

January 31, 2024

The Honorable Pat Proctor, Chairperson
House Committee on Elections
300 SW 10th Avenue, Room 218-N
Topeka, Kansas 66612

Dear Representative Proctor:

SUBJECT: Fiscal Note for HB 2576 by Representative Poskin

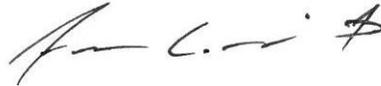
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2576 is respectfully submitted to your committee.

HB 2576 would add language to the Statement of Fair Campaign Practices to require a signed pledge by candidates not to use synthetic media to alter the appearance, action, or speech of another candidate, which would be submitted to the Governmental Ethics Commission. The Commission would be required to publish the signed pledge. The bill would allow any candidate who is aggrieved by a materially false statement made by another candidate, person, or organization or by the use of synthetic media by another candidate, person, or organization to bring an action in a court. Any candidate alleging a violation of the Statement of Fair Campaign Practices, including failure to repudiate any materially false statement or use of synthetic media, to bring an action in a court. Candidates aggrieved by violations of the Statement of Fair Campaign Practices would be allowed to seek monetary damages, an order directing the defendant to provide information to allow the candidate to send campaign materials to everyone that received the false statement or synthetic media, and injunctive relief. The bill would not allow an action to be brought against a candidate who did not sign the Statement of Fair Campaign Practices.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it allows for a civil suit to be filed. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees in cases filed under the provisions of the bill, which would be remitted to the State General Fund. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Governmental Ethics Commission states that enforcement of the bill would be through private action and enactment of the bill would not have a fiscal effect on the Commission. The Office of the Secretary of State indicates enactment of the bill would have no fiscal effect on the agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt". The signature is fluid and cursive, with a distinct flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Mark Skoglund, Governmental Ethics Commission
Sandy Tompkins, Office of the Secretary of State