

February 1, 2010

There is one statute in the Campaign Finance Act and one statute in the Kansas Governmental Ethics Laws that require disclaimer statements on newspaper advertisements. There is also another statute, K.S.A. 2009 Supp. 25-2407, which is outside the Commission's jurisdiction, addresses disclaimers for newspaper ads for 2nd class city candidates on down, as well as for ballot questions submitted to voters.

In the Campaign Finance Act, K.S.A. 2009 Supp. 25-4156(b)(1) requires that any paid matter which is published in a newspaper which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office must be followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson of the political or other organization inserting the same or the name of the individual who is responsible.

K.A.R. 19-20-4 clarifies whose name must appear in the disclaimer. In pertinent part the rule and regulation states:

1. If the ad is placed by a political committee, the chairperson's name must appear.
2. If the ad is placed by a candidate, the treasurer must be listed as the responsible person.
3. If the ad is placed by an organization other than a political committee, or candidate which has a chairperson, the chairperson's name must appear.
4. If the ad is placed by an organization other than a political committee or candidate which does not have a chairperson, then the responsible individual listed must be:
 - a. The individual who is the primary funding source.
 - b. If no individual is the primary funding source, then the individual who controlled the decision to place the ad.
 - c. If no one individual controlled the decision then the individual who controlled the funds.
5. If the ad is placed by an individual, that individual's name shall appear.
6. **Under no circumstances is the name of the organization alone sufficient.**

In the area of lobbying, K.S.A. 46-287 requires any paid matter which is published in any newspaper promoting or opposing action or nonaction by the legislature on any legislative matter unless the advertisement is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson of the organization or other individual causing the advertisement to be published.