



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

Proponent Testimony for HB 2517
Tuesday, January 30, 2024
House Committee on Elections

Thank you for the opportunity to provide testimony in favor of HB 2517.

This legislation does not arise from a recommendation by the Governmental Ethics Commission. However, the change at issue advances the purpose of the Campaign Finance Act. HB 2517 removes treasurers from paid-for disclaimers.

“Paid for” attribution is crucial for voters to be able to contextualize a communication. A voter might reasonably interpret the same message differently if it originates from a candidate’s campaign as opposed to an interest group outside of Kansas. While not everyone looks through campaign finance reports, nearly everyone seems to get mailers of one kind or another. In this regard, these disclaimers are an important cornerstone of the Campaign Finance Act.

CURRENT LAW

On communications that include express advocacy, candidates are required to list both the candidate and the treasurer. Parties and PACs must list the name of the group and either the chairperson or the treasurer.

HB 2517 would change the law so candidates only have to list themselves in paid-for attribution. PACs and parties would list the chairperson alongside the name of the group (which is important and necessary), but not the treasurer.

ATTRIBUTION MUST PROVIDE VALUE

The purpose of paid-for attribution is to provide meaningful information to Kansans who are receiving electioneering communications. If the attribution contains text that provides little helpful transparency to Kansans, the impact of the disclaimer is diluted. Consider a disclaimer that in addition to the candidate, also lists the full street address and the bank where the campaign fund is deposited.¹ The text

¹ In contrast, some jurisdictions require PACs to list their top donors in their paid-for attribution. This would increase the length of the disclaimer but does provide meaningful information.

would likely be smaller and a reader is far less likely to process the information. As anyone designing direct mail can tell you, too much text is a good way to be sure no one reads the item.

A treasurer's name, in my view, is not meaningful disclosure. Some treasurers are relatives, some are professional accountants, and some have recognizable names in the community but are often not actually performing the treasurer role. The value added for this text is exceptionally low, and likely for that reason, I am unaware of any current jurisdiction that requires treasurers to be disclosed as they are in Kansas.

TREASURER SELECTION SHOULD FOCUS ON THE TREASURER ROLE

Some candidates pick a treasurer who has a recognizable name in the community rather than someone who is perhaps the best treasurer.² It is likely that these selections occur because the candidates know that the treasurer's name is going to appear on all express advocacy communications. Unfortunately, these people are often a treasurer in name only, not actually performing the treasurer role but making themselves legally liable for reports solely because of this disclosure purpose. Removing treasurers from paid-for attribution is likely to substantially decrease the motivation of candidates to select treasurers based on name recognition rather than who would serve as the best treasurer.

² Of course, having a recognizable name in the community is not mutually exclusive with being a good treasurer. There are excellent, dedicated treasurers of any and all backgrounds.