



## **GOVERNMENTAL ETHICS COMMISSION**

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**Testimony before Senate Ethics, Elections and Local Government  
House Bill 2642 - Neutral  
By Mark Skoglund, Executive Director  
Kansas Governmental Ethics Commission  
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This testimony is provided for informational purposes. The Governmental Ethics Commission does not take a position on HB 2642.

House Bill 2642 amends the Campaign Finance Act requirements for “paid for” attribution as outlined in K.S.A. 25-4156. Communications that include express advocacy are generally required to have a disclosure indicating the candidate or organization who paid for the communication. Currently, social media and other electronic communications are required to include a “paid for” that complies with our regulatory requirement, which specifies language that can be utilized for that attribution. An item has “express advocacy” when it includes language such as “support me,” “vote for me,” “me for Senate,” or a fundraising solicitation. “Paid for” attribution provides transparency for the public so people can be aware of who is responsible for certain electioneering communication.

Attribution violations are relatively common and are generally waived by the Commission if the occurrence was the individual’s first offense. If not waived, violations are subject to the same penalties as other Campaign Finance Act violations, which may include significant fines.

### **Twitter Exemption**

Twitter and other media that is limited to shortened messages have previously been exempted from the requirement for “paid for” attribution. The statute provided that exemption if the medium was limited to 200 characters or fewer. Twitter has increased that amount to 280, and this legislation increases the character limit to 280 accordingly. This adjustment arises from our recommendation in our Annual Report to consider this change.

### **Social Media Conspicuous Attribution**

While currently, social media and other electronic communications are required to include a “paid for” that complies with our regulatory requirement, for some social media sites like Facebook, it is possible that attribution may technically comply with the requirements but still not be readily visible to an average user. For example, “paid for” attribution might occur a few clicks deep on a Facebook page, under an “impressum” page, rather than visible on the landing page. This legislation originally would have required attribution to appear in a clear and conspicuous manner and defines the specifics for video and audio communications. This language was amended out and the bill no longer seeks to address this concern.

### **Chairperson/Treasurer Attribution**

The legislation was amended to strike the need for organizations to disclose their chairperson on “paid for” attribution. My understanding of the discussion in committee was that a candidate’s treasurer should not need to be disclosed. The current requirement that a candidate disclose a treasurer’s name is based in regulation (K.A.R. 19-20-4) rather than the statute that House Bill 2642 amends. Therefore, this language does not appear to address the concern that was raised in the House Committee. After that discussion, we may seek to alter that regulation by removing the need to disclose treasurers next year to simplify compliance.

The statutory language that is deleted currently provides the option for a political organization to disclose either their chairperson or their treasurer. The amendment would remove the requirement to disclose one or the other, so the only item that would be disclosed is the organization name. The organization name is not always helpful in providing transparency and a chairperson’s name can provide some assistance to the public.