

District Attorney Marc Bennett
18th Judicial District of Kansas



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WICHITA, KAN. – District Attorney Marc Bennett announces the conclusion of his office’s investigation into a complaint that state elections laws related to campaign advertising have been violated. The complaint alleged that print and broadcast materials opposing the recent sales tax proposal did not contain legally required statements related to the sponsorship of the materials.

The investigation established that the complained of materials were self-identified as being associated with the Coalition for a Better Wichita or its website, www.abetterwichita.com. However, the materials did not contain the legally required statements indicating that they were advertisements or that that were “paid for” or “sponsored by” a named organization and stating the name of the organization’s chair or treasurer, or the name of the person responsible for the materials.

The intent of the law is that the identity of the entities or persons responsible for campaign materials be disclosed to the public. Such knowledge enables citizens to explore additional information relevant to messages conveyed or the sponsorship of the messages that are designed to influence their votes on candidates for public office or questions submitted to the electorate for adoption or rejection.

After receipt of the complaint and a determination that the materials were not in compliance with statutory requirements, investigators contacted an official of the coalition. Upon notification of the violations, the official successfully took steps to promptly bring campaign materials to be broadcast or distributed in the future into compliance with the law.

The investigation also revealed that coalition officials had been provided legal counsel regarding the requirements of state and local election laws regarding campaign materials. The officials were advised by an out-of-state law firm – incorrectly – that running ads against the sales tax measure did not give rise to registration, reporting or disclaimer requirements under applicable law.

In this case, while the letter of the law was not followed, the intent of the law was fulfilled. The campaign materials were labeled as coming from the Coalition for a Better Wichita or contained the address of the coalition’s website. The organizational sponsorship was evident from the materials, though no official was named. However, the name of the chair is located on each page of the coalition’s website. There was no mistaking the organizational sponsorship of the materials.

Given that the intent of the law was met, that the coalition took prompt steps to remedy the technical violations of the law once they were apprised of them, and that the coalition received erroneous legal advice as to their reporting or disclosure obligations, no charges will be filed in connection with this matter.

This incident does, however, call attention to the need for all those who engage in campaign advocacy to ensure they are properly and fully advised of the legal requirements attendant to such advocacy. State law contains a variety of restrictions on election advocacy and imposes certain duties in regard to campaign finance and other activities. Municipalities may also impose certain duties in relation to municipal elections. Campaign advocates should exercise due diligence in educating themselves on the law's requirements to avoid potential penalties for breaking them.

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