

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2642

By Representative Esau

2-6

Proposed Amendment for HB 2642
Senate Committee on Ethics, Elections and Local
Government
March 23, 2018
Chuck Reimer
Office of Revisor of Statutes

1 AN ACT concerning campaign finance; dealing with corrupt political
2 advertising; amending K.S.A. 2017 Supp. 25-4156 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2017 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~~ *paragraph* (2), corrupt
15 political 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~~ *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~~ **[organization]** or the name of the individual who is responsible
23 therefor;

chairperson or treasurer of the political or other organization

the same

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

and the name of the chairperson or treasurer of the political
or other organization sponsoring the same

32 (C) telephoning or causing to be contacted by any telephonic means
33 including, but not limited to, any device using a voice over internet
34 protocol or wireless telephone, any paid matter ~~which~~ *that* expressly

1 advocates the nomination, election or defeat of a clearly identified
2 candidate for a state or local office, unless such matter is preceded by a
3 statement ~~which that~~ states: "Paid for" or "Sponsored by" followed by the
4 name of the sponsoring organization ~~and the name of the chairperson or~~
5 ~~treasurer of the political or other organization sponsoring the same~~ or the
6 name of the individual who is responsible therefor;

and the name of the chairperson or treasurer of the political or other organization sponsoring the same

7 (D) publishing or causing to be published any brochure, flier or other
8 political fact sheet ~~which that~~ expressly advocates the nomination, election
9 or defeat of a clearly identified candidate for a state or local office, unless
10 such matter is followed by a statement ~~which that~~ states: "Paid for" or
11 "Sponsored by" followed by the name of the ~~chairperson or treasurer of the~~
12 ~~political or other organization sponsoring the same~~ **[organization]** or the
13 name of the individual who is responsible therefor.

chairperson or treasurer of the political or other organization

the same

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

17 (E) making or causing to be made any website, e-mail or other type of
18 internet communication ~~which that~~ expressly advocates the nomination,
19 election or defeat of a clearly identified candidate for a state or local
20 office, unless ~~such the~~ matter is followed by a statement ~~which that~~ states:
21 "Paid for" or "Sponsored by" followed by the name of the ~~chairperson or~~
22 ~~treasurer of the political or other organization sponsoring the same~~
23 **[organization]** or the name of the individual who is responsible therefor.

chairperson or treasurer of the political or other organization

the same

24 ~~The disclosures shall be presented in a clear and conspicuous manner~~
25 ~~to give the reader, observer or listener adequate notice of the identity of~~
26 ~~the persons or committees that paid for the communications, as follows:~~

27 ~~(i) When in a video, the information shall be both written and spoken~~
28 ~~either at the beginning or at the end of the communication, except that if~~
29 ~~the disclosure statement is written for at least five seconds of a broadcast~~
30 ~~of 30 seconds or less or 10 seconds of a 60-second broadcast, a spoken~~
31 ~~disclosure statement is not required. The written disclosure statement shall~~
32 ~~appear with a reasonable degree of color contrast between the~~
33 ~~background and text of the statement, must be of sufficient size to be~~
34 ~~readily legible to an average viewer and air for not less than four seconds;~~
35 ~~and~~

36 ~~(ii) when in an audio format, the information shall be spoken in a~~
37 ~~clearly audible and intelligible manner at the beginning or end of the~~
38 ~~communication and shall last at least three seconds.~~

39 The provisions of this subparagraph (E) requiring the disclosure of the
40 name of an individual shall apply only to any website, email or other type
41 of internet communication ~~which that~~ is made by the candidate, the
42 candidate's candidate committee, a political committee or a party
43 committee and ~~such the~~ website, email or other internet communication

1 viewed by or disseminated to at least 25 individuals. For the purposes of
2 this subparagraph, the terms "candidate," "candidate committee," "party
3 committee" and "political committee" shall have the meanings ascribed to
4 them in K.S.A. 25-4143, and amendments thereto.

5 (2) The provisions of subsections (b)(1)(C) and (E) shall not apply to
6 the publication of any communication ~~which~~ *that* expressly advocates the
7 nomination, election or defeat of a clearly identified candidate for state or
8 local office, if such communication is made over any social media
9 provider which has a character limit of ~~200~~ 280 characters or fewer.

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

12 (c) If any provision of this section or application thereof to any
13 person or circumstance is held invalid, such invalidity does not affect other
14 provisions or applications of this section ~~which~~ *that* can be given effect
15 without the invalid application or provision, and to this end the provisions
16 of this section are declared to be severable.

17 Sec. 2. K.S.A. 2017 Supp. 25-4156 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.