

## 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;  
15 or

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

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

32 (4) broadcasting or causing to be broadcast by any radio or television  
33 station any paid matter which is intended to influence the vote of any  
34 person or persons for or against any question submitted for a proposition  
35 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 treasurer~~ of the  
13 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 treasurer~~ of the political or other organization sponsoring  
36 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 treasurer~~ of the political or other  
43 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.