

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2183

As Amended by Senate Committee of the Whole

Brief*

HB 2183 would amend statutes concerning campaign communications *via* social media, use of state or municipal internet connectivity in government buildings, allowable uses and disposition of campaign funds, lobbyist and candidate reporting requirements, and disclosure requirements for certain contributions. The bill also would create law regarding political sign placement.

Social Media and Campaign Contributions

Regarding these communications, the bill would:

- Allow a general public solicitation for campaign contributions during legislative session not targeted toward a specific individual and which is distributed *via* social media. This would be accomplished by providing an exception to the prohibition against soliciting any contribution from specified individuals and groups from January 2 through *sine die* adjournment of the Legislature. Individuals and entities otherwise prohibited from soliciting contributions during this time would be any legislator, legislative candidate, statewide-elected officer or candidate for statewide-elected office, candidate committee for any of these, or political committee established by a state party committee and designated as a recognized political committee

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

for the Senate or House of Representatives (Section 3);

- Make an exemption from the definition of “corrupt political advertising of a state or local office.” The crime, as defined in current law, includes publishing, broadcasting, telephoning, or otherwise advertising any paid matter expressly advocating for or against a clearly identified candidate for state or local office, unless the matter includes information as to who paid for or sponsored the advertisement. The bill would exempt the publication of any such communication made over any social media provider that has a character limit of 200 characters (Section 4); and
- Define “social media” for the purposes of this act as an electronic medium allowing users to create and view user-generated content, with some content examples given in the definition. (Section 3)

Use of State or Municipal Internet Connectivity

Current law prohibits officers or employees of the state or any municipality from using any public money, equipment, supplies, or employee work time to expressly advocate for or against a clearly identified candidate. The bill would create an exemption allowing the use of Internet connectivity provided by the State of Kansas or any municipality to any candidate or elected official. (Section 7)

Allowable Uses and Disposition of Campaign Funds

The bill would amend the Campaign Finance Act to explicitly authorize campaign funds to be used for donations to any 501(c)(3) tax exempt or any religious organization. The change would expand current law, which allows use of

campaign funds for donations to a community service or civic organization. (Section 6)

The bill also would specify if a candidate dies with an open candidate committee account containing campaign funds, the executor or administrator of the candidate's estate would be responsible for terminating the committee and disposing of the remaining funds. (Section 5)

Lobbyist and Candidate Reporting Requirements

With respect to lobbyists, the bill would delete the requirement that a lobbyist file a year-end summary report when the lobbyist has spent an aggregate amount of less than \$100 for lobbying in any reporting period during that year. (Section 9)

Regarding candidates, the bill would increase the amount that triggers whether the candidate may file an affidavit instead of a detailed reporting of campaign contributions or expenditures. Under the bill, if a candidate intends to spend less than \$1,000 (instead of the current amount of \$500) and receive less than \$1,000 (instead of the current amount of \$500) for either the primary or general election, the candidate would be required to file an affidavit of such intent with the county election officer. By revising both KSA 25-904 and KSA 25-4173, this change would affect every candidate for election to any state office or office of the following local governments: cities of the first, second, or third class; unified school districts; counties; community colleges; townships; and the Board of Public Utilities. (Sections 1 and 8)

The bill also would remove a requirement a campaign report the industry of an individual contributor of more than \$150. (Section 2)

Political Sign Placement

The bill would prohibit any city or county from regulating or prohibiting the placement of or the number of political signs on private property or on unpaved right-of-way on private property during the 30 days prior to, and the 7 days following, any election. (Section 10)

Background

The bill was introduced by the House Committee on Elections. The sole conferee before the House Committee, the Executive Director of the Kansas Governmental Ethics Commission (KGEC), testified she was not necessarily a proponent but KGEC was grateful the Legislature was examining the issue of social media and Internet campaign communications. The Director stated laws do not change as fast as technology, and this is concerning to KGEC, especially with respect to solicitation. Examples were discussed and questions were posed, such as whether a general posting on Facebook could or should be construed as an invitation.

Reference was made in the House Committee to a request by the Internet Coalition to amend the bill. The House Committee amended the bill to revise the definition of “social media” to comport with the recommendation of the Internet Coalition. Also to incorporate a part of that request, the Committee amended the bill to increase the number of characters of communications exempted from the “paid for by” requirement, from 140 to 200. Finally, the Committee amended the bill to broaden the list of officials and candidates who would be exempt from the prohibition against use of Internet connectivity, and where these exemptions apply, and to make technical clarifications related to this provision.

The Senate Committee on Ethics and Elections received neutral testimony on the bill from the Executive Director of the

KGEC. There was no other testimony. The Senate Committee amended the bill to add the contents of SB 27 as introduced.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, HB 2183 would have no fiscal effect.

SB 27

The bill, as introduced, contained most, but not all, provisions of 2014 HB 2296, as vetoed. It would not remove a requirement regarding reporting the industry of the individual contributor, in addition to the contributor's occupation. (That provision was in 2015 HB 2083, which was stricken at turnaround.)

This bill was supported in the Senate Committee on Ethics and Elections by the Executive Director of the KGEC. Her testimony indicated staff resources and agency funds would be saved by eliminating the report required of lobbyists, which she said is redundant to other information lobbyists must provide to the KGEC. The Executive Director's comments were in support of various of the bill's components.

No neutral or opposing testimony was received.

The Senate Committee of the Whole amended the bill to (a) remove the requirement regarding reporting the industry of an individual contributor; and (b) add the provision regarding political signs.

According to the fiscal note prepared by the Division of the Budget on SB 27 as introduced, the KGEC indicates the bill would have no fiscal effect on that agency.