

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2642

As Amended by House Committee on Elections

Brief*

HB 2642, as amended, would amend the definition of “corrupt political advertising” in the Campaign Finance Act requirements regarding “paid for” or “sponsored by” attributions (attributions) of the political or other organization, or the individual who is responsible for the communication of express advocacy through electronic communications and social media.

The bill would require attributions to appear in a clear and conspicuous manner to give readers, observers, and listeners adequate notice of the identity of the persons that paid for the communications, and would add attribution requirements for video and audio communications.

Video Communications

The bill would require attribution to be presented in both written and spoken form at either the beginning or end of the video communication. However, a spoken attribution would not be required if a written attribution is shown for at least 5 seconds of a broadcast that is 30 seconds or less, or 10 seconds of a 60-second broadcast. The bill would require the written attribution to appear with a reasonable degree of color contrast between the background and text and must be of a reasonable size to be readily legible.

*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>

Audio Communications

The bill would require attribution in audio communications to be spoken in a clear and audible manner and placed either at the beginning or the end of the communication.

Internet Communications

The bill would maintain an exemption for attributions on social media provider (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 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.

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 took action.