

HOUSE BILL No. 2506

By Committee on Elections

1-21

1 AN ACT concerning governmental ethics; relating to false statements
2 against candidates for elected state office; enacting the political
3 accountability in campaigning act.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) This section shall be known and may be cited as the
7 political accountability in campaigning act.

8 (b) Publicizing a false statement of material fact about a candidate for
9 elected state office is when a candidate for an elected state office or a
10 political committee knowingly releases a false statement of material fact
11 about a clearly identified candidate for elected state office through any
12 publicly viewable social media platform, print or broadcast medium.

13 (c) A candidate for an elected state office has the burden of showing
14 by clear and convincing evidence whether a violation of this section has
15 occurred.

16 (d) A violation of this section shall be punishable by damages limited
17 to the lesser of the amount it would cost to adequately inform the public of
18 the false material fact at issue or an award of not to exceed \$20,000.
19 Courts may enforce the provisions of this section by granting injunctive
20 relief to prevent the future dissemination of false statements of material
21 fact in violation of this section.

22 (e) Damages shall not be awarded if a candidate or political
23 committee who has violated the provisions of this section retracts the false
24 statement of material fact through the same print or broadcast medium
25 used to communicate the false statement of material fact, and such
26 retraction is made not later than 14 days after the false statement of
27 material fact was made and not later than 14 days before a general or
28 special election.

29 (f) This section shall not be construed to modify or supersede any
30 cause of action for defamation and the damages in this section shall be in
31 addition to any damages or penalties imposed for defamation by statute or
32 common law.

33 (g) As used in this section:

34 (1) "Knowingly" shall have the definition ascribed to such term in
35 K.S.A. 75-7502(e), and amendments thereto;

36 (2) "material fact" means a proposition that can be proven with

1 reasonable certainty to be either true or false and that is not embedded
2 within a context where the overall content of the message is a matter of
3 opinion. The use of interjections including name-calling or profane
4 language shall not be deemed to be matters of material fact;

5 (3) "political committee" shall have the definition ascribed to such
6 term in K.S.A. 25-4143(k), and amendments thereto;

7 (4) "state office" shall have the definition ascribed to such term in
8 K.S.A. 25-2505(b), and amendments thereto; and

9 (5) "social media" shall have the definition ascribed to such term in
10 K.S.A. 25-4153a(c), and amendments thereto.

11 Sec. 2. This act shall take effect and be in force from and after its
12 publication in the statute book.