

As Amended by House Committee

Session of 2024

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~~ **regulating** the use of generative artificial
3 intelligence; **requiring disclosure that an image or speech has been**
4 **manipulated; making it a crime** to create false representations of
5 candidates in campaign media or of state officials; **providing that**
6 **liability shall rest solely with the advertiser and not with any**
7 **broadcaster or other media platform;** amending K.S.A. 25-2407 and
8 25-4156 and repealing the existing sections.
9

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

11 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-
12 2407. (a) Corrupt political advertising is:

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

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

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

36 ~~(4)(D)~~ (D) broadcasting or causing to be broadcast by any radio or

1 television station any paid matter which is intended to influence the vote
2 of any person or persons for or against any question submitted for a
3 proposition to amend the constitution or to authorize the issuance of bonds
4 or any other question submitted at an election, unless such matter is
5 followed by a statement which states: "Paid for" or "Sponsored by"
6 followed by the name of the sponsoring organization and the name of the
7 chairperson or treasurer of the political or other organization sponsoring
8 the same or the name of the person who is responsible therefor; or

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

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

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

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

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

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

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

39 (d) **The responsibility for including the disclosures required in**
40 **qualifying advertisements and communications, as well as all liability**
41 **for any failure to do so, shall rest solely with the advertiser and not**
42 **with any broadcaster or other media platform or carrier**
43 **disseminating the advertisement or communication.**

1 (e) For the purposes of this section, ~~the term~~:

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

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

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

13 (B) a fundamentally different understanding or impression of the
14 appearance, action or speech than a reasonable person would otherwise
15 have from the unaltered, original version of the image, audio recording or
16 video recording.

17 Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-
18 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
19 or other periodical to a candidate or to a candidate committee, party
20 committee or political committee, the charge made for the use of such
21 space shall not exceed the charges made for comparable use of such space
22 for other purposes.

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

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

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

34 (B) broadcasting or causing to be broadcast by any radio or television
35 station any paid matter that expressly advocates the nomination, election
36 or defeat of a clearly identified candidate for a state or local office, unless
37 such matter is followed by a statement that states: "Paid for" or
38 "Sponsored by" followed by the name of the sponsoring organization and
39 the name of the chairperson or treasurer of the political or other
40 organization sponsoring the same or the name of the individual who is
41 responsible therefor;

42 (C) telephoning or causing to be contacted by any telephonic means
43 including, but not limited to, any device using a voice over internet

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

8 (D) publishing or causing to be published any brochure, flier or other
9 political fact sheet that expressly advocates the nomination, election or
10 defeat of a clearly identified candidate for a state or local office, unless
11 such matter is followed by a statement that states: "Paid for" or
12 "Sponsored by" followed by the name of the chairperson or treasurer of the
13 political or other organization sponsoring the same or the name of the
14 individual who is responsible therefor.

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

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

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

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

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

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

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

5 (1) *For visual media, the text of the disclosure shall appear in a font*
6 *size that is easily readable by the average viewer and not smaller than the*
7 *largest font size of other text appearing in the visual media. If the visual*
8 *media does not include any other text, the disclosure shall appear in a font*
9 *size that is easily readable by the average viewer. For visual media that is*
10 *a video, the disclosure shall appear for the duration of the video; or*

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

16 (d) **The responsibility for including the disclosures required in**
17 **qualifying advertisements and communications, as well as all liability**
18 **for any failure to do so, shall rest solely with the advertiser and not**
19 **with any broadcaster or other media platform or carrier**
20 **disseminating the advertisement or communication.**

21 (e) *For purposes of this section, the term "synthetic media" means an*
22 *image, an audio recording or a video recording of an individual's*
23 *appearance, speech or conduct that has been intentionally manipulated*
24 *with the use of generative artificial intelligence techniques or other digital*
25 *technology in a manner that creates a realistic but false or inaccurate*
26 *image, audio or video that produces:*

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

30 (2) *a fundamentally different understanding or impression of the*
31 *appearance, action or speech than a reasonable person would otherwise*
32 *have from the unaltered, original version of the image, audio recording or*
33 *video recording.*

34 ~~(f)~~ (f) **If any provision of this section or application thereof to any**
35 **person or circumstance is held invalid, such invalidity does not affect other**
36 **provisions or applications of this section that can be given effect without**
37 **the invalid application or provision, and to this end the provisions of this**
38 **section are declared to be severable.**

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

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