

HOUSE BILL No. 2517

By Committee on Elections

Requested by Representative Waggoner

1-17

1 AN ACT concerning campaign finance; relating to the crime of corrupt
2 political advertising; deleting the requirement for listing the name of
3 the treasurer of the sponsoring organization of the advertisement;
4 amending K.S.A. 25-4156 and repealing the existing section.
5

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

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

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

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

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

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

32 (C) telephoning or causing to be contacted by any telephonic means
33 including, but not limited to, any device using a voice over internet
34 protocol or wireless telephone, any paid matter that expressly advocates
35 the nomination, election or defeat of a clearly identified candidate for a

1 state or local office, unless such matter is preceded by a statement that
2 states: "Paid for" or "Sponsored by" followed by the name of the
3 sponsoring organization and the name of the chairperson ~~or treasurer~~ of the
4 political or other organization sponsoring the same or the name of the
5 individual who is responsible therefor;

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

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

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

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

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

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

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

1 *section or application thereof to any person or circumstance is held*
2 *invalid, such invalidity shall not affect other provisions or applications of*
3 *this section that can be given effect without the invalid provision or*
4 *application, and to this end the provisions of this act are declared to be*
5 *severable.*

6 Sec. 2. K.S.A. 25-4156 is hereby repealed.

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