

SESSION OF 2015

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2183**

As Amended by House Committee on Elections

**Brief\***

HB 2183 would address wireless communications in government buildings and campaign communications *via* social media anywhere.

Regarding these communications, the bill would:

- Allow a general public solicitation for campaign contributions during legislative session not targeted toward a specific individual and which is distributed *via* social media. This would be accomplished by providing an exception to the prohibition against soliciting any contribution from specified individuals and groups from January 2 through *sine die* adjournment of the Legislature. Individuals and entities otherwise prohibited from soliciting contributions during this time would be any legislator, legislative candidate, statewide-elected officer or candidate for statewide-elected office, candidate committee for any of these, or political committee established by a state party committee and designated as a recognized political committee for the Senate or House of Representatives;
- Make an exemption from the definition of “corrupt political advertising of a state or local office.” The crime, as defined in current law, includes publishing, broadcasting, telephoning, or otherwise advertising any paid matter expressly advocating for or against a clearly identified candidate for state

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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>

or local office, unless the matter includes information as to who paid for or sponsored the advertisement. The bill would exempt the publication of any such communication made over any social media provider that has a character limit of 200 characters;

- Define “social media” for the purposes of this act as an electronic medium allowing users to create and view user-generated content, with some content examples given in the definition; and
- Modify current law prohibiting officers or employees of the state or any municipality from using any public money, equipment, supplies or employee work time to expressly advocate for or against a clearly identified candidate. The bill would create an exemption allowing the use of Internet connectivity provided by the State of Kansas or any municipality to any candidate or elected official.

## **Background**

The bill was introduced by the House Committee on Elections. The sole conferee before the House Committee on Elections, the Executive Director of the Kansas Governmental Ethics Commission (KGEC), testified she was not necessarily a proponent but KGEC was grateful the Legislature was examining the issue of social media and Internet campaign communications. The Director stated laws do not change as fast as technology, and this is concerning to KGEC, especially with respect to solicitation. Examples were discussed and questions were posed, such as whether a general posting on Facebook could or should be construed as an invitation.

Reference was made in the House Committee to a request by the Internet Coalition to amend the bill. The House Committee amended the bill to revise the definition of “social media” to comport with the recommendation of the Internet

Coalition. Also to incorporate a part of that request, the Committee amended the bill to increase the number of characters of communications exempted from the “Paid for by” requirement, from 140 to 200. Finally, the Committee amended the bill to broaden the list of officials and candidates who would be exempt from the prohibition against use of Internet connectivity, and where these exemptions apply, and to make technical clarifications related to this provision.

According to the fiscal note prepared by the Division of the Budget, the bill would have no fiscal effect.