

Session of 2017

SENATE BILL No. 58

By Committee on Ethics, Elections and Local Government

1-23

1 AN ACT concerning elections; relating to internet campaign
2 communications; notice of sponsorship; amending K.S.A. 2016 Supp.
3 25-4156 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 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 (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 which 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 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 which 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 which 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 which
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 which 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 which 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 expressly advocates the nomination,
16 election or defeat of a clearly identified candidate for a state or local
17 office, unless such matter ~~is followed by~~ *contains* a statement which 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.

is preceded by

21 The provisions of this subparagraph (E) requiring the disclosure of the
22 name of an individual shall apply only to any website, e-mail or other type
23 of internet communication which is made by the candidate, the candidate's
24 candidate committee, a political committee or a party committee and such
25 website, e-mail or other internet communication viewed by or
26 disseminated to at least 25 individuals. For the purposes of this
27 subparagraph, the terms "candidate," "candidate committee," "party
28 committee" and "political committee" shall have the meanings ascribed to
29 them in 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 which 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 200 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 which 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. 2016 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.