

SESSION OF 2011

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 126**

As Amended by Senate Committee on  
Ethics and Elections

**Brief\***

SB 126 would prohibit a candidate from appearing in a public service announcement (PSA) or advertisement or use of the candidate's name in a PSA or advertisement during the 60 days before any election in which the candidate's name appears on the ballot.

The bill would define "public service announcement or advertisement" to include any message broadcast or distributed by electronic, telephonic, or print media promoting or announcing some issue of public importance, concern, or welfare, paid for with public funds or private funds from the current contractor of the sponsoring government entity. It would exclude news stories and opinion pieces in media not owned or controlled by the candidate, and it would exclude the website of the agency or other entity that administers the program promoted by the PSA. The bill would define "print media" as direct mail literature and advertisement in any periodical; that definition would exclude printed material used regularly throughout the year that is not distributed in an unsolicited direct mail advertising campaign at a cost exceeding \$2,000 during the 60 days before any election in which the candidate's name appears on the ballot.

Intentional violation would subject a violator to the civil penalties of KSA 2010 Supp. 25-4181.

The bill's language would become part of the Campaign Finance Act.

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\*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>

## **Background**

Kansas State Treasurer Ron Estes testified in favor of the bill. There was no other testimony.

The Senate Committee on Ethics and Elections amended the definition of “public service announcement or advertisement” to specify that the message would be one paid for with public sector funds or private sector funds from the governmental organization's current contractor and to exclude news stories and editorials in media not controlled by the candidate. It also added “intentionally” in the subsection regarding civil penalties.

KSA 2010 Supp. 25-4181 allows the Governmental Ethics Commission to assess a civil fine of not more than \$5,000 for a first violation, \$10,000 for a second violation, and \$15,000 for each subsequent violation.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Secretary of State and the Governmental Ethics Commission indicate that SB 126 would have no fiscal effect on state revenues or expenditures.