

## Substitute for HOUSE BILL No. 2519

By Committee on Elections

2-21

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1 AN ACT concerning campaign finance; amending the crimes of corrupt  
2 political advertising to expand the crime in the campaign finance act to  
3 include constitutional amendment propositions and to delete  
4 propositions to amend the constitution from the corrupt political  
5 advertising crime that appears in article 24 of chapter 25 of the Kansas  
6 statutes annotated; amending K.S.A. 25-2407 and 25-4156 and  
7 repealing the existing sections.  
8

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

10 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-  
11 2407. Corrupt political advertising is:

12 (a) (1) Publishing or causing to be published in a newspaper or other  
13 periodical any paid matter which expressly advocates the nomination,  
14 election or defeat of any candidate, unless such matter is followed by the  
15 word "advertisement" or the abbreviation "adv." in a separate line together  
16 with the name of the chairman of the political or other organization  
17 inserting the same or the name of the person who is responsible therefor;  
18 or

19 (2) broadcasting or causing to be broadcast by any radio or television  
20 station any paid matter which expressly advocates the nomination, election  
21 or defeat of any candidate, unless such matter is followed 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 or the name of the  
25 person who is responsible therefor; or

26 (3) publishing or causing to be published in a newspaper or other  
27 periodical any paid matter which is intended to influence the vote of any  
28 person or persons for or against any question submitted for a proposition  
29 ~~to amend the constitution or to authorize the issuance of bonds or any~~  
30 other question submitted at an election, unless such matter is followed by  
31 the word "advertisement" or the abbreviation "adv." in a separate line  
32 together with the name of the chairman of the political or other  
33 organization inserting the same or the name of the person who is  
34 responsible therefor;

35 (4) broadcasting or causing to be broadcast by any radio or television  
36 station any paid matter which is intended to influence the vote of any

1 person or persons for or against any question submitted for a proposition  
2 ~~to amend the constitution~~ or to authorize the issuance of bonds or any  
3 other question submitted at an election, unless such matter is followed by a  
4 statement which states: "Paid for" or "Sponsored by" followed by the  
5 name of the sponsoring organization and the name of the chairperson or  
6 treasurer of the political or other organization sponsoring the same or the  
7 name of the person who is responsible therefor; or

8 (5) publishing or causing to be published any brochure, flier or other  
9 political fact sheet which is intended to influence the vote of any person or  
10 persons for or against any question submitted for a proposition ~~to amend~~  
11 ~~the constitution~~ or to authorize the issuance of bonds or any other question  
12 submitted at an election, unless such matter is followed by a statement  
13 which states: "Paid for" or "Sponsored by" followed by the name of the  
14 sponsoring organization and the name of the chairperson or treasurer of the  
15 political or other organization sponsoring the same or the name of the  
16 individual who is responsible therefor.

17 (b) Corrupt political advertising is a class C misdemeanor.

18 (c) For the purposes of this section, the term "expressly advocate the  
19 nomination, election or defeat of a candidate" shall have the meaning  
20 ascribed to it in K.S.A. 25-4143, and amendments thereto.

21 Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-  
22 4156. (a) (1) Whenever any person sells space in any newspaper, magazine  
23 or other periodical to a candidate or to a candidate committee, party  
24 committee or political committee, the charge made for the use of such  
25 space shall not exceed the charges made for comparable use of such space  
26 for other purposes.

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

29 (b) (1) Except as provided in paragraph (2), corrupt political  
30 advertising of a state or local office is:

31 (A) Publishing or causing to be published in a newspaper or other  
32 periodical any paid matter that expressly advocates the nomination,  
33 election or defeat of a clearly identified candidate for a state or local  
34 office, unless such matter is followed by the word "advertisement" or the  
35 abbreviation "adv." in a separate line together with the name of the  
36 chairperson or treasurer of the political or other organization sponsoring  
37 the same or the name of the individual who is responsible therefor;

38 (B) broadcasting or causing to be broadcast by any radio or television  
39 station any paid matter that expressly advocates the nomination, election  
40 or defeat of a clearly identified candidate for a state or local office, unless  
41 such matter is followed by a statement that states: "Paid for" or  
42 "Sponsored by" followed by the name of the sponsoring organization and  
43 the name of the chairperson or treasurer of the political or other

1 organization sponsoring the same or the name of the individual who is  
2 responsible therefor;

