

HB 2166—Brief

HB 2166 amends the crime of corrupt political advertising that appears in Article 24—Election Crimes—K.S.A. 25-2407. There is a second crime of corrupt political advertising that appears in Article 41—Campaign Finance.

See K.S.A. 25-4156—campaign finance crime of corrupt political advertising is attached.

HB 2166 expands the definition of the crime of corrupt political advertising to parallel what is in KSA 25-4156 as it relates to local government candidates not covered by the state campaign finance act.

In addition, K.S.A. 25-2407 now applies to elections dealing with propositions to amend the Kansas constitution, the issuance of bonds and other question submitted questions such as a tax levy increase. The bill expands language regarding these items to parallel corrupt advertising regarding candidates.

See K.S.A. 25-901 attached. This statute is part of the local campaign finance act that is not under the jurisdiction of the Governmental Ethics Commission. The local government officers, constitutional amendments and question submitted elections are covered in this series of statutes—KSA 25-901 et seq. These are the elections that will be covered by HB 2166 which include:

1. cities of the second and third class
2. all USD's except Wichita USD 512
3. community colleges
4. townships
5. question submitted elections

Mike Heim---Revisor of Statutes Office

25-4156. Charges for space in newspapers and other periodicals; excess charges; corrupt political advertising; misdemeanor. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

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

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

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

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

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

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

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

(E) making or causing to be made any website, e-mail or other type of internet communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for a

state or local office, unless the matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

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

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

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

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


House Status: Adjourned proforma until Friday, February 03, 2023 at 08:30 a.m.

Senate Status: Adjourned until Thursday, February 02, 2023 at 02:30 p.m.

2022 Statute

[Prev](#)

[Article 9. - ELECTION CAMPAIGN FINANCE; CERTAIN POLITICAL SUBDIVISIONS](#)

[Next](#) 

25-901. Election campaign finance in cities, unified school districts, community colleges and townships; organizations promoting or opposing candidates or propositions to have treasurer and keep accounts of receipts and expenditures; filing of annual statements; contents; time of filing; state political party committee accounts, audited. Every committee, club, organization, municipality or association designed to promote or engaged in promoting the success or defeat of any party or the election or defeat of any candidate or candidates for any city of the second and third class, unified school district, except unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year any community college or township office, or the adoption or defeat of any question submitted at any city, unified school district, community college, township or county election, shall have a treasurer, and shall cause to be kept a detailed account of all moneys or property or other thing of value received by it, and of the manner in which the same shall be expended; and shall file annually with the county election officer of the county in which such committee, club, organization or association has its headquarters a statement of all its receipts and expenditures, showing in detail from whom such moneys or property or other thing of value were received, to whom such moneys or property or other thing of value were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof.


The annual statement herein required shall be filed on or before December 31, such statement shall cover the period ending on December 1 immediately preceding. The accounts of the state committee of each political party shall be audited annually by a certified public accountant and a copy of the audit filed with the secretary of state.

This section and K.S.A. 25-905, and amendments thereto, shall not be construed to require any committee, club, organization, municipality or association which is subject to the campaign finance act (K.S.A. 25-4101 et seq.) to file reports required by this act.

History: L. 1909, ch. 135, § 1; R.S. 1923, 25-901; L. 1959, ch. 177, § 1; L. 1968, ch. 54, § 1; L. 1969, ch. 188, § 1; L. 1975, ch. 209, § 21; L. 1990, ch. 306, § 21; L. 1991, ch. 150, § 9; July 1.

[Prev](#)

[Article 9. - ELECTION CAMPAIGN FINANCE; CERTAIN POLITICAL SUBDIVISIONS](#)

[Next](#) 

2023. Powered by KLISS. Rendered: 2023-02-02T11:53:34. Head Rev No: 76185(l)