**Truth in Politics Act – Legislative Package (Kansas and U.S. Federal Versions)**

**I. BILL TEXT**

**Kansas State Legislature / United States Congress**

**The Truth in Politics Act**

**Bill No. TBD**

**Introduced By: [Sponsor Name(s)]  
Date Introduced: [Date]  
Referred To: Committee on Government Ethics and Transparency / Committee on Oversight and Reform**

**A BILL**

**To prohibit the intentional dissemination of materially false statements by political figures, recognizing such conduct as a direct threat to democratic governance, individual autonomy, and the constitutional principles of an informed electorate.**

**SECTION 1. SHORT TITLE**

**This Act may be cited as the "Truth in Politics Act."**

**SECTION 2. FINDINGS AND DECLARATION OF POLICY**

**The Legislature finds the following:**

1. **Democracy is predicated on the informed consent of the governed. The right to self-govern requires access to truthful, factual information.**
2. **Knowingly false political speech by elected officials and candidates erodes trust in public institutions, manipulates electoral outcomes, and deprives the public of its right to make informed choices, thereby diminishing personal and collective autonomy.**
3. **The First Amendment does not protect deliberate falsehoods intended to defraud, mislead, or cause harm, as upheld in *United States v. Alvarez*, 567 U.S. 709 (2012), which recognizes a compelling interest in protecting the integrity of democratic processes.**
4. **States and Congress have the authority to regulate conduct in political office, particularly where it concerns fraud (*Illinois ex rel. Madigan v. Telemarketing Assocs., Inc.*, 538 U.S. 600 (2003)) and material misrepresentation (*Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974)).**
5. **Numerous courts, including the Supreme Court in *United States v. Alvarez*, have acknowledged that while the First Amendment protects free expression, knowingly false statements made with harmful intent may be regulated—particularly where they undermine democratic integrity.**
6. **Existing legal doctrines in *Gertz v. Welch*, *Madigan v. Telemarketing*, and campaign finance law recognize the government's compelling interest in truthfulness and transparency in public discourse.**

**Accordingly, the purpose of this Act is to establish legal accountability for materially false statements by political figures that undermine the public’s autonomy and threaten the functioning of our democratic republic.**

**SECTION 3. DEFINITIONS**

**For purposes of this Act:**

* **"Political figure" means any individual holding or seeking elected office at the state or federal level.**
* **"Materially false statement" means a demonstrably false factual assertion, made knowingly or with reckless disregard for the truth, that has the potential to influence public opinion, election outcomes, public health, or public safety.**
* **"Public medium" includes but is not limited to speeches, press releases, official social media, campaign materials, televised appearances, and public legislative forums.**

**SECTION 4. PROHIBITED CONDUCT**

**(a) No political figure shall:**

1. **Knowingly disseminate materially false statements to the public through any public medium;**
2. **Misrepresent legislative actions, voting records, legal decisions, or endorsements in an official or campaign capacity;**
3. **Disseminate falsified or fabricated statistical data or budgetary information with intent to deceive;**
4. **Misrepresent the content or legal effect of a pending or enacted law.**

**(b) Exemptions shall be granted for:**

* **Clearly identified satire, parody, or opinion not presented as fact;**
* **Statements made in good faith reliance on reputable sources later found to be inaccurate.**

**SECTION 5. ENFORCEMENT AUTHORITY**

**(a) *Kansas Version*: The Kansas Governmental Ethics Commission (KGEC) shall establish a Truth and Accountability Review Board (TARB) comprising nonpartisan legal scholars, ethicists, journalists, and citizen representatives.**

**(b) *Federal Version*: The Office of Congressional Accountability (OCA) shall be established as an independent oversight body, separate from Congress, reporting to the Government Accountability Office (GAO).**

**(c) Any individual may file a verified complaint. The reviewing body must complete a preliminary determination within 30 days.**

**(d) If a violation is substantiated by clear and convincing evidence:**

* **First Violation: Formal public retraction and 8 hours of government ethics education;**
* **Second Violation: $10,000–$25,000 civil fine and temporary suspension from campaign fundraising (up to 6 months);**
* **Third Violation: Ineligibility to run for or hold public office for 5 years;**
* **If the violation involved public endangerment or financial harm, referral shall be made for criminal prosecution under applicable fraud and public corruption statutes.**

**SECTION 6. SEVERABILITY**

**If any provision of this Act is found to be unconstitutional or otherwise unenforceable, the remainder shall remain in full force and effect.**

**SECTION 7. EFFECTIVE DATE**

**This Act shall take effect 90 days after passage and shall apply prospectively to all conduct occurring thereafter.**

**SECTION 8. CONSTITUTIONAL COMPLIANCE**

**This Act is designed to comply with the limitations of the First Amendment by targeting knowingly false factual assertions made with malicious intent—not political opinions or protected speech. It seeks to balance freedom of expression with the protection of democratic integrity and individual autonomy.**

**II. LEGAL REFERENCES AND PRECEDENTS**

1. ***United States v. Alvarez*, 567 U.S. 709 (2012) – Recognized limits of free speech where harm from falsehood is demonstrable.**
2. ***Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974) – Provided a precedent for distinguishing falsehoods about public figures and actual malice.**
3. ***Illinois ex rel. Madigan v. Telemarketing Assocs., Inc.*, 538 U.S. 600 (2003) – Affirmed state’s right to regulate deceptive speech in public interest.**
4. ***Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014) – Informed the need for narrowly tailored regulation of political falsehoods.**
5. **Minnesota Statute § 211B.06 – (Historical context) Criminalized political falsehoods; challenged for vagueness.**
6. **Canada’s Elections Modernization Act – Regulates false claims during elections.**
7. **Germany’s NetzDG – Regulates platform accountability for false content.**
8. **Washington State’s Rickert decision – Reinforces need for precise statutory language.**

**III. NEXT STEPS FOR SPONSORSHIP & BALLOT ACTION IN KANSAS**

* **Legislative sponsorship: Find a state legislator willing to introduce the bill formally.**
* **Public petition (non-binding): Circulate for political pressure, not direct ballot access.**
* **Advocacy coalition: Build public and organizational support for legislative momentum.**
* **Draft local ordinance versions if statewide action is delayed.**

**IV. CONTACT FOR SUBMISSION**

* ***Kansas*: Office of Revisor of Statutes, Kansas Statehouse**
* ***Federal*: Office of Legislative Counsel, U.S. House or Senate sponsor’s office**

**Prepared by: [Your Name]  
Date: [Insert Date]**