

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2642

As Amended by Senate Committee on Ethics,
Elections and Local Government

Brief*

HB 2642, as amended, would amend the statute concerning “corrupt political advertising” in the Campaign Finance Act regarding character limitations on any social media provider that limits the number of characters (e.g., Twitter). In current law, such a social media communication is exempt from requirements to include “paid for” or “sponsored by” information if the limit on characters is 200. The bill would increase that limit to 280 characters.

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, as introduced, 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.

*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>

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

In the Senate Committee on Ethics, Elections and Local Government hearing, Representative Esau presented proponent testimony, stating the bill addresses a change in the character limits of certain social media providers (*e.g.*, Twitter) and explaining the House Committee amendment. The Executive Director provided neutral testimony, including an overview of the proposed changes to current law. No opponent testimony was presented.

The Senate Committee amended the bill to reinstate the requirement removed by the House Committee to include the name of the chairperson or treasurer of a political or other organization in an attribution. The Senate Committee maintained the House Committee of the Whole amendment.

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.