

HOUSE BILL No. 2171

By Committee on Elections

2-6

1 AN ACT concerning campaign finance; relating to political ads; amending
2 K.S.A. 2018 Supp. 25-4156 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2018 Supp. 25-4156 is hereby amended to read as
6 follows: 25-4156. (a) (1) Whenever any person sells space in any
7 newspaper, magazine or other periodical to a candidate or to a candidate
8 committee, party committee or political committee, the charge made for
9 the use of such space shall not exceed the charges made for comparable
10 use of such space for other purposes.

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

13 (b) (1) Except as provided in paragraph (2), corrupt political
14 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 that expressly advocates the nomination,
17 election or defeat of a clearly identified candidate for a state or local
18 office, unless such matter is followed by the word "advertisement" or the
19 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 or the name of the individual who is responsible therefor;

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

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

1 political or other organization sponsoring the same or the name of the
2 individual who is responsible therefor;

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

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

13 (E) making or causing to be made any website, e-mail or other type of
14 internet communication that expressly advocates the nomination, election
15 or defeat of a clearly identified candidate for a state or local office, unless
16 the matter ~~is followed by~~ *includes* a statement that *is clear and obvious*
17 *and* states: "Paid for" or "Sponsored by" followed by the name of the
18 chairperson ~~or treasurer~~ of the political or other organization sponsoring
19 the same or the name of the individual who is responsible therefor.

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

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

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

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

41 Sec. 2. K.S.A. 2018 Supp. 25-4156 is hereby repealed.

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