

HOUSE BILL No. 2183

By Committee on Elections

1-29

Balloon Amendments for HB 2183
for House Committee on Elections
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Office of Revisor of Statutes
February 5, 2015

1 AN ACT concerning campaign finance; relating to political campaigns and
2 technology; amending K.S.A. 2014 Supp. 25-4153a, 25-4156 and 25-
3 4169a and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 25-4153a is hereby amended to read as
7 follows: 25-4153a. (a) No registered lobbyist, political committee or
8 person, other than an individual, shall make a contribution after January 1
9 of each year and prior to adjournment sine die of the regular session of the
10 legislature or at any other time in which the legislature is in session to a:

- 11 (1) Legislator;
- 12 (2) candidate for membership in the legislature;
- 13 (3) state officer elected on a statewide basis;
- 14 (4) candidate for state officer elected on a statewide basis;
- 15 (5) candidate committee of persons described in paragraphs (1)
16 through (4); or

17 (6) political committee established by a state committee of any
18 political party and designated as a recognized political committee for the
19 senate or house of representatives.

20 (b) No legislator, officer, candidate or committee described in
21 paragraphs (1) through (6) of subsection (a)(1) through (6) shall accept or
22 knowingly solicit any contribution as defined by K.S.A. 25-4143, and
23 amendments thereto, from any registered lobbyist, political committee or
24 person, other than an individual, during such period of time described in
25 subsection (a), except that a general public solicitation which does not
26 solicit a specific individual and is distributed via social media shall be
27 permissible.

28 (c) For the purposes of this act, "social media" means *computer or
29 telephone-based websites or applications that enable users to create and
30 share content and to participate in public social networking.*

31 Sec. 2. K.S.A. 2014 Supp. 25-4156 is hereby amended to read as
32 follows: 25-4156. (a) (1) Whenever any person sells space in any
33 newspaper, magazine or other periodical to a candidate or to a candidate
34 committee, party committee or political committee, the charge made for
35 the use of such space shall not exceed the charges made for comparable
36 use of such space for other purposes.

an electronic medium which allows users to create and view
user-generated content, including but not limited to, uploaded or
downloaded videos or photographs, blogs, audio files, instant
messages or email

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

3 (b) (1) *Except as provided in subsection (2)*, corrupt political
4 advertising of a state or local office is:

5 (A) Publishing or causing to be published in a newspaper or other
6 periodical any paid matter which expressly advocates the nomination,
7 election or defeat of a clearly identified candidate for a state or local
8 office, unless such matter is followed by the word "advertisement" or the
9 abbreviation "adv." in a separate line together with the name of the
10 chairperson or treasurer of the political or other organization sponsoring
11 the same or the name of the individual who is responsible therefor;

12 (B) broadcasting or causing to be broadcast by any radio or television
13 station any paid matter which expressly advocates the nomination, election
14 or defeat of a clearly identified candidate for a state or local office, unless
15 such matter is followed by a statement which states: "Paid for" or
16 "Sponsored by" followed by the name of the sponsoring organization and
17 the name of the chairperson or treasurer of the political or other
18 organization sponsoring the same or the name of the individual who is
19 responsible therefor;

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

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

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

39 (E) making or causing to be made any website, e-mail or other type of
40 internet communication which expressly advocates the nomination,
41 election or defeat of a clearly identified candidate for a state or local
42 office, unless such matter is followed by a statement which states: "Paid
43 for" or "Sponsored by" followed by the name of the chairperson or

1 treasurer of the political or other organization sponsoring the same or the
2 name of the individual who is responsible therefor.

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

12 (2) The provisions of subsections (b)(1)(C) and (E) shall not apply to
13 the publication of any communication which expressly advocates the
14 nomination, election or defeat of a clearly identified candidate for state or
15 local office, if such communication is made over any social media
16 provider which has a character limit of 140 characters or fewer which
17 would prevent the communicator from publishing both such person's
18 statement of advocacy and the "paid for" or "sponsored by" message.

19 (3) Corrupt political advertising of a state or local office is a class C
20 misdemeanor.

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

26 Sec. 3. K.S.A. 2014 Supp. 25-4169a is hereby amended to read as
27 follows: 25-4169a. (a) (1) No officer or employee of the state of Kansas,
28 or any municipality, shall use or authorize the use of public funds or public
29 vehicles, machinery, equipment or supplies of any such governmental
30 agency or the time of any officer or employee of any such governmental
31 agency, for which the officer or employee is compensated by such
32 governmental agency, to expressly advocate the nomination, election or
33 defeat of a clearly identified candidate to state office or local office. The
34 provisions of this section prohibiting the use of time of any officer or
35 employee for such purposes shall not apply to an incumbent officer
36 campaigning for nomination or reelection to a succeeding term to such
37 office or to members of the personal staff of any elected officer. The
38 provisions of this section shall not apply to the statutory duties of the
39 commission on judicial performance pursuant to article 32 of chapter 20 of
40 the Kansas Statutes Annotated, and amendments thereto.

41 (2) The provisions of this subsection shall not apply the use of the
42 wireless broadband connectivity provided in the Kansas statehouse to
43 elected officials who work in the statehouse, including, but not limited to,
44 to internet

~~the governor, the lieutenant governor, members of the house of representatives or members of the senate~~

by any public official
candidate or elected official

(3) Except as otherwise provided in this section, no municipality shall permit or allow any person to distribute, or cause to be distributed, within any building or other structure owned, leased or rented by such municipality any brochure, flier, political fact sheet or other document which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office unless each candidate for such state or local office is permitted or allowed to do so in the same manner.

(3) (4) For the purposes of this subsection, the term municipality shall have the meaning ascribed to it in K.S.A. 12-105a, and amendments thereto.

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Sec. 4. K.S.A. 2014 Supp. 25-4153a, 25-4156 and 25-4169a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

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