

SENATE BILL No. 64

By Committee on Elections and Local Government

1-20

9 AN ACT concerning campaign finance; pertaining to electioneering
10 communications.

11

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

13 Section 1. (a) Any person who makes or contracts to make an ex-
14 penditure in an amount of \$300 or more per calendar year for any elec-
15 tioneering communication shall submit as required by subsection (b). For
16 each electioneering communication, the report shall include:

17 (1) The name of the clearly identified candidate mentioned in the
18 electioneering communication.

19 (2) The name, street address, city, state and zipcode of each individ-
20 ual or other entity that contributes \$50 or more per year to such person
21 for an electioneering communication.

22 (3) The name, street address, city, state and zipcode of the vendor to
23 whom the expenditure for such electioneering communication is made
24 or contracted to be made.

25 (4) The amount of the expenditure on such electioneering commu-
26 nication is made or contracted to be made. If the person making the
27 electioneering communication is an individual, such reports shall also in-
28 clude the occupation and employer of such individual. Reports required
29 by this section shall be in addition to any other reports required by law.

30 (b) (1) (A) For an electioneering communication concerning a can-
31 didate for state office, other than an officer elected on a state-wide basis,
32 the report required by subsection (a) shall be filed in both the office of
33 the secretary of state and in the office of the county election officer of
34 the county in which the candidate is a resident.

35 (B) For an electioneering communication concerning a candidate for
36 state-wide office, the report required by subsection (a) shall be filed only
37 with the secretary of state.

38 (C) For an electioneering communication concerning a candidate for
39 local office, the report required by subsection (a) shall be filed in the
40 office of the county election officer of the county in which the name of
41 the candidate is on the ballot.

42 (2) Except as required by paragraph (3), each report required by sub-
43 section (a) shall be filed in time to be received in the offices required in

1 accordance with the times set forth in K.S.A. 25-4148 and amendments
2 thereto.

3 (3) For any electioneering communication occurring during the 11
4 days preceding the election, the report required by subsection (a) shall
5 be filed within 24 hours of making or contracting to make an expenditure
6 for such electioneering communication.

7 (c) For the purposes of this section:

8 (1) "Electioneering communication" means any communication
9 broadcast by television or radio, printed in a newspaper or on a billboard,
10 directly mailed or delivered by hand to personal residences or otherwise
11 distributed that:

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

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

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

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

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

22 (B) any editorial endorsements or opinions aired by a broadcast fa-
23 cility not owned or controlled by a candidate or political party;

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

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

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

32 (F) any communication made as part of a nonpartisan activity de-
33 signed to encourage individuals to vote or register to vote.

34 Sec. 2. The provisions of this act shall be part of and supplemental
35 to the campaign finance act.

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