

HOUSE BILL No. 2612

By Representatives Holscher, Finney, Gartner, Henderson, Kuether, Lusk,
Neighbor, Samsel, Winn and Woodard

2-11

1 AN ACT concerning political advertising; relating to endorsement of
2 candidates and office holders; amending K.S.A. 2019 Supp. 25-4156
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2019 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 paragraph (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 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 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 that 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 that 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 that 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 that

1 states: "Paid for" or "Sponsored by" followed by the name of the
2 sponsoring organization and the name of the chairperson or treasurer of the
3 political or other organization sponsoring the same or the name of the
4 individual who is responsible therefor;

5 (D) publishing or causing to be published any brochure, flier or other
6 political fact sheet that expressly advocates the nomination, election or
7 defeat of a clearly identified candidate for a state or local office, unless
8 such matter is followed by a statement that states: "Paid for" or
9 "Sponsored by" followed by 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 The provisions of this subparagraph (D) requiring the disclosure of the
13 name of an individual shall not apply to individuals making expenditures
14 in an aggregate amount of less than \$2,500 within a calendar year; or

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

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

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

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

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

43 (d) (1) *Any candidate or office holder, upon written request from an*

1 *individual, shall remove endorsements of that individual from the*
2 *candidate or office holder's website and all social media within 14 days of*
3 *the receipt of such request.*

4 *(2) A candidate or office holder shall not use any statements of an*
5 *individual endorsing the candidate or office holder or opposing a different*
6 *candidate or office holder without the written consent of such individual.*

7 *(3) Candidates or office holders violating this subsection shall be*
8 *liable for a civil penalty of \$500 for each violation.*

9 Sec. 2. K.S.A. 2019 Supp. 25-4156 is hereby repealed.

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