

## HOUSE BILL No. 2207

By Committee on Federal and State Affairs

1-30

1 AN ACT concerning elections; relating to the crime of corrupt political  
2 advertising; expanding the scope of the crime; amending K.S.A. 25-  
3 2407 and 25-4156 and repealing the existing sections.

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

6 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-  
7 2407. Corrupt political advertising is:

8 (a) (1) Publishing or causing to be published in a newspaper or other  
9 periodical any paid matter ~~which~~ *that* expressly advocates the nomination,  
10 election or defeat of any *clearly identified* candidate, unless such matter is  
11 followed by the word "advertisement" or the abbreviation "adv." in a  
12 separate line together with the name of the ~~chairman~~ *chairperson or*  
13 *treasurer* of the political or other organization ~~inserting the same~~  
14 *sponsoring such candidate* or the name of the person who is responsible  
15 therefor; ~~or~~

16 (2) broadcasting or causing to be broadcast by any radio or television  
17 station any paid matter ~~which~~ *that* expressly advocates the nomination,  
18 election or defeat of any *clearly identified* candidate, unless such matter is  
19 followed by a statement ~~which~~ *that* states: "Paid for" or "Sponsored by"  
20 followed by the name of the sponsoring organization and the name of the  
21 chairperson or treasurer of the political or other organization sponsoring  
22 ~~the same~~ *such candidate* or the name of the person who is responsible  
23 therefor; ~~or~~

24 (3) *telephoning an individual or causing an individual to be*  
25 *contacted by any telephonic means, including, but not limited to, any*  
26 *device using a voice over internet protocol, wireless telephone or text*  
27 *messaging device, any paid matter that expressly advocates the*  
28 *nomination, election or defeat of any clearly identified candidate, unless*  
29 *such matter is preceded by a statement that states: "Paid for" or*  
30 *"Sponsored by" followed by the name of the sponsoring organization and*  
31 *the name of the chairperson or treasurer of the political or other*  
32 *organization sponsoring such candidate or the name of the individual who*  
33 *is responsible therefor;*

34 (4) publishing or causing to be published in a newspaper or other  
35 periodical any paid matter ~~which~~ *that* is intended to influence the vote of  
36 any person or persons for or against any question submitted for a

1 proposition to amend the constitution or to authorize the issuance of bonds  
 2 or any other question submitted at an election, unless such matter is  
 3 followed by the word "advertisement" or the abbreviation "adv." in a  
 4 separate line together with the name of the ~~chairman~~ *chairperson or*  
 5 *treasurer* of the political or other organization ~~inserting the same~~  
 6 *sponsoring such question* or the name of the person who is responsible  
 7 therefor;

8 ~~(4)~~(5) broadcasting or causing to be broadcast by any radio or  
 9 television station any paid matter ~~which~~ *that* is intended to influence the  
 10 vote of any person or persons for or against any question submitted for a  
 11 proposition to amend the constitution or to authorize the issuance of bonds  
 12 or any other question submitted at an election, unless such matter is  
 13 followed by a statement ~~which~~ *that* states: "Paid for" or "Sponsored by"  
 14 followed by the name of the sponsoring organization and the name of the  
 15 chairperson or treasurer of the political or other organization sponsoring  
 16 ~~the same such question~~ or the name of the person who is responsible  
 17 therefor; ~~or~~

18 ~~(5)~~(6) *telephoning an individual or causing an individual to be*  
 19 *contacted by any telephonic means, including, but not limited to, any*  
 20 *device using a voice over internet protocol, wireless telephone or text*  
 21 *messaging device, any paid matter that is intended to influence the vote of*  
 22 *any person or persons for or against any question submitted for a*  
 23 *proposition to amend the constitution or to authorize the issuance of bonds*  
 24 *or any other question submitted at an election, unless such matter is*  
 25 *followed by a statement that states: "Paid for" or "Sponsored by" followed*  
 26 *by the name of the sponsoring organization and the name of the*  
 27 *chairperson or treasurer of the political or other organization sponsoring*  
 28 *such question or the name of the individual who is responsible therefor; or*

