

HOUSE BILL No. 2576

By Representative Poskin

1-24

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 or using synthetic media; amending K.S.A.
5 25-4119g and repealing the existing section.

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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 shall include a pledge*
34 *by the candidate not to use synthetic media to alter the appearance, action*
35 *or speech of another candidate.*

36 (c) *The statement of fair campaign practices may be signed by a*

1 candidate and submitted to the commission. Upon receipt of any signed
2 statement, the commission shall publish such signed statement with the
3 candidate's name on the commission's website. All such statements shall
4 be published in such manner that each statement may be viewed after
5 searching for the candidate's name.

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

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

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

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

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

25 (3) injunctive and such other equitable relief.

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

29 (g) As used in this section:

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

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

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

43 (B) a fundamentally different understanding or impression of the

1 *appearance, action or speech than a reasonable person would have from*
2 *the unaltered, original version of the image, audio recording or video*
3 *recording.*

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

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.