

Candidate and Lobbyist Ethics and Reporting; Social Media; Political Signs; KGEC Fees; HB 2183

HB 2183 makes a number of changes to ethics and elections law. The bill amends 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 creates law regarding political sign placement. Finally, the bill increases fee amounts credited to the Kansas Governmental Ethics Commission (KGEC) Fee Fund.

Social Media and Campaign Contributions

Regarding these communications, the bill:

- Allows a general public solicitation for campaign contributions during legislative session not targeted toward a specific individual and distributed *via* social media. This is 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 are 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 for the Senate or House of Representatives;
- Makes an exemption from the definition of “corrupt political advertising of a state or local office.” The crime, as defined in 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 exempts the publication of any such communication made over any social media provider that has a character limit of 200 characters; and
- Defines “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.

Use of State or Municipal Internet Connectivity

State 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 creates an exemption allowing the use of Internet connectivity provided by the State of Kansas or any municipality to any candidate or elected official.

Allowable Uses and Disposition of Campaign Funds

The bill amends 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 law has allowed use of campaign funds for donations to a community service or civic organization.

The bill also specifies that, if a candidate dies with an open candidate committee account containing campaign funds, the executor or administrator of the candidate's estate will be responsible for terminating the committee and disposing of the remaining funds.

Definition of "Lobbying"; Who Must Register

The bill increases the threshold, from \$100 to \$1,000 in any calendar year, below which a person spending money on activity that meets the definition of lobbying will not be required to register as a lobbyist. The exemption of personal travel and subsistence expenses from this threshold amount remains intact.

Lobbyist Reporting Requirements

The bill deletes 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.

The bill requires every person registered as a lobbyist to file, beginning January 10, 2017, with the Secretary of State a detailed report listing the amount of public funds paid to hire or contract for the lobbying services on behalf of a governmental entity or any association of governmental entities that receives public funds (association). The bill requires the following with respect to this report:

- The report must include a listing of which association hired the lobbyist;
- The report form will be prescribed by the KGEC;
- The report must be a public record, open to public inspection upon request;
- The deadline for filing the report is January 10 for the previous calendar year; and
- The Secretary of State is required to make the reports available on a publicly searchable website.

Candidate Reporting Requirements

The bill increases 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 (increased from \$500) and receive less than

\$1,000 (increased from \$500) for either the primary or general election, the candidate will 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 affects 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.

The bill also removes a requirement a campaign report the industry of an individual contributor of more than \$150.

Political Sign Placement

The bill prohibits 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 for city streets or county roads on the private property during the 45 days prior to, and the 2 days following, any election. The bill permits cities and counties to regulate the size and a set-back distance for the placement of signs so as to not impede sight lines or sight distance for safety reasons.

KGEC Fees

The bill increases certain fees credited to the KGEC Fee Fund.

Filing fees for candidates for these offices are increased:

<u>Candidates Affected</u>	<u>Prior Amount</u>	<u>Amount in Bill</u>
Governor and Lieutenant Governor	\$ 480	\$ 650
Other statewide offices	480	650
State senator, state representative, State Board of Education, district attorney, Board of Public Utilities of the City of Kansas City, and elected county offices	35	50
Members of boards of education of unified school districts having 35,000 or more pupils, members of governing bodies of cities of the first class, and elected district court judges	35	50

Fees for political committees that anticipate receiving these amounts in any calendar year are increased:

Political Committees Affected	Prior Amount	Amount in Bill
\$2,501 or more	\$ 240	\$ 300
More than \$500 but less than \$2,501	35	50
\$500 or less	20	25
Filed anticipating less than \$2,500 but receipts exceed \$2,500	240 minus previous fee	300 minus previous fee
Filed anticipating less than \$500, but receipts exceed \$500 and are less than \$2,501	20	25

Fees paid by registered lobbyists are increased:

Lobbyists Affected	Prior Amount	Amount in Bill
Anticipated spending of \$1,000 or less on behalf of any one employer (per employer)	\$ 35	\$ 50
Anticipated spending of more than \$1,000 on behalf of any one employer (per employer)	300	350
Additional fee if anticipated spending on behalf of any one employer is less than \$1,000, but actual spending exceeds \$1,000	220	300
Employee of a lobbying group or firm (not an owner or partner)	360	450