AN ACT concerning campaign finance; dealing with corrupt political advertising; amending K.S.A. 2017 Supp. 25-4156 and repealing the existing section.

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

Section 1. K.S.A. 2017 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 subsection 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 which 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 which 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 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 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 which 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 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 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 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 which 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 which that expressly advocates the nomination,
election or defeat of a clearly identified candidate for a state or local
office, unless such the matter is followed by a statement which 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 disclosures shall be presented in a clear and conspicuous manner
to give the reader, observer or listener adequate notice of the identity of
the persons or committees that paid for the communications, as follows:

(i) When in a video, the information shall be both written and spoken
either at the beginning or at the end of the communication, except that if
the disclosure statement is written for at least five seconds of a broadcast
of 30 seconds or less or 10 seconds of a 60-second broadcast, a spoken
disclosure statement is not required. The written disclosure statement shall
appear with a reasonable degree of color contrast between the
background and text of the statement, must be of sufficient size to be
readily legible to an average viewer and air for not less than four seconds;

(ii) when in an audio format, the information shall be spoken in a
clearly audible and intelligible manner at the beginning or end of the
communication and shall last at least three seconds.

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 which that is made by the candidate, the
candidate's candidate committee, a political committee or a party
committee and such 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—which 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 200 280 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—which 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. 2. K.S.A. 2017 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.