3 (C) telephoning or causing to be contacted by any telephonic means  
4 including, but not limited to, any device using a voice over internet  
5 protocol or wireless telephone, any paid matter that expressly advocates  
6 the nomination, election or defeat of a clearly identified candidate for a  
7 state or local office, unless such matter is preceded by a statement that  
8 states: "Paid for" or "Sponsored by" followed by the name of the  
9 sponsoring organization and the name of the chairperson or treasurer of the  
10 political or other organization sponsoring the same or the name of the  
11 individual who is responsible therefor;

12 (D) publishing or causing to be published any brochure, flier or other  
13 political fact sheet that expressly advocates the nomination, election or  
14 defeat of a clearly identified candidate for a state or local office, unless  
15 such matter is followed by a statement that states: "Paid for" or  
16 "Sponsored by" followed by the name of the chairperson or treasurer of the  
17 political or other organization sponsoring the same or the name of the  
18 individual who is responsible therefor.

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

22 (E) making or causing to be made any website, e-mail or other type of  
23 internet communication that expressly advocates the nomination, election  
24 or defeat of a clearly identified candidate for a state or local office, unless  
25 the matter is followed by a statement that states: "Paid for" or "Sponsored  
26 by" followed by the name of the chairperson or treasurer of the political or  
27 other organization sponsoring the same or the name of the individual who  
28 is responsible therefor.

29 The provisions of this subparagraph ~~(E)~~ requiring the disclosure of the  
30 name of an individual shall apply only to any website, email or other type  
31 of internet communication that is made by the candidate, the candidate's  
32 candidate committee, a political committee or a party committee and the  
33 website, email or other internet communication viewed by or disseminated  
34 to at least 25 individuals. For the purposes of this subparagraph, the terms  
35 "candidate," "candidate committee," "party committee" and "political  
36 committee" shall have the meanings ascribed to them in K.S.A. 25-4143,  
37 and amendments thereto;

38 (F) *publishing, broadcasting or causing to be published in a*  
39 *newspaper, periodical or any radio or television station any paid matter*  
40 *that is intended to influence the vote of any person or persons for or*  
41 *against any question submitted for a proposition to amend the*  
42 *constitution, unless such matter is followed by the word "advertisement"*  
43 *or the abbreviation "adv." in a separate line together with the name of the*

1 chairperson of the political or other organization inserting the same or the  
2 name of the person who is responsible therefor;

3 (G) telephoning or causing to be contacted by any telephonic means,  
4 including, but not limited to, any device using a voice over internet  
5 protocol or wireless telephone, any paid matter that is intended to  
6 influence the vote of any person or persons for or against any question  
7 submitted for a proposition to amend the constitution, unless such matter  
8 is preceded by a statement that states: "Paid for" or "Sponsored by"  
9 followed by the name of the sponsoring organization and 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 (H) publishing or causing to be published any brochure, flier or other  
13 political fact sheet which is intended to influence the vote of any person or  
14 persons for or against any question submitted for a proposition to amend  
15 the constitution, unless such matter is followed by a statement that states:  
16 "Paid for" or "Sponsored by" followed by the name of the sponsoring  
17 organization and the name of the chairperson or treasurer of the political  
18 or other organization sponsoring the same or the name of the individual  
19 who is responsible therefor. The provisions of this subparagraph requiring  
20 the disclosure of the name of an individual shall not apply to individuals  
21 making expenditures in an aggregate amount of less than \$2,500 within a  
22 calendar year; or

23 (I) making or causing to be made any website, email or other type of  
24 internet communication that is intended to influence the vote of any person  
25 or persons for or against any question submitted for a proposition to  
26 amend the constitution, unless the matter is followed by a statement that  
27 states: "Paid for" or "Sponsored by" followed by the name of the  
28 chairperson or treasurer of the political or other organization sponsoring  
29 the same or the name of the individual who is responsible therefor. The  
30 provisions of this subparagraph requiring the disclosure of the name of an  
31 individual shall apply only to any website, email or other type of internet  
32 communication that is made by the candidate, the candidate's candidate  
33 committee, a political committee or a party committee and the website,  
34 email or other internet communication viewed by or disseminated to at  
35 least 25 individuals. For the purposes of this subparagraph, the terms  
36 "candidate," "candidate committee," "party committee" and "political  
37 committee" means the same as defined in K.S.A. 25-4143, and  
38 amendments thereto.

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

1       (3) Corrupt political advertising of a state or local office *or of a*  
2 *question submitted to amend the constitution* is a class C nonperson  
3 misdemeanor.

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

9       Sec. 3. K.S.A. 25-2407 and 25-4156 are hereby repealed.

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