

**Testimony before House Committee on Elections
Concerning House Bill 2183
by Carol Williams, Executive Director
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In its 2014 Annual Report, the Commission recommended the legislature examine several provisions in the Campaign Finance Act in light of the increased use of social media for campaigning. House Bill 2183 amends three provisions in the Campaign Finance Act to address the use of social media in politics today.

Section 1 of the bill amends subsection (b) of K.S.A. 2014 Supp 25-4153a concerning the prohibition of soliciting contributions during session. This subsection would be amended to permit legislators, statewide office holders as well as the candidates for these offices to make general campaign solicitations distributed through social media during the legislative session. Any social media solicitation targeting a specific individual during session would still be prohibited.

The Commission spent several months in 2014 discussing the mechanics of social media as it relates to a candidate's campaign and the candidate's ability to restrict solicitations. On January 21, 2015, the Commission issued an advisory opinion concerning the use of social media to solicit contributions during session. The synopsis of the opinion states "Solicitation of campaign contributions from January 1 through legislative session may violate Kansas Campaign Finance Act limitations when the solicitor is unable or fails to limit the audience of the solicitation and it is received by a person proscribed by the act. Audience limitation can be difficult or impossible when the solicitation is made through social media". The new language found in Section 1 would remedy this situation.

The new language in Section 2 of HB 2183 would permit a Twitter communication to be tweeted without the required "paid for by" attribution statement on the tweet. The Commission received many calls during the 2014 election year from candidates concerned that by placing the attribution on their tweets, they would exceed the character limit of the tweet. In viewing the new

language, staff would recommend that a period be placed after the word “fewer” on line 16 and delete all of lines 17 and 18. Staff believes that by stating “140 characters or fewer which would prevent the communicator from publishing both such person’s statement of advocacy and the “paid for’ or ‘sponsored by’ message”, the attribution would still have to be in the tweet if the actual communication with the attribution was 140 characters or less. I believe the intent of the bill was to eliminate the requirement of the attribution for any communication tweeted.

Section 3 of this bill addresses the use of the Kansas Statehouse wifi network. The Commission believes that any officer or employee of the state who uses the Statehouse wifi for campaign purposes, such as sending email fundraising invitations, is in violation of K.S.A. 2014 Supp. 25-4169a because this wireless broadband would be considered state machinery or equipment. Subsection 2 would permit any elected officials who work in the Statehouse to use the building’s wifi without violating K.S.A. 2014 Supp. 6169a. Commission staff believes the words “work in the statehouse” should be deleted. Four of the statewide officer holders in Kansas do not work in the Statehouse, nor do candidates who run for the legislature or statewide office. All provisions in the Campaign Finance Act apply not only to the elected office holders, but also to the candidate’s who run for those offices. Commission staff believes this subsection should be amended to include candidates as well as officeholders.