

SESSION OF 2024

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2618**

As Recommended by House Committee on  
Elections

**Brief\***

HB 2618 would amend the crime of false representation of an election official by:

- Removing “engaging in conduct that gives the appearance of being an election official” from the list of conduct that could constitute the crime; and
- Adding a specific intent element to “engaging in conduct that causes a person to believe that the person engaging in such conduct is an election official” in the list of conduct that could constitute the crime.

[*Note:* Continuing law provides the crime of false representation of an election official is a severity level 7, nonperson felony.]

**Background**

The bill was introduced by the House Committee on Elections at the request of a representative of the Office of the Attorney General.

***House Committee on Elections***

In the House Committee hearing, a representative of the Office of the Secretary of State testified as a **proponent** of

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the bill. The representative discussed two scams involving impersonating an election official and stated the bill would close the loophole these scams exploit.

Written-only proponent testimony was submitted by a representative of the Office of the Attorney General and three private citizens.

Neutral testimony was provided by a representative of Loud Light Civic Action and the League of Women Voters. The neutral conferees generally stated the intent of the bill is good; however, they cautioned the language of the bill is still too broad and would continue to chill Kansans' speech.

Written-only neutral testimony was submitted by a representative of Kansas Appleseed.

No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of the Secretary of State states enactment of the bill would not have a fiscal effect. The Kansas Sentencing Commission estimates the enactment of the bill could impact prison beds and admissions, but any impact would be very small.

Any fiscal effects associated with the bill are not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties states enactment of the bill would have a negligible fiscal effect on counties.

Elections; election crimes; false representation of an election official; specific intent