

SESSION OF 2025

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2056**

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

Senate Sub. for HB 2056 would amend the conduct included under the election crime of false representation of an election official to add the intent to cause a person to believe that the person is an election official.

The bill would remove the criterion of “engaging in conduct that gives the appearance of being an election official.” The bill would also clarify that engaging in conduct, including, but not limited to, using an official seal or other insignia of the Secretary of State or any county election office in any communication with voters, with the intent to cause a person to believe that the person engaging in the conduct is an election official would be a qualifying criminal act.

Background

The Senate Committee on Federal and State Affairs recommended a substitute bill incorporating provisions pertaining to the election crime of false representation of an election official (SB 258, as amended by the Senate Committee on Federal and State Affairs).

HB 2056, as recommended by the House Committee on Elections, would have amended election law to require that any person nominated for an elected office accept such nomination and restrict the number of nominations a person

*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 <https://klrd.gov/>

may accept. These provisions were not retained in the substitute bill.

SB 258 – False Representation of an Election Official

SB 258 was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Tyson.

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Office of the Secretary of State, who gave a history of the statute and the resulting litigation. [Note: In December 2024, the Kansas Supreme Court issued a permanent injunction against enforcement of subsections of the law.] The proponent stated that, by including a requirement for intent to misrepresent or deceive, the bill would address the Kansas Supreme Court's concerns with the law.

Written-only opponent testimony was provided by a representative of Loud Light Civic Action, who argued the bill was too vague and broad to address the Court's concerns with free speech infringement. The opponent expressed concern with the chilling effect the continuing law has on voter registration efforts.

No other testimony was provided.

The Senate Committee adopted an amendment to reorganize language added to the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 258, as introduced, the Secretary of State would use existing resources to provide training and update manuals for county election officials; update the agency's

website; update public documents and information; and work with media, political parties, candidates, law enforcement officials, and the public to ensure knowledge of the changes in election law contained in the bill.

The Kansas Sentencing Commission estimates that enactment of the bill could have an effect on prison admissions, bed space, and workload of the Commission; however, any fiscal effect would be negligible. The Department of Corrections indicates any fiscal effect would be negligible.

The Kansas Judicial Branch indicates the bill would not have a fiscal effect on agency operations. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities state enactment of the bill would not have a fiscal effect on local governments.

Elections; election crime; false representation; election official