

HOUSE BILL No. 2559

By Representatives Proctor and V. Miller

1-22

1 AN ACT concerning elections; relating to the crime of corrupt political
2 advertising; prohibiting the use of generative artificial intelligence to
3 create false representations of candidates in campaign media or of state
4 officials; amending K.S.A. 25-2407 and 25-4156 and repealing the
5 existing sections.
6

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

8 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-
9 2407. (a) Corrupt political advertising is:

10 ~~(a)(1)(I)~~ (A) Publishing or causing to be published in a newspaper or
11 other periodical any paid matter which expressly advocates the
12 nomination, election or defeat of any candidate, unless such matter is
13 followed by the word "advertisement" or the abbreviation "adv." in a
14 separate line together with the name of the chairman of the political or
15 other organization inserting the same or the name of the person who is
16 responsible therefor; ~~or~~

17 ~~(2)~~(B) broadcasting or causing to be broadcast by any radio or
18 television station any paid matter which expressly advocates the
19 nomination, election or defeat of any candidate, unless such matter is
20 followed by a statement which states: "Paid for" or "Sponsored by"
21 followed by the name of the sponsoring organization and the name of the
22 chairperson or treasurer of the political or other organization sponsoring
23 the same or the name of the person who is responsible therefor; ~~or~~

24 ~~(3)~~(C) publishing or causing to be published in a newspaper or other
25 periodical any paid matter which is intended to influence the vote of any
26 person or persons for or against any question submitted for a proposition
27 to amend the constitution or to authorize the issuance of bonds or any
28 other question submitted at an election, unless such matter is followed by
29 the word "advertisement" or the abbreviation "adv." in a separate line
30 together with the name of the chairman of the political or other
31 organization inserting the same or the name of the person who is
32 responsible therefor;

33 ~~(4)~~(D) broadcasting or causing to be broadcast by any radio or
34 television station any paid matter which is intended to influence the vote
35 of any person or persons for or against any question submitted for a
36 proposition to amend the constitution or to authorize the issuance of bonds

1 or any other question submitted at an election, unless such matter is
2 followed by a statement which states: "Paid for" or "Sponsored by"
3 followed by the name of the sponsoring organization and the name of the
4 chairperson or treasurer of the political or other organization sponsoring
5 the same or the name of the person who is responsible therefor; or

6 ~~(S)~~(E) publishing or causing to be published any brochure, flier or
7 other political fact sheet which is intended to influence the vote of any
8 person or persons for or against any question submitted for a proposition
9 to amend the constitution or to authorize the issuance of bonds or any
10 other question submitted at an election, unless such matter is followed by a
11 statement which states: "Paid for" or "Sponsored by" followed by the
12 name of the sponsoring organization and the name of the chairperson or
13 treasurer of the political or other organization sponsoring the same or the
14 name of the individual who is responsible therefor; or

15 (2) (A) *using synthetic media in any election campaign*
16 *communication through any medium to alter the appearance, action or*
17 *speech of a candidate; or*

18 (B) *using synthetic media in any communication through any medium*
19 *to alter the appearance, action or speech of an elected or appointed state*
20 *official.*

21 (b) Corrupt political advertising is a class C misdemeanor.

22 (c) *It is an affirmative defense that the communication containing*
23 *synthetic media includes a disclosure stating: "This (image/video/audio)*
24 *has been manipulated." Such disclosure shall be expressed as follows:*

25 (1) *For visual media, the text of the disclosure shall appear in a font*
26 *size that is easily readable by the average viewer and not smaller than the*
27 *largest font size of other text appearing in the visual media. If the visual*
28 *media does not include any other text, the disclosure shall appear in a font*
29 *size that is easily readable by the average viewer. For visual media that is*
30 *a video, the disclosure shall appear for the duration of the video; or*

31 (2) *if the media consists of audio only, the disclosure shall be read in*
32 *a clearly spoken manner and in a pitch that can be easily heard by the*
33 *average listener and stated at the beginning of the audio, at the end of the*
34 *audio and, if the audio is longer than two minutes, interspersed within the*
35 *audio at intervals of not more than two minutes each.*

36 (d) ~~For the purposes of this section, the term:~~

37 (1) "Expressly advocate the nomination, election or defeat of a
38 candidate" shall have the meaning ascribed to it in K.S.A. 25-4143, and
39 amendments thereto; and

40 (2) "synthetic media" means an image, an audio recording or a video
41 recording of an individual's appearance, speech or conduct that has been
42 intentionally manipulated with the use of generative artificial intelligence
43 techniques or other digital technology in a manner that creates a realistic

1 *but false or inaccurate image, audio or video that produces:*

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

5 (B) *a fundamentally different understanding or impression of the*
6 *appearance, action or speech than a reasonable person would otherwise*
7 *have from the unaltered, original version of the image, audio recording or*
8 *video recording.*

9 Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-
10 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
11 or other periodical to a candidate or to a candidate committee, party
12 committee or political committee, the charge made for the use of such
13 space shall not exceed the charges made for comparable use of such space
14 for other purposes.

15 (2) Intentionally charging an excessive amount for political
16 advertising is a class A misdemeanor.