29 (7) publishing or causing to be published any brochure, flier or other  
 30 political fact sheet ~~which~~ *that* is intended to influence the vote of any  
 31 person or persons for or against any question submitted for a proposition  
 32 to amend the constitution or to authorize the issuance of bonds or any  
 33 other question submitted at an election, unless such matter is followed by a  
 34 statement ~~which~~ *that* states: "Paid for" or "Sponsored by" followed by the  
 35 name of the sponsoring organization and the name of the chairperson or  
 36 treasurer of the political or other organization sponsoring ~~the same such~~  
 37 *question* or the name of the individual who is responsible therefor.

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

39 (c) For the purposes of this section, the term "expressly advocate the  
 40 nomination, election or defeat of a *clearly identified candidate*" ~~shall have~~  
 41 ~~the meaning ascribed to it~~ *means the same as defined in K.S.A. 25-4143,*  
 42 *and amendments thereto.*

43 Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-

1 4156. (a) (1) Whenever any person sells space in any newspaper, magazine  
2 or other periodical to a candidate or to a candidate committee, party  
3 committee or political committee, the charge made for the use of such  
4 space shall not exceed the charges made for comparable use of such space  
5 for other purposes.

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

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

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

18 (B) broadcasting or causing to be broadcast by any radio or television  
19 station any paid matter that expressly advocates the nomination, election  
20 or defeat of a clearly identified candidate for a state or local office, unless  
21 such matter is followed by a statement that states: "Paid for" or  
22 "Sponsored by" followed by the name of the sponsoring organization and  
23 the name of the chairperson or treasurer of the political or other  
24 organization sponsoring ~~the same~~ *such candidate* or the name of the  
25 individual who is responsible therefor;

26 (C) telephoning *an individual* or causing *an individual* to be  
27 contacted by any telephonic means including, but not limited to, any  
28 device using a voice over internet protocol ~~or~~, wireless telephone *or text*  
29 *messaging device*, any paid matter that expressly advocates the  
30 nomination, election or defeat of a clearly identified candidate for a state  
31 or local office, unless such matter is preceded by a statement that states:  
32 "Paid for" or "Sponsored by" followed by the name of the sponsoring  
33 organization and the name of the chairperson or treasurer of the political or  
34 other organization sponsoring ~~the same~~ *such candidate* or the name of the  
35 individual who is responsible therefor;

36 (D) publishing or causing to be published any brochure, flier or other  
37 political fact sheet that expressly advocates the nomination, election or  
38 defeat of a clearly identified candidate for a state or local office, unless  
39 such matter is followed by a statement that states: "Paid for" or  
40 "Sponsored by" followed by the name of the chairperson or treasurer of the  
41 political or other organization sponsoring ~~the same~~ *such candidate* or the  
42 name of the individual who is responsible therefor.

43 The provisions of this subparagraph (D) requiring the disclosure of the

1 name of an individual shall not apply to individuals making expenditures  
2 in an aggregate amount of less than \$2,500 within a calendar year; or

3 (E) making or causing to be made any website, e-mail or other type of  
4 internet communication that expressly advocates the nomination, election  
5 or defeat of a clearly identified candidate for a state or local office, unless  
6 the matter is followed by a statement that states: "Paid for" or "Sponsored  
7 by" followed by the name of the chairperson or treasurer of the political or  
8 other organization sponsoring ~~the same~~ *such candidate* or the name of the  
9 individual who is responsible therefor.

10 The provisions of this subparagraph (E) requiring the disclosure of the  
11 name of an individual shall apply only to any website, email or other type  
12 of internet communication that is made by the candidate, the candidate's  
13 candidate committee, a political committee or a party committee and the  
14 website, email or other internet communication viewed by or disseminated  
15 to at least 25 individuals. For the purposes of this subparagraph, the terms  
16 "candidate," "candidate committee," "party committee" and "political  
17 committee" ~~shall have the meanings ascribed to them~~ *mean the same as*  
18 *defined* in K.S.A. 25-4143, and amendments thereto.

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

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

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

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

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