

HOUSE BILL No. 2278

By Representative Poskin

2-9

1 AN ACT concerning elections; relating to campaign practices; requiring
2 publication of signed statements of fair campaign practices; creating a
3 cause of action for violations of such statement and for making
4 materially false statements and providing penalties therefor; amending
5 K.S.A. 25-4119g and repealing the existing section.
6

7 WHEREAS, Kansas citizens deserve integrity not only in the election
8 process, but in the presentation, publication and promulgation of
9 information about candidates seeking public office; and

10 WHEREAS, The deliberate publication of false information by political
11 interests to influence election outcomes misleads the public and
12 undermines the integrity of our elections; and

13 WHEREAS, This act establishes consequences for political advertising
14 that materially misstates or misrepresents facts about a candidate's position
15 and voting record on an issue; and

16 WHEREAS, Deliberately misstating facts before a judge to influence a
17 verdict has serious consequences; and

18 WHEREAS, Deliberately misleading the public to gain control of
19 government should have consequences as well; and

20 WHEREAS, This act in no way restricts the ability of a political person
21 or organization, including an independent expenditure group, to exercise
22 their right of free speech; and

23 WHEREAS, This act does establish a consequence for making false
24 statements.

25 Now, therefore:

26 *Be it enacted by the Legislature of the State of Kansas:*

27 Section 1. K.S.A. 25-4119g is hereby amended to read as follows: 25-
28 4119g. (a) The commission shall prepare a statement of fair campaign
29 practices to assist candidates in the proper conduct of election campaigns.
30 A copy of such statement shall be mailed by the commission to each
31 candidate at the time of the receipt of notice of appointment of a treasurer
32 or candidate committee by such candidate.

33 (b) *The statement of fair campaign practices may be signed by a*
34 *candidate and submitted to the commission. Upon receipt of any signed*
35 *statement, the commission shall publish such signed statement with the*
36 *candidate's name on the commission's website. All such statements shall*

1 *be published in such manner that each statement may be viewed after*
2 *searching for the candidate's name.*

3 *(c) (1) Any candidate who is aggrieved by a materially false*
4 *statement made by another candidate or any other person or organization*
5 *may bring an action in a court of competent jurisdiction.*

6 *(2) Any candidate alleging a violation of the statement of fair*
7 *campaign practices signed by another candidate, including a failure to*
8 *repudiate any materially false statement made by any other person or*
9 *organization, may bring an action in a court of competent jurisdiction.*

10 *(3) In any action brought pursuant to this section, the candidate may*
11 *seek the following relief:*

12 *(1) Statutory damages in the amount of the aggregate of the filing*
13 *fees paid by the candidate who filed such action, and an amount equal to*
14 *the total cost incurred by the defendant for publication of such false*
15 *statement, including any costs of materials;*

16 *(2) an order directing the defendant to provide such information to*
17 *the candidate that would allow such candidate to send campaign materials*
18 *to all the persons who received the campaign materials that contained the*
19 *false statement; and*

20 *(3) injunctive and such other equitable relief.*

21 *(d) No action may be brought against any candidate who has not*
22 *signed and submitted to the commission a statement of fair campaign*
23 *practices.*

24 *(e) As used in this section, the term "materially false statement"*
25 *means any advertisement in print or on the radio, television or internet,*
26 *including social media websites, that misrepresents information about a*
27 *candidate's voting record or position on any issue in any way that is*
28 *different from the position reflected in such candidate's recorded final vote*
29 *on any legislation voted on by such candidate or such candidate's prior*
30 *public statements on such issue.*

31 *Sec. 2. K.S.A. 25-4119g is hereby repealed.*

32 *Sec. 3. This act shall take effect and be in force from and after its*
33 *publication in the statute book.*