

**Testimony before Senate Elections Committee
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. 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. 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 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. The Commission as well as the House Committee on Elections heard from the Internet Coalition which is comprised of leading Internet, communication and technology companies such as Google, Facebook and Yahoo. The Internet Coalition recommended that the character limit in the bill be raised from 140 to 200 for any tweet or text ad. The House Elections committee amended the bill raising the character limit to 200.

Section 3 of this bill addresses the use of any wifi network provided by the state of Kansas

or any municipality by a candidate or elected official. The Commission believes under current law, any elected officer or candidate for state or local office who uses wifi provided by the state or any municipality for campaign purposes, is in violation of K.S.A. 2014 Supp. 25-4169a because this wireless broadband would be considered government machinery or equipment. Subsection 2, as amended, would permit any elected official or candidate for state or local office to use internet connectivity provided by the state of Kansas or any municipality for campaign purposes without violating K.S.A. 2014 Supp. 25-4169a.

The Commission appreciates the clarification of the amendments to K.S.A. 25-4153a, K.S.A. 25-4156, and K.S.A. 25-4169a and believe these clarifications will assist them in interpreting the Campaign Finance Act in the future.