AN ACT concerning the campaign finance act; relating to express advocacy for a candidate; concerning certain disclosures in advertisements; amending K.S.A. 2018 Supp. 25-4143 and 25-4156 and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;
(2) makes a public announcement of intention to seek nomination or election to state or local office;
(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or
(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Clearly identified candidate" means a candidate who has been identified by the:
(1) Use of the name of the candidate;
(2) use of a photograph or drawing of the candidate; or
(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) "Commission" means the governmental ethics commission.

(e) (1) "Contribution" means:
(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.
(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a
HB 2169

state or local office;
(C) a transfer of funds between any two or more candidate committees, party committees or political committees;
(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;
(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;
(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) "Contribution" does not include:
(A) The value of volunteer services provided without compensation;
(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of $50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;
(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;
(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of $50 per event.

(f) "Election" means:
(1) A primary or general election for state or local office; and
(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) "Expenditure" means:
(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.
(B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;
(C) any contract to make an expenditure;
(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or
(E) payment of a candidate's filing fees.
(2) "Expenditure" does not include:
(A) The value of volunteer services provided without compensation;
(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of $50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;
(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;
(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of $50 per event; or
(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";
(2) "re-elect your senator";
(3) "support the democratic nominee";
(4) "cast your ballot for the republican challenger for governor";
(5) "Smith for senate";
(6) "Bob Jones in '98";
(7) "vote against Old Hickory";
(8) "defeat" accompanied by a picture of one or more candidates; or
(9) "Smith's the one; or
(10) other phrases where reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates."

(i) "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;
(4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;
(5) not more than one political committee established by the state committee of any such political party and designated as a recognized
political committee for the house of representatives; or

(6) not more than one political committee per congressional district
established by the state committee of a political party regulated under
article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments
thereto, and designated as a congressional district party committee.

(j) "Person" means any individual, committee, corporation,
partnership, trust, organization or association.

(k) (1) "Political committee" means any combination of two or more
individuals or any person other than an individual, a major purpose of
which is to expressly advocate the nomination, election or defeat of a
clearly identified candidate for state or local office or make contributions
to or expenditures for the nomination, election or defeat of a clearly
identified candidate for state or local office.

(2) "Political committee" shall not include a candidate committee or a
party committee.

(l) "Receipt" means a contribution or any other money or thing of
value, but not including volunteer services provided without
compensation, received by a treasurer in the treasurer's official capacity.

(m) "State office" means any state office as defined in K.S.A. 25-
2505, and amendments thereto.

(n) "Testimonial event" means an event held for the benefit of an
individual who is a candidate to raise contributions for such candidate's
campaign. Testimonial events include but are not limited to dinners,
luncheons, rallies, barbecues and picnics.

(o) "Treasurer" means a treasurer of a candidate or of a candidate
committee, a party committee or a political committee appointed under the
campaign finance act or a treasurer of a combination of individuals or a
person other than an individual which is subject to paragraph (2) of
subsection (a) of K.S.A. 25-4172(a), and amendments thereto.

(p) "Local office" means a member of the governing body of a city of
the first class, any elected office of a unified school district having 35,000
or more pupils regularly enrolled in the preceding school year, a county or
of the board of public utilities.

Sec. 2. K.S.A. 2018 Supp. 25-4156 is hereby amended to read as
follows: 25-4156. (a) (1) Whenever any person sells space in any
newspaper, magazine or other periodical to a candidate or to a candidate
committee, party committee or political committee, the charge made for
the use of such space shall not exceed the charges made for comparable
use of such space for other purposes.

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

(b) (1) Except as provided in paragraph (2), corrupt political
advertising of a state or local office is:
(A) Publishing or causing to be published in a newspaper or other periodical any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

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

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

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

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

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

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

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

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

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

Sec. 3. K.S.A. 2018 Supp. 25-4143 and 25-4156 are hereby repealed.

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