

HOUSE BILL No. 2446

By Committee on Elections

Requested by Representative Waggoner

1-14

1 AN ACT concerning elections; relating to the crime of corrupt political
2 advertising; deleting the requirement that treasurers be listed in political
3 advertising attributions; amending K.S.A. 25-2407 and 25-4156 and
4 repealing the existing sections.

5

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

7 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-
8 2407. Corrupt political advertising is:

9 (a) (1) Publishing or causing to be published in a newspaper or other
10 periodical any paid matter ~~which~~ that expressly advocates the nomination,
11 election or defeat of any candidate, unless such matter is followed by the
12 word "advertisement" or the abbreviation "adv." in a separate line together
13 with the name of the chairman of the political or other organization
14 inserting the same or the name of the person who is responsible therefor; or

15 (2) broadcasting or causing to be broadcast by any radio or television
16 station any paid matter which expressly advocates the nomination, election
17 or defeat of any candidate, unless such matter is followed by a statement
18 which states: "Paid for" or "Sponsored by" followed by the name of the
19 sponsoring organization and the name of the chairperson ~~or treasurer~~ of the
20 political or other organization sponsoring the same or the name of the
21 person who is responsible therefor; or

22 (3) publishing or causing to be published in a newspaper or other
23 periodical any paid matter which is intended to influence the vote of any
24 person or persons for or against any question submitted for a proposition
25 to amend the constitution or to authorize the issuance of bonds or any
26 other question submitted at an election, unless such matter is followed by
27 the word "advertisement" or the abbreviation "adv." in a separate line
28 together with the name of the chairman of the political or other
29 organization inserting the same or the name of the person who is
30 responsible therefor;

31 (4) broadcasting or causing to be broadcast by any radio or television
32 station any paid matter which is intended to influence the vote of any
33 person or persons for or against any question submitted for a proposition
34 to amend the constitution or to authorize the issuance of bonds or any

1 other question submitted at an election, unless such matter is followed by a
2 statement which states: "Paid for" or "Sponsored by" followed by the
3 name of the sponsoring organization and the name of the chairperson-~~or~~
4 ~~treasurer~~ of the political or other organization sponsoring the same or the
5 name of the person who is responsible therefor; or

6 (5) publishing or causing to be published any brochure, flier or other
7 political fact sheet which is intended to influence the vote of any person or
8 persons for or against any question submitted for a proposition to amend
9 the constitution or to authorize the issuance of bonds or any other question
10 submitted at an election, unless such matter is followed by a statement
11 which states: "Paid for" or "Sponsored by" followed by the name of the
12 sponsoring organization and the name of the chairperson-~~or~~
13 ~~treasurer~~ of the political or other organization sponsoring the same or the name of the
14 individual who is responsible therefor.

15 (b) Corrupt political advertising is a class C misdemeanor.

16 (c) For the purposes of this section, the term "expressly advocate the
17 nomination, election or defeat of a candidate"~~shall have the meaning
18 ascribed to it~~ means the same as defined in K.S.A. 25-4143, and
19 amendments thereto.

20 Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-
21 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
22 or other periodical to a candidate or to a candidate committee, party
23 committee or political committee, the charge made for the use of such
24 space shall not exceed the charges made for comparable use of such space
25 for other purposes.

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

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

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

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

1 responsible therefor;

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

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

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

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

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

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

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

1 misdemeanor.

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

7 Sec. 3. K.S.A. 25-2407 and 25-4156 are hereby repealed.

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