

HOUSE BILL No. 2079

By Representative Otto

1-17

9 AN ACT concerning political advertising; relating to corrupt political ad-
10 vertising; establishing the crime of false election information; amend-
11 ing K.S.A. 25-4156 and repealing the existing section.
12

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

14 Section 1. K.S.A. 25-4156 is hereby amended to read as follows: 25-
15 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
16 or other periodical to a candidate or to a candidate committee, party
17 committee or political committee, the charge made for the use of such
18 space shall not exceed the charges made for comparable use of such space
19 for other purposes.

20 (2) Intentionally charging an excessive amount for political advertis-
21 ing is a class A misdemeanor.

22 (b) (1) Corrupt political advertising of a state or local office is:

23 (A) Publishing or causing to be published in a newspaper or other
24 periodical any paid matter which expressly advocates the nomination,
25 election or defeat of a clearly identified candidate for a state or local
26 office, unless such matter is followed by the word "advertisement" or the
27 abbreviation "adv." in a separate line together with the name of the chair-
28 person or treasurer of the political or other organization sponsoring the
29 same or the name of the individual who is responsible therefor;

30 (B) broadcasting or causing to be broadcast by any radio or television
31 station any paid matter which expressly advocates the nomination, elec-
32 tion or defeat of a clearly identified candidate for a state or local office,
33 unless such matter is followed by a statement which states: "Paid for" or
34 "Sponsored by" followed by the name of the sponsoring organization and
35 the name of the chairperson or treasurer of the political or other organ-
36 ization sponsoring the same or the name of the individual who is respon-
37 sible therefor; ~~or~~

38 (C) *telephoning or causing to be contacted by any telephonic means*
39 *including, but not limited to, any device using a voice over internet pro-*
40 *toocol or wireless telephone, any paid matter which expressly advocates*
41 *the nomination, election or defeat of a clearly identified candidate for a*
42 *state or local office, unless such matter is followed by a statement which*
43 *states: "Paid for" or "Sponsored by" followed by the name of the spon-*

1 *soring organization and the name of the chairperson or treasurer of the*
2 *political or other organization sponsoring the same or the name of the*
3 *individual who is responsible therefor; or*

4 (D) publishing or causing to be published any brochure, flier or other
5 political fact sheet which expressly advocates the nomination, election or
6 defeat of a clearly identified candidate for a state or local office, unless
7 such matter is followed by the name of the chairperson or treasurer of
8 the political or other organization sponsoring the same or the name of
9 the individual who is responsible therefor.

10 The provisions of this subsection ~~(C)~~ (D) requiring the disclosure of
11 the name of an individual shall not apply to individuals making expendi-
12 tures in an aggregate amount of less than \$2,500 within a calendar year.

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

15 (c) If any provision of this section or application thereof to any person
16 or circumstance is held invalid, such invalidity does not affect other pro-
17 visions or applications of this section which 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 (d) (1) *Whenever any vendor or other person provides any of the*
21 *services defined in subsection (b), such vendor or other person shall keep*
22 *and maintain records showing the name and address of the person who*
23 *purchased or requested such services and the amount paid for such serv-*
24 *ices. The records required by this subsection shall be kept for a period of*
25 *one year after the date upon which payment was received for such*
26 *services.*

27 (2) *Failure to keep and maintain the records required by this subsec-*
28 *tion is a class C misdemeanor.*

29 New Sec. 2. False election information is knowingly and willfully:

30 (a) Disseminating false or distorted information or advertising about
31 a candidate within 60 days on or before any election; or

32 (b) falsely reporting the dissemination of information referenced in
33 subsection (a) or reporting such information from a false or fictitious
34 address.

35 False election information is a severity level 5, nonperson felony.

36 Sec. 3. K.S.A. 25-4156 is hereby repealed.

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