

SESSION OF 2024

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2519**

As Recommended by House Committee on
Elections

Brief*

Sub. for HB 2519 would expand the crime of corrupt political advertising in the Campaign Finance Act (Act) to include advertisements related to propositions to amend the *Kansas Constitution*, unless the advertisement that is intended to influence the vote of any person for or against any proposition to amend the *Kansas Constitution* contains required paid-for attribution. Corrupt political advertising regarding a question submitted to amend the *Kansas Constitution* would be a Class C misdemeanor.

[*Note:* Continuing law provides that the Kansas Governmental Ethics Commission (KGEC) may assess a civil fine for a violation of the Act in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation, and \$15,000 for the third violation. No fine imposed by KGEC in any one matter may exceed an amount that is triple the applicable fine for a single violation.]

The bill would also delete provisions regarding advertising on propositions to amend the *Kansas Constitution* from the crime of corrupt political advertising found in Chapter 25, Article 24 of the *Kansas Statutes Annotated*.

*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

The bill was introduced by the House Committee on Elections at the request of Representative Waggoner.

House Committee on Elections

In the House Committee hearing, **opponent** testimony was provided by a representative of the KGEC, stating the KGEC is neutral on the merits of the bill but in opposition to its text because it would make enforcement difficult and create ambiguities. He noted the election crimes corrupt political advertising statute, which includes unattributed advertising regarding constitutional amendments, is enforced by prosecutors. The representative discussed a proposed amendment to the bill which would also require paid-for attribution for advertisements regarding amendments to the *Kansas Constitution* in the Act.

No other testimony was provided.

The House Committee amended the bill to:

- Use different language to expand the crime of corrupt political advertising in the Act to include advertisements related to questions submitted to amend the *Kansas Constitution* at an election;
- Remove language in the election crimes corrupt political advertising statute regarding constitutional amendments; and
- Make technical amendments.

The House Committee recommended a substitute bill to incorporate the amendments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KGEC indicates the bill could have a fiscal effect of less than \$100 per year from KGEC's fee fund, if any costs occur at all. Local bond issues and constitutional amendment propositions communications are not within KGEC's jurisdiction, and there are few communications in these areas each year.

The Office of the Secretary of State indicates enactment of the bill would not have a fiscal effect on agency operations.

The Office of Judicial Administration indicates the bill could increase the number of cases filed in the district courts because the bill would expand the crime of corrupt political advertising. The provisions of the bill would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases, and since the crime would carry a misdemeanor penalty, there could also be additional supervision of offenders by court services officers. Enactment of the bill could increase the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. The agency indicates it is unable to estimate a fiscal effect.

Any effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Elections; campaign finance; corrupt political advertising; constitutional amendment; Campaign Finance Act; Kansas Governmental Ethics Commission