HOUSE BILL No. 2576

By Representative Poskin

AN ACT concerning elections; relating to campaign practices; requiring publication of signed statements of fair campaign practices; creating a cause of action for violations of such statement and for making materially false statements or using synthetic media; amending K.S.A. 25-4119g and repealing the existing section.

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

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

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

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

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

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

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

Now, therefore:

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

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

(b) The statement of fair campaign practices shall include a pledge by the candidate not to use synthetic media to alter the appearance, action or speech of another candidate.

(c) The statement of fair campaign practices may be signed by a
candidate and submitted to the commission. Upon receipt of any signed statement, the commission shall publish such signed statement with the candidate's name on the commission's website. All such statements shall be published in such manner that each statement may be viewed after searching for the candidate's name.

(d) (1) Any candidate who is aggrieved by a materially false statement made by another candidate or any other person or organization or by the use of synthetic media by another candidate, person or organization, may bring an action in a court of competent jurisdiction.

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

(e) In any action brought pursuant to this section, the candidate may seek the following relief:

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

(2) an order directing the defendant to provide such information to the candidate that would allow such candidate to send campaign materials to all the persons who received the campaign materials that contained the false statement or synthetic media; and

(3) injunctive and such other equitable relief.

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

(g) As used in this section:

(1) "Materially false statement" means any advertisement in print or on the radio, television or internet, including social media websites, that misrepresents information about a candidate’s voting record or position on any issue in any way that is different from the position reflected in such candidate's recorded final vote on any legislation voted on by such candidate or such candidate's prior public statements on such issue; and

(2) "synthetic media" means an image, an audio recording or a video recording of an individual's appearance, speech or conduct that has been intentionally manipulated with the use of generative artificial intelligence techniques or other digital technology in a manner to create a realistic but false image, audio or video that produces:

(A) A depiction that to a reasonable individual is of a real individual in appearance, action or speech that did not actually occur in reality; and

(B) a fundamentally different understanding or impression of the
appearance, action or speech than a reasonable person would have from
the unaltered, original version of the image, audio recording or video
recording.
Sec. 2. K.S.A. 25-4119g is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.