

**SENATE BILL No. 168**

By Senators Hensley, Faust-Goudeau, Francisco, Haley, Holland, Kelly and Kultala

2-9

1 AN ACT concerning electioneering communications.

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

4 Section 1. (a) Any person who spends or contracts to spend an  
5 amount of \$500 or more per calendar year for any electioneering  
6 communication shall submit a campaign finance report prescribed and  
7 provided by the governmental ethics commission for each electioneering  
8 communication, which shall include:

9 (1) The name of the clearly identified candidate mentioned in the  
10 electioneering communication.

11 (2) The name, street address, city, state and zip code of each individual  
12 or other entity that contributes more than \$50 per year to such person for  
13 an electioneering communication. In addition, the report shall list the  
14 occupation of any individual who contributed \$150 or more.

15 (3) The name, street address, city, state and zip code of the vendor to  
16 whom a payment of more than \$50 for such electioneering  
17 communication is made or contracted to be made.

18 (4) The amount spent on or contracted to be spent on such  
19 electioneering communication. If the person making the electioneering  
20 communication is an individual, such reports shall also include the  
21 occupation of such individual. Reports required by this section shall be in  
22 addition to any other reports required by law.

23 (b) (1) (A) For an electioneering communication concerning a  
24 candidate for state office, the report required by subsection (a) shall be  
25 filed only with the secretary of state.

26 (B) For an electioneering communication concerning a candidate for  
27 local office, the report required by subsection (a) shall be filed in the  
28 office of the county election officer of the county in which the name of  
29 the candidate is on the ballot.

30 (2) Except as required by paragraph (3), each report required by  
31 subsection (a) shall be filed in time to be received in the offices required  
32 in accordance with the times set forth in K.S.A. 25-4148, and  
33 amendments thereto.

34 (3) For any electioneering communication occurring during the 11  
35 days preceding the election, the report required by subsection (a) shall be

1 filed on or before the close of the second business day following the day  
2 in which such funds are spent or contracted to be spent for such  
3 electioneering communication.

4 (c) For the purposes of this section:

5 (1) "Electioneering communication" means any communication that  
6 reaches 500 or more persons broadcast by television or radio, printed in a  
7 newspaper or on a billboard, directly mailed or delivered by hand to  
8 personal residences, advertised by paying another entity to place a  
9 general advertisement, banner advertisement, streaming video or pop-up  
10 advertisement on their webpage or otherwise distributed that:

11 (A) Unambiguously refers to any clearly identified candidate;

12 (B) is broadcast, printed, mailed, delivered or distributed within 30  
13 days before a primary election or 60 days before a general election;

14 (C) is broadcast to, printed in a newspaper distributed to, mailed to,  
15 delivered by hand to, or otherwise distributed to an audience that includes  
16 members of the electorate for such public office.

17 (2) "Electioneering communication" does not include:

18 (A) Any news articles, editorial endorsements, opinion or commentary  
19 writings, or letters to the editor printed in a newspaper, magazine or other  
20 periodical not owned or controlled by a candidate or political party;

21 (B) any editorial endorsements or opinions aired by a broadcast  
22 facility not owned or controlled by a candidate or political party;

23 (C) any communication by persons made in the regular course and  
24 scope of their business or any communication made by a membership  
25 organization solely to members of such organization and their families;

26 (D) any communication that refers to any candidate only as part of the  
27 popular name of a bill or statute;

28 (E) any communication made solely to promote a candidate debate or  
29 forum that is made by or on behalf of the person sponsoring such debate  
30 or forum;

31 (F) any communication made as part of a nonpartisan activity  
32 designed to encourage individuals to vote or register to vote; or

33 (G) any internet communication that does not involve paying another  
34 entity for advertising, such as advertising on one's own website, email  
35 communication, or writing on a blog.

36 (d) Severability. If any clause, sentence, subdivision, paragraph,  
37 section or part of this act be adjudged by any court of competent  
38 jurisdiction to be invalid, such judgment shall not affect, impair or  
39 invalidate the remainder thereof, but shall be confined in its operation to  
40 the clause, sentence, subdivision, paragraph, section or part thereof  
41 directly involved in the controversy in which such judgment shall have  
42 been rendered.

43 (e) The provisions of this section shall be part of and supplemental to

- 1 the campaign finance act.
- 2       Sec. 2. This act shall take effect and be in force from and after its
- 3 publications in the statute book.