

**GOVERNMENTAL ETHICS COMMISSION**

<https://ethics.kansas.gov>

Proponent Testimony for SB 427
Monday, February 14, 2022
Senate Committee on Transparency and Ethics

Thank you for the opportunity to provide testimony in favor of SB 427.

This legislation arises directly from a recommendation by the Governmental Ethics Commission. SB 427 contains a number of technical and procedural amendments to the Campaign Finance Act. These corrections are itemized below in the order they appear in the bill.

Extraneous Language – K.S.A. 25-4148

When indicating where campaign finance reports are filed, the phrase “in both” was inadvertently left in the statute, a relic from when campaign finance reports were filed in two locations.

Social Media “Paid For” Attribution – K.S.A. 25-4156

Currently, electronic communication by a candidate, PAC, or party that includes express advocacy must include “paid for” attribution at the end of the item. This requirement is impractical or impossible for some social media platforms. SB 427 would require the disclaimer to appear in a clear and conspicuous manner, rather than specifically at the end of the item. This adjustment simplifies the rule for candidates as well.

Time Period for Hearings – K.S.A. 25-4161

When a complaint is found to have probable cause to believe a violation of the Campaign Finance Act has occurred, the Commission is required to set a time for hearing within 30 days. The Commission does not meet every 30 days. The fourth Wednesday of the month is occasionally more than 30 days from the previous fourth Wednesday. Additionally, meetings are sometimes canceled due to holidays, weather, or other issues. SB 427 resolves this issue by extending the time period to 90 days. The Commission nonetheless plans to continue setting hearings for the next meeting unless specific extenuating circumstances prevent that scheduling.

Federal Official Expertise – K.S.A. 25-4165

The investigation statute allows the Commission to request assistance from state employees in an investigation. This provision exists largely for when substance of an investigation exceeds Commission expertise. For example, if an investigation involved bank regulation, it would be reasonable for the Commission to require assistance from a state bank regulator. “Federal” was unintentionally omitted from this statute and federal officials are sometimes the best source for specialized knowledge. SB 427 would resolve this oversight.

Statutory Conflict – K.S.A. 25-4174

Candidates can file an affidavit pursuant to K.S.A. 25-4173 in lieu of campaign finance reports if they expend and receive less than a threshold amount. In 2015, this amount was increased from \$500 to \$1,000. The companion statute, K.S.A. 25-4174, indicates that if a campaign exceeds the affidavit amount, they must file campaign finance reports. However, when the affidavit amount was increased in 2015, the corresponding statute 25-4174 was not similarly amended.

Each of these items are procedural in nature. The Commission views the adjustments made by SB 427 as important corrections by aligning the Campaign Finance Act with the Commission’s day-to-day practice.

Thank you for the opportunity to provide comment.