SENATE BILL No. 145

By Committee on Ethics and Elections

2-8

AN ACT concerning certain crimes; dealing with corrupt political advertising; amending K.S.A. 2010 Supp. 25-4156 and repealing the existing section.

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

Section 1. K.S.A. 2010 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) 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 which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless the paid 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 paid matter 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 which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless:

(i) such paid matter is followed by a statement which 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 paid matter or the name of the individual who is responsible therefor; and

(ii) such paid matter includes a disclosure statement which is spoken and contains at least the following words:
(a) If spoken by a candidate "I am" or "This is ______________________ (name of candidate)
for ______________________ (name of office) and I ______________________ (or my campaign)
sponsored [approved] this ad";

(b) if spoken by the chairperson or the treasurer of a party or political committee, "the ______________________ (name of the party or political committee)
sponsored [approved] this ad supporting/opposing ______________________ (name of candidate)
for ______________________ (name of office) ";

(c) if spoken by an individual, "I am" or "This is ______________________ (name of individual)
and I sponsored [approved] this ad supporting/opposing this candidate";

(d) if spoken by any other person "I represent ______________________ (name of corporation, group, or entity)
and we sponsored [approved] this ad, supporting/opposing this candidate."

(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 which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such the paid matter is preceded by a statement which 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 paid matter 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 which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such the paid matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same paid matter 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 which expressly advocates the
nomination, election or defeat of a clearly identified candidate for a
state or local office, unless the paid matter is followed by a
statement which states: "Paid for" or "Sponsored by" followed by the
name of the chairperson or treasurer of the political or other
organization sponsoring the paid matter 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, e-mail or
other type of internet communication which is made by the candidate,
the candidate's candidate committee, a political committee or a party
committee and such website, e-mail 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) 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 which 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. 2. K.S.A. 2010 Supp. 25-4156 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.