17 (b) (1) Except as provided in paragraph (2), corrupt political
18 advertising of a state or local office is:

19 (A) Publishing or causing to be published in a newspaper or other
20 periodical any paid matter that expressly advocates the nomination,
21 election or defeat of a clearly identified candidate for a state or local
22 office, unless such matter is followed by the word "advertisement" or the
23 abbreviation "adv." in a separate line together with the name of the
24 chairperson or treasurer of the political or other organization sponsoring
25 the same or the name of the individual who is responsible therefor;

26 (B) broadcasting or causing to be broadcast by any radio or television
27 station any paid matter that expressly advocates the nomination, election
28 or defeat of a clearly identified candidate for a state or local office, unless
29 such matter is followed by a statement that states: "Paid for" or
30 "Sponsored by" followed by the name of the sponsoring organization and
31 the name of the chairperson or treasurer of the political or other
32 organization sponsoring the same or the name of the individual who is
33 responsible therefor;

34 (C) telephoning or causing to be contacted by any telephonic means
35 including, but not limited to, any device using a voice over internet
36 protocol or wireless telephone, any paid matter that expressly advocates
37 the nomination, election or defeat of a clearly identified candidate for a
38 state or local office, unless such matter is preceded by a statement that
39 states: "Paid for" or "Sponsored by" followed by the name of the
40 sponsoring organization and the name of the chairperson or treasurer of the
41 political or other organization sponsoring the same or the name of the
42 individual who is responsible therefor;

43 (D) publishing or causing to be published any brochure, flier or other

1 political fact sheet that expressly advocates the nomination, election or
2 defeat of a clearly identified candidate for a state or local office, unless
3 such matter is followed by a statement that states: "Paid for" or
4 "Sponsored by" followed by the name of the chairperson or treasurer of the
5 political or other organization sponsoring the same or the name of the
6 individual who is responsible therefor.

7 The provisions of this subparagraph (D) requiring the disclosure of the
8 name of an individual shall not apply to individuals making expenditures
9 in an aggregate amount of less than \$2,500 within a calendar year; ~~or~~

10 (E) making or causing to be made any website, e-mail or other type of
11 internet communication that expressly advocates the nomination, election
12 or defeat of a clearly identified candidate for a state or local office, unless
13 the matter is followed by a statement that states: "Paid for" or "Sponsored
14 by" followed by the name of the chairperson or treasurer of the political or
15 other organization sponsoring the same or the name of the individual who
16 is responsible therefor.

17 The provisions of this subparagraph (E) requiring the disclosure of the
18 name of an individual shall apply only to any website, email or other type
19 of internet communication that is made by the candidate, the candidate's
20 candidate committee, a political committee or a party committee and the
21 website, email or other internet communication viewed by or disseminated
22 to at least 25 individuals. For the purposes of this subparagraph, the terms
23 "candidate," "candidate committee," "party committee" and "political
24 committee" shall have the meanings ascribed to them in K.S.A. 25-4143,
25 and amendments thereto; *or*

26 *(F) using synthetic media in any election campaign communication*
27 *through any medium to alter the appearance, action or speech of a*
28 *candidate.*

29 (2) The provisions of subsections (b)(1)(C) and (E) shall not apply to
30 the publication of any communication that expressly advocates the
31 nomination, election or defeat of a clearly identified candidate for state or
32 local office, if such communication is made over any social media
33 provider which has a character limit of 280 characters or fewer.

34 (3) Corrupt political advertising of a state or local office is a class C
35 misdemeanor.

36 *(c) It is an affirmative defense that the election campaign*
37 *communication containing synthetic media includes a disclosure stating:*
38 *"This (image/video/audio) has been manipulated." Such disclosure shall*
39 *be expressed as follows:*

40 *(1) For visual media, the text of the disclosure shall appear in a font*
41 *size that is easily readable by the average viewer and not smaller than the*
42 *largest font size of other text appearing in the visual media. If the visual*
43 *media does not include any other text, the disclosure shall appear in a font*

1 size that is easily readable by the average viewer. For visual media that is
2 a video, the disclosure shall appear for the duration of the video; or

3 (2) if the media consists of audio only, the disclosure shall be read in
4 a clearly spoken manner and in a pitch that can be easily heard by the
5 average listener and stated at the beginning of the audio, at the end of the
6 audio and, if the audio is longer than two minutes, interspersed within the
7 audio at intervals of not more than two minutes each.

8 (d) For purposes of this section, the term "synthetic media" means an
9 image, an audio recording or a video recording of an individual's
10 appearance, speech or conduct that has been intentionally manipulated
11 with the use of generative artificial intelligence techniques or other digital
12 technology in a manner that creates a realistic but false or inaccurate
13 image, audio or video that produces:

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

17 (2) a fundamentally different understanding or impression of the
18 appearance, action or speech than a reasonable person would otherwise
19 have from the unaltered, original version of the image, audio recording or
20 video recording.

21 (e) If any provision of this section or application thereof to any
22 person or circumstance is held invalid, such invalidity does not affect other
23 provisions or applications of this section that can be given effect without
24 the invalid application or provision, and to this end the provisions of this
25 section are declared to be severable.

26 Sec. 3. K.S.A. 25-2407 and 25-4156 are hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its
28 publication in the statute book.