

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2166

By Committee on Elections

1-25

1 AN ACT concerning elections; relating to the crime of corrupt political
2 advertising; expanding the scope of the crime and clarifying the
3 application thereof; amending K.S.A. 25-2407 and repealing the
4 existing section.

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 *clearly identified* candidate, unless such matter is
12 followed by the word "advertisement" or the abbreviation "adv." in a
13 separate line together with the name of the ~~chairman~~ *chairperson or*
14 *treasurer* of the political or other organization ~~inserting~~ *sponsoring* the
15 same or the name of the person who is responsible therefor; ~~or~~

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

23 (3) *telephoning an individual or causing an individual to be*
24 *contacted by any telephonic means, including, but not limited to, any*
25 *device using a voice over internet protocol, wireless telephone or text*
26 *messaging device, any paid matter that expressly advocates the*
27 *nomination, election or defeat of any clearly identified candidate, unless*
28 *such matter is preceded by a statement that states: "Paid for" or*
29 *"Sponsored by" followed by the name of the sponsoring organization and*
30 *the name of the chairperson or treasurer of the political or other*
31 *organization sponsoring the same or the name of the individual who is*
32 *responsible therefor;*

33 (4) *publishing or causing to be published any brochure, flier or other*
34 *political fact sheet that expressly advocates the nomination, election or*
35 *defeat of any clearly identified candidate, unless such matter is followed*
36 *by a statement that states: "Paid for" or "Sponsored by" followed by the*

1 *name of the chairperson or treasurer of the political or other organization*
2 *sponsoring the same or the name of the individual who is responsible*
3 *therefor;*

4 (5) *making or causing to be made any website, email or other type of*
5 *internet communication that expressly advocates the nomination, election*
6 *or defeat of any clearly identified candidate, unless the matter is followed*
7 *by a statement that states: "Paid for" or "Sponsored by" followed by the*
8 *name of the chairperson or treasurer of the political or other organization*
9 *sponsoring the same or the name of the individual who is responsible*
10 *therefor;*

11 (6) *publishing or causing to be published in a newspaper or other*
12 *periodical any paid matter ~~which~~ that is intended to influence the vote of*
13 *any person or persons for or against any question submitted for a*
14 *proposition to amend the constitution or to authorize the issuance of bonds*
15 *or any other question submitted at an election, unless such matter is*
16 *followed by the word "advertisement" or the abbreviation "adv." in a*
17 *separate line together with the name of the ~~chairman~~ chairperson or*
18 *treasurer of the political or other organization ~~inserting~~ sponsoring the*
19 *same or the name of the person who is responsible therefor;*

20 ~~(4)~~(7) *broadcasting or causing to be broadcast by any radio or*
21 *television station any paid matter ~~which~~ that is intended to influence the*
22 *vote of any person or persons for or against any question submitted for a*
23 *proposition to amend the constitution or to authorize the issuance of bonds*
24 *or any other question submitted at an election, unless such matter is*
25 *followed by a statement ~~which~~ that states: "Paid for" or "Sponsored by"*
26 *followed by the name of the sponsoring organization and the name of the*
27 *chairperson or treasurer of the political or other organization sponsoring*
28 *the same or the name of the person who is responsible therefor; ~~or~~*

29 ~~(5)~~(8) *telephoning an individual or causing an individual to be*
30 *contacted by any telephonic means, including, but not limited to, any*
31 *device using a voice over internet protocol, wireless telephone or text*
32 *messaging device, any paid matter that is intended to influence the vote of*
33 *any person or persons for or against any question submitted for a*
34 *proposition to amend the constitution or to authorize the issuance of bonds*
35 *or any other question submitted at an election, unless such matter is*
36 *followed by a statement that states: "Paid for" or "Sponsored by" followed*
37 *by the name of the sponsoring organization and the name of the*
38 *chairperson or treasurer of the political or other organization sponsoring*
39 *the same or the name of the individual who is responsible therefor;*

40 (9) *publishing or causing to be published any brochure, flier or other*
41 *political fact sheet ~~which~~ that is intended to influence the vote of any*
42 *person or persons for or against any question submitted for a proposition*
43 *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~~ *that* 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 individual who is responsible therefor; or

6 *(10) making or causing to be made any website, email or other type*
7 *of internet communication that is intended to influence the vote of any*
8 *person or persons for or against any question submitted for a proposition*
9 *to amend the constitution or to authorize the issuance of bonds or any*
10 *other question submitted at an election, unless such matter is followed by*
11 *a statement that states: "Paid for" or "Sponsored by" followed by the*
12 *name of the sponsoring organization and the name of the chairperson or*
13 *treasurer of the political or other organization sponsoring the same or the*
14 *name of the individual who is responsible therefor.*

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

16 *(c) (1) The provisions of subsections (a)(4) and (a)(9) requiring the*
17 *disclosure of the name of an individual shall not apply to any individual*
18 *whose aggregate expenditures for such matter in a calendar year is less*
19 *than \$2,500.*

20 *(2) The provisions of subsections (a)(5) and (a)(10) requiring the*
21 *disclosure of the name of an individual shall not apply unless the website,*
22 *email or other type of internet communication is made by the candidate,*
23 *the candidate's candidate committee, a political committee or a party*
24 *committee and the website, email or other internet communication is*
25 *viewed by or disseminated to 25 or more individuals. For purposes of this*
26 *paragraph, the terms, "candidate's candidate committee," "political*
27 *committee" and "party committee" mean the same as defined in K.S.A. 25-*
28 *4143, and amendments thereto.*

29 ~~(e)(d)~~ For the purposes of this section, ~~the term:~~

30 *(1) "Expressly advocate the nomination, election or defeat of a*
31 *candidate" shall have the meaning ascribed to it in K.S.A. 25-4143, and*
32 *amendments thereto;*

33 *(2) "candidate" means a candidate for elected office who is not*
34 *subject to the provisions of the campaign finance act;*

35 *(3) "clearly identified candidate" means a candidate who has been*
36 *identified by the:*

37 *(A) Use of the name of the candidate;*

38 *(B) use of a photograph, drawing or video of the candidate; or*

39 *(C) unambiguous reference to the candidate whether or not the name,*
40 *photograph, drawing or video of such candidate is used;*

41 ~~*(4) "expressly advocate the nomination, election or defeat of a*~~
42 ~~*clearly identified candidate" means any communication that uses phrases*~~
43 ~~*including, but not limited to:*~~

- 1 ~~(A) —"Vote for the secretary of state";~~
- 2 ~~(B) —"re-elect your senator";~~
- 3 ~~(C) —"support the democratic nominee";~~
- 4 ~~(D) —"cast your ballot for the republican challenger for governor";~~
- 5 ~~(E) —"Smith for senate";~~
- 6 ~~(F) —"Bob Jones in '98";~~
- 7 ~~(G) —"vote against Old Hickory";~~
- 8 ~~(H) —"defeat" accompanied by a picture of one or more candidates; or~~
- 9 ~~(I) —"Smith's the one."~~
- 10 Sec. 2. K.S.A. 25-2407 is hereby repealed.
- 11 Sec. 3. This act shall take effect and be in force from and after its
- 12 publication in the statute book.