

Substitute for SENATE BILL No. 117

By Committee on Ethics and Elections

2-12

10 AN ACT concerning campaign finance; dealing with the crime of corrupt
11 political advertising; amending K.S.A. 2008 Supp. 25-4156 and re-
12 pealing the existing section; also repealing K.S.A. 2008 Supp. 25-4156a.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2008 Supp. 25-4156 is hereby amended to read as
16 follows: 25-4156. (a) (1) Whenever any person sells space in any news-
17 paper, magazine or other periodical to a candidate or to a candidate com-
18 mittee, party committee or political committee, the charge made for the
19 use of such space shall not exceed the charges made for comparable use
20 of such space for other purposes.

21 (2) Intentionally charging an excessive amount for political advertis-
22 ing is a class A misdemeanor.

23 (b) (1) Corrupt political advertising of a state or local office is:

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

31 (B) broadcasting or causing to be broadcast by any radio or television
32 station any paid matter which expressly advocates the nomination, elec-
33 tion or defeat of a clearly identified candidate for a state or local office,
34 unless such matter is followed by a statement which states: "Paid for" or
35 "Sponsored by" followed by the name of the sponsoring organization and
36 the name of the chairperson or treasurer of the political or other organ-
37 ization sponsoring the same or the name of the individual who is respon-
38 sible therefor; ~~or~~

39 (C) telephoning or causing to be contacted by any telephonic means
40 including, but not limited to, any device using a voice over internet pro-
41 tocol or wireless telephone, any paid matter which expressly advocates
42 the nomination, election or defeat of a clearly identified candidate for a
43 state or local office, unless such matter is preceded by a statement which

1 *states: “Paid for” or “Sponsored by” followed by the name of the spon-*
2 *soring organization and the name of the chairperson or treasurer of the*
3 *political or other organization sponsoring the same or the name of the*
4 *individual who is responsible therefor; or*

5 ~~(C)~~ (D) publishing or causing to be published any brochure, flier or
6 other political fact sheet, *website, e-mail or other type of internet com-*
7 *munication* which expressly advocates the nomination, election or defeat
8 of a clearly identified candidate for a state or local office, unless such
9 matter is followed by a statement which states: “Paid for” or “Sponsored
10 by” followed by the name of the chairperson or treasurer of the political
11 or other organization sponsoring the same or the name of the individual
12 who is responsible therefor.

13 The provisions of this subsection ~~(C)~~ (D) requiring the disclosure of
14 the name of an individual shall not apply to individuals making expendi-
15 tures in an aggregate amount of less than \$2,500 within a calendar year
16 *or any internet communication disseminated to less than 25 individuals.*

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

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

24 ***[(d) (1) Whenever any vendor or other person provides any of***
25 ***the services defined in subsection (b), such vendor or other person***
26 ***shall keep and maintain a record showing the name and address of***
27 ***the person who purchased or requested such services and the***
28 ***amount paid for such services. The records required by this sub-***
29 ***section shall be kept for a period of one year after the date upon***
30 ***which payment was received for such services.***

31 ***[(2) Failure to keep and maintain the records required by this***
32 ***subsection is a class C misdemeanor.]***

33 Sec. 2. K.S.A. 2008 Supp. 25-4156 and 25-4156a are hereby
34 repealed.

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