As Amended by House Committee

Session of 2018

HOUSE BILL No. 2642

By Representative Esau

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 organization 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 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 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 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 states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same organization 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; and

(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 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.