) "Expressly advocate the nomination, election or defeat of a clearly  
17 identified candidate" means any communication which uses phrases  
18 including, but not limited to:  
19 (1) "Vote for the secretary of state";  
20 (2) "re-elect your senator";  
21 (3) "support the democratic nominee";  
22 (4) "cast your ballot for the republican challenger for governor";  
23 (5) "Smith for senate";  
24 (6) "Bob Jones in '98";  
25 (7) "vote against Old Hickory";  
26 (8) "defeat" accompanied by a picture of one or more candidates;~~or~~  
27 (9) "Smith's the one; *or*  
28 (10) *other phrases where reasonable minds could not differ as to*  
29 *whether it encourages actions to elect or defeat one or more clearly*  
30 *identified candidates."*
- 31 (i) "Party committee" means:  
32 (1) The state committee of a political party regulated by article 3 of  
33 chapter 25 of the Kansas Statutes Annotated, and amendments thereto;  
34 (2) the county central committee or the state committee of a political  
35 party regulated under article 38 of chapter 25 of the Kansas Statutes  
36 Annotated, and amendments thereto;  
37 (3) the bona fide national organization or committee of those political  
38 parties regulated by the Kansas Statutes Annotated;  
39 (4) not more than one political committee established by the state  
40 committee of any such political party and designated as a recognized  
41 political committee for the senate;  
42 (5) not more than one political committee established by the state  
43 committee of any such political party and designated as a recognized

1 political committee for the house of representatives; or

2 (6) not more than one political committee per congressional district  
3 established by the state committee of a political party regulated under  
4 article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments  
5 thereto, and designated as a congressional district party committee.

6 (j) "Person" means any individual, committee, corporation,  
7 partnership, trust, organization or association.

8 (k) (1) "Political committee" means any combination of two or more  
9 individuals or any person other than an individual, a major purpose of  
10 which is to expressly advocate the nomination, election or defeat of a  
11 clearly identified candidate for state or local office or make contributions  
12 to or expenditures for the nomination, election or defeat of a clearly  
13 identified candidate for state or local office.

14 (2) "Political committee" shall not include a candidate committee or a  
15 party committee.

16 (l) "Receipt" means a contribution or any other money or thing of  
17 value, but not including volunteer services provided without  
18 compensation, received by a treasurer in the treasurer's official capacity.

19 (m) "State office" means any state office as defined in K.S.A. 25-  
20 2505, and amendments thereto.

21 (n) "Testimonial event" means an event held for the benefit of an  
22 individual who is a candidate to raise contributions for such candidate's  
23 campaign. Testimonial events include but are not limited to dinners,  
24 luncheons, rallies, barbecues and picnics.

25 (o) "Treasurer" means a treasurer of a candidate or of a candidate  
26 committee, a party committee or a political committee appointed under the  
27 campaign finance act or a treasurer of a combination of individuals or a  
28 person other than an individual which is subject to paragraph (2) of  
29 ~~subsection (a) of~~ K.S.A. 25-4172(a), and amendments thereto.

30 (p) "Local office" means a member of the governing body of a city of  
31 the first class, any elected office of a unified school district having 35,000  
32 or more pupils regularly enrolled in the preceding school year, a county or  
33 of the board of public utilities.

34 Sec. 2. K.S.A. 2018 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  
37 committee, party committee or political committee, the charge made for  
38 the use of such space shall not exceed the charges made for comparable  
39 use of such space for other purposes.

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

42 (b) (1) Except as provided in paragraph (2), corrupt political  
43 advertising of a state or local office is:

1 (A) Publishing or causing to be published in a newspaper or other  
2 periodical any paid matter that expressly advocates the nomination,  
3 election or defeat of a clearly identified candidate for a state or local  
4 office, unless such matter is followed by the word "advertisement" or the  
5 abbreviation "adv." in a separate line together with the name of the  
6 chairperson ~~or treasurer~~ of the political or other organization sponsoring  
7 the same or the name of the individual who is responsible therefor;

8 (B) broadcasting or causing to be broadcast by any radio or television  
9 station any paid matter that expressly advocates the nomination, election  
10 or defeat of a clearly identified candidate for a state or local office, unless  
11 such matter is followed by a statement that states: "Paid for" or  
12 "Sponsored by" followed by the name of the sponsoring organization and  
13 the name of the chairperson ~~or treasurer~~ of the political or other  
14 organization sponsoring the same or the name of the individual who is  
15 responsible therefor;

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

25 (D) publishing or causing to be published any brochure, flier or other  
26 political fact sheet that expressly advocates the nomination, election or  
27 defeat of a clearly identified candidate for a state or local office, unless  
28 such matter is followed by a statement that states: "Paid for" or  
29 "Sponsored by" followed by the name of the chairperson ~~or treasurer~~ of  
30 the political or other organization sponsoring the same or the name of the  
31 individual who is responsible therefor.

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

35 (E) making or causing to be made any website, e-mail or other type of  
36 internet communication that expressly advocates the nomination, election  
37 or defeat of a clearly identified candidate for a state or local office, unless  
38 the matter is followed by a statement that states: "Paid for" or "Sponsored  
39 by" followed by the name of the chairperson ~~or treasurer~~ of the political or  
40 other organization sponsoring the same or the name of the individual who  
41 is responsible therefor.

42 The provisions of this subparagraph (E) requiring the disclosure of the  
43 name of an individual shall apply only to any website, email or other type

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

8 (2) The provisions of subsections (b)(1)(C) and (E) shall not apply to  
9 the publication of any communication that expressly advocates the  
10 nomination, election or defeat of a clearly identified candidate for state or  
11 local office, if such communication is made over any social media  
12 provider which has a character limit of 280 characters or fewer.

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

15 (c) If any provision of this section or application thereof to any  
16 person or circumstance is held invalid, such invalidity does not affect other  
17 provisions or applications of this section that can be given effect without  
18 the invalid application or provision, and to this end the provisions of this  
19 section are declared to be severable.

20 Sec. 3. K.S.A. 2018 Supp. 25-4143 and 25-4156 are hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its  
22 publication in the statute book.