

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2642

As Amended by House Committee of the Whole

Brief*

HB 2642, as amended, would amend the statute concerning “corrupt political advertising” in the Campaign Finance Act. Specifically, the bill would maintain an exemption for attributions on social media providers (e.g. Twitter) by increasing the character limit of communications made over any social media provider from 200 to 280 characters or fewer.

Background

The bill was introduced by Representative Esau. In the House Committee on Elections hearing, the Executive Director of the Governmental Ethics Commission (Commission) appeared as a neutral conferee and provided an overview of the proposed changes to current law. He noted the bill does not contain a definition of “clear and conspicuous” as it relates to text communications, which could allow attribution to still be buried on a social media site. The Executive Director also stated removing the words “or end” in reference to the placement of attribution in audio communications would be worth considering, as other types of audio communications are required to place attributions at the beginning. No other testimony was provided.

The House Committee amended the bill to remove one of the time requirements a written disclosure must appear in a video communication and the time requirement a spoken attribution must appear in an audio communication. The

*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>

House Committee also amended the bill to remove the requirement to include the name of the chairperson or treasurer of a political or other organization in an attribution.

The House Committee of the Whole amended the bill by removing provisions related to “paid for” or “sponsored by” attributions *via* video and audio communications.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Commission indicates the bill would have no fiscal effect. An updated fiscal note on the bill, as amended, was not available at the time the House Committee of the Whole took action on the bill.