

**HOUSE BILL No. 2642**

By Representative Esau

2-6

1 AN ACT concerning campaign finance; dealing with corrupt political  
2 advertising; amending K.S.A. 2017 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. 2017 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 space shall not exceed the charges made for comparable  
11 use of such space for other purposes.

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

14 (b) (1) Except as provided in ~~subsection~~ *paragraph* (2), corrupt  
15 political advertising of a state or local office is:

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

23 (B) broadcasting or causing to be broadcast by any radio or television  
24 station any paid matter ~~which~~ *that* 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 a statement ~~which~~ *that* states:  
27 "Paid 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 or the name of the individual who  
30 is responsible therefor;

31 (C) telephoning or causing to be contacted by any telephonic means  
32 including, but not limited to, any device using a voice over internet  
33 protocol or wireless telephone, any paid matter ~~which~~ *that* expressly  
34 advocates the nomination, election or defeat of a clearly identified  
35 candidate for a state or local office, unless such matter is preceded by a  
36 statement ~~which~~ *that* states: "Paid for" or "Sponsored by" followed by the

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

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

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

14 (E) making or causing to be made any website, e-mail or other type of  
15 internet communication ~~which that~~ expressly advocates the nomination,  
16 election or defeat of a clearly identified candidate for a state or local  
17 office, unless ~~such the~~ matter is followed by a statement ~~which that~~ states:  
18 "Paid for" or "Sponsored by" followed by the name of the chairperson or  
19 treasurer of the political or other organization sponsoring the same or the  
20 name of the individual who is responsible therefor.

21 *The disclosures shall be presented in a clear and conspicuous manner*  
22 *to give the reader, observer or listener adequate notice of the identity of*  
23 *the persons or committees that paid for the communications, as follows:*

24 (i) *When in a video, the information shall be both written and spoken*  
25 *either at the beginning or at the end of the communication, except that if*  
26 *the disclosure statement is written for at least five seconds of a broadcast*  
27 *of 30 seconds or less or 10 seconds of a 60-second broadcast, a spoken*  
28 *disclosure statement is not required. The written disclosure statement shall*  
29 *appear with a reasonable degree of color contrast between the*  
30 *background and text of the statement, must be of sufficient size to be*  
31 *readily legible to an average viewer and air for not less than four seconds;*  
32 *and*

33 (ii) *when in an audio format, the information shall be spoken in a*  
34 *clearly audible and intelligible manner at the beginning or end of the*  
35 *communication and shall last at least three seconds.*

36 The provisions of this subparagraph (E) requiring the disclosure of the  
37 name of an individual shall apply only to any website, email or other type  
38 of internet communication ~~which that~~ is made by the candidate, the  
39 candidate's candidate committee, a political committee or a party  
40 committee and ~~such the~~ website, email or other internet communication  
41 viewed by or disseminated to at least 25 individuals. For the purposes of  
42 this subparagraph, the terms "candidate," "candidate committee," "party  
43 committee" and "political committee" shall have the meanings ascribed to

1 them in K.S.A. 25-4143, and amendments thereto.

2 (2) The provisions of subsections (b)(1)(C) and (E) shall not apply to  
3 the publication of any communication ~~which~~ *that* expressly advocates the  
4 nomination, election or defeat of a clearly identified candidate for state or  
5 local office, if such communication is made over any social media  
6 provider which has a character limit of ~~200~~ 280 characters or fewer.

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

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

14 Sec. 2. K.S.A. 2017 Supp. 25-4156 is hereby repealed.

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