

HOUSE BILL No. 2519

By Committee on Elections

Requested by Representative Waggoner

1-17

1 AN ACT concerning campaign finance; amending the crime of corrupt
2 political advertising to expand the crime to include constitutional
3 amendment propositions, bond issues and other question submitted
4 propositions; amending K.S.A. 25-4156 and repealing the existing
5 section.
6

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

8 Section 1. K.S.A. 25-4156 is hereby amended to read as follows: 25-
9 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
10 or other periodical to a candidate or to a candidate committee, party
11 committee or political committee, the charge made for the use of such
12 space shall not exceed the charges made for comparable use of such space
13 for other purposes.

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

16 (b) (1) Except as provided in paragraph (2), corrupt political
17 advertising of a state or local office *or that is intended to influence the*
18 *vote of any person for or against any proposition to amend the*
19 *constitution or to authorize the issuance of bonds or any other question*
20 *submitted at an election is:*

21 (A) Publishing or causing to be published in a newspaper or other
22 periodical any paid matter that expressly advocates the nomination,
23 election or defeat of a clearly identified candidate for a state or local office
24 *of a question submitted to amend the constitution to authorize the issuance*
25 *of bonds or any other question submitted at an election, unless such matter*
26 *is followed by the word "advertisement" or the abbreviation "adv." in a*
27 *separate line together with the name of the chairperson or treasurer of the*
28 *political or other organization sponsoring the same or the name of the*
29 *individual who is responsible therefor;*

30 (B) broadcasting or causing to be broadcast by any radio or television
31 station any paid matter that expressly advocates the nomination, election
32 or defeat of a clearly identified candidate for a state or local office *or that*
33 *is intended to influence the vote of any person or persons for or against*
34 *any proposition to amend the constitution or to authorize the issuance of*
35 *bonds or any other question submitted at an election, unless such matter is*

1 followed by a statement that states: "Paid for" or "Sponsored by" followed
2 by the name of the sponsoring organization and the name of the
3 chairperson or treasurer of the political or other organization sponsoring
4 the same or the name of the individual who is responsible therefor;

5 (C) telephoning or causing to be contacted by any telephonic means
6 including, but not limited to, any device using a voice over internet
7 protocol or wireless telephone, any paid matter that expressly advocates
8 the nomination, election or defeat of a clearly identified candidate for a
9 state or local office *or that is intended to influence the vote of any person*
10 *or persons for or against any proposition to amend the constitution or to*
11 *authorize the issuance of bonds or any other question submitted at an*
12 *election*, unless such matter is preceded by a statement that states: "Paid
13 for" or "Sponsored by" followed by the name of the sponsoring
14 organization and the name of the chairperson or treasurer of the political or
15 other organization sponsoring the same or the name of the individual who
16 is responsible therefor;

17 (D) publishing or causing to be published any brochure, flier or other
18 political fact sheet that expressly advocates the nomination, election or
19 defeat of a clearly identified candidate for a state or local office *or that is*
20 *intended to influence the vote of any person or persons for or against any*
21 *proposition to amend the constitution or to authorize the issuance of bonds*
22 *or any other question submitted at an election*, unless such matter is
23 followed by a statement that states: "Paid for" or "Sponsored by" followed
24 by the name of the chairperson or treasurer of the political or other
25 organization sponsoring the same or the name of the individual who is
26 responsible therefor.

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

30 (E) making or causing to be made any website, e-mail or other type of
31 internet communication that expressly advocates the nomination, election
32 or defeat of a clearly identified candidate for a state or local office *or that*
33 *is intended to influence the vote of any person or persons for or against*
34 *any question to amend the constitution or to authorize the issuance of*
35 *bonds or any other question submitted at an election*, unless the matter is
36 followed by a statement that states: "Paid for" or "Sponsored by" followed
37 by the name of the chairperson or treasurer of the political or other
38 organization sponsoring the same or the name of the individual who is
39 responsible therefor.

40 The provisions of this subparagraph ~~(E)~~ requiring the disclosure of the
41 name of an individual shall apply only to any website, email or other type
42 of internet communication ~~that is made by the candidate, the candidate's~~
43 ~~candidate committee, a political committee or a party committee and the~~

1 ~~website, email or other internet communication~~ viewed by or disseminated
2 to at least 25 individuals. For the purposes of this subparagraph, the terms
3 "candidate," "candidate committee," "party committee" and "political
4 committee" shall have the meanings ascribed to them in K.S.A. 25-4143,
5 and amendments thereto.

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

11 (3) Corrupt political advertising of a state or local office *of a question*
12 *submitted to amend the constitution to authorize the issuance of bonds or*
13 *any other question submitted at an election* is a class C nonperson
14 misdemeanor.

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

20 Sec. 2. K.S.A. 25-4156 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.