

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 309

By Committee on Ethics and Elections

1-19

1 AN ACT concerning certain crimes; dealing with corrupt political
2 advertising; amending K.S.A. 2011 Supp. 25-4156 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2011 Supp. 25-4156 is hereby amended to read as
7 follows: 25-4156. (a) (1) Whenever any person sells space in any
8 newspaper, magazine or other periodical to a candidate or to a candidate
9 committee, party committee or political committee, the charge made for
10 the use of ~~such~~*the* space shall not exceed the charges made for comparable
11 use of ~~such~~*the* space for other purposes.

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

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

15 (A) Publishing or causing to be published in a newspaper or other
16 periodical any paid matter which expressly advocates the nomination,
17 election or defeat of a clearly identified candidate for a state or local
18 office, unless ~~such~~*the* paid matter is followed by the word "advertisement"
19 or the abbreviation "adv." in a separate line together with the name of the
20 chairperson or treasurer of the political or other organization sponsoring
21 the ~~same~~*paid matter* or the name of the individual who is responsible
22 therefor;

23 (B) broadcasting or causing to be broadcast by any radio or television
24 station any paid matter which expressly advocates the nomination, election
25 or defeat of a clearly identified candidate for a state or local office, unless:

26 (i) ~~such~~*The* paid matter is followed by a statement which states: "Paid
27 for" or "Sponsored by" followed by the name of the sponsoring
28 organization and the name of the chairperson or treasurer of the political or
29 other organization sponsoring the ~~same~~*paid matter* or the name of the
30 individual who is responsible therefor; *and*

31 (ii) *such* paid matter includes a disclosure statement which is spoken
32 and contains at least the following words:

33 (a) *If spoken by a candidate "I am" or "This is* _____
34 *(name of candidate)*

35 *candidate for* _____ *and I* _____
36 *(name of office) (or my campaign);*

1 *sponsored this ad or I approve of this ad*";

2 (b) *if spoken by the chairperson or the treasurer of a party or*
 3 *political committee, "the _____ sponsored*
 4 *(name of the party or political committee)*

5 *this ad supporting/opposing _____*
 6 *(name of candidate)*

7 *for _____";*
 8 *(name of office);*

9 (c) *if spoken by an individual, "I am" or "This is" _____*
 10 *(name of individual)*

11 *"and I sponsored this ad or I approve of this ad supporting/opposing this*
 12 *candidate"; or*

13 (d) *if spoken by any other person "I represent _____*
 14 *_____ and we sponsored this*

15 *(name of corporation, group, or entity)*
 16 *ad, supporting/opposing this candidate."*

17 (C) telephoning or causing to be contacted by any telephonic means
 18 including, but not limited to, any device using a voice over internet
 19 protocol or wireless telephone, any paid matter which expressly advocates
 20 the nomination, election or defeat of a clearly identified candidate for a
 21 state or local office, unless ~~such~~*the* matter is preceded by a statement
 22 which states: "Paid for" or "Sponsored by" followed by the name of the
 23 sponsoring organization and the name of the chairperson or treasurer of the
 24 political or other organization sponsoring the ~~same~~*paid matter* or the name
 25 of the individual who is responsible therefor;

26 (D) publishing or causing to be published any brochure, flier or other
 27 political fact sheet which expressly advocates the nomination, election or
 28 defeat of a clearly identified candidate for a state or local office, unless
 29 ~~such~~*the paid* matter is followed by a statement which states: "Paid for" or
 30 "Sponsored by" followed by the name of the chairperson or treasurer of the
 31 political or other organization sponsoring the ~~same~~*paid matter* or the name
 32 of the individual who is responsible therefor.

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

36 (E) making or causing to be made any website, e-mail or other type of
 37 internet communication which expressly advocates the nomination,
 38 election or defeat of a clearly identified candidate for a state or local
 39 office, unless ~~such~~*the paid* matter is followed by a statement which states:
 40 "Paid for" or "Sponsored by" followed by the name of the chairperson or
 41 treasurer of the political or other organization sponsoring the ~~same~~*paid*
 42 *matter* or the name of the individual who is responsible therefor.

43 The provisions of this subparagraph (E) requiring the disclosure of the

1 name of an individual shall apply only to any website, e-mail or other type
2 of internet communication which is made by the candidate, the candidate's
3 candidate committee, a political committee or a party committee and such
4 website, e-mail or other internet communication viewed by or
5 disseminated to at least 25 individuals. For the purposes of this
6 subparagraph, the terms "candidate," "candidate committee," "party
7 committee" and "political committee" shall have the meanings ascribed to
8 them in K.S.A. 25-4143, and amendments thereto.

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

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

16 Sec. 2. K.S.A. 2011 Supp. 25-4156 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the Kansas register.