

**SENATE BILL No. 375**

By Committee on Federal and State Affairs

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.