

## HOUSE BILL No. 2118

By Committee on Elections

1-22

1 AN ACT concerning campaign finance; relating to political  
2 advertisements; amending K.S.A. 2020 Supp. 25-4156 and repealing  
3 the existing section.  
4

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

6 Section 1. K.S.A. 2020 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 paragraph (2), corrupt political  
15 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 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 that expressly advocates the nomination, election  
25 or defeat of a clearly identified candidate for a state or local office, unless  
26 such matter is followed by a statement that states: "Paid for" or  
27 "Sponsored by" followed by the name of the sponsoring organization and  
28 the name of the chairperson ~~or treasurer~~ of the political or other  
29 organization sponsoring the same or the name of the individual who is  
30 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 that expressly advocates  
34 the nomination, election or defeat of a clearly identified candidate for a  
35 state or local office, unless such matter is preceded by a statement that  
36 states: "Paid for" or "Sponsored by" followed by the name of the

1 sponsoring 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;

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

21 The provisions of this subparagraph ~~(E)~~ requiring the disclosure of the  
22 name of an individual shall apply only to any website, email or other type  
23 of internet communication that is made by the candidate, the candidate's  
24 candidate committee, a political committee or a party committee and the  
25 website, email or other internet communication viewed by or disseminated  
26 to at least 25 individuals. For the purposes of this subparagraph, the terms  
27 "candidate," "candidate committee," "party committee" and "political  
28 committee" ~~shall have the same meanings ascribed to them as provided in~~  
29 K.S.A. 25-4143, and amendments thereto.

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

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

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

42 Sec. 2. K.S.A. 2020 Supp. 25-4156 is hereby repealed.

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.