

SESSION OF 2024

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

As Amended by Senate Committee on Federal  
and State Affairs

**Brief\***

HB 2618, as amended, would amend current law regarding the crime of false representation of an election official.

The bill would remove “engaging in conduct that gives the appearance of being an election official” from the list of conduct that constitutes false representation of an election official. The bill would also clarify that false representation of an election official would require the intent to cause another person to believe they are engaging with an election official.

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

The bill would be in effect upon publication in the *Kansas Register*.

**Background**

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

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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>

### ***House Committee on Elections***

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

### ***Senate Committee on Federal and State Affairs***

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Office of the Attorney General and the Office of the Secretary of State who generally stated the bill should help address judicial concerns raised with the current statutory language.

Neutral testimony was provided by a representative of Loud Light Civic Action, who stated the bill does not clarify what specific conduct would be covered by the bill, and the proposed language could still present some confusion in its interpretation.

Written-only neutral testimony was provided by representatives of Kansas Appleseed and the League of Women Voters.

No other testimony was provided.

The Senate Committee amended the bill to change the effective date to upon publication in the *Kansas Register*.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the Secretary of State states enactment of the bill would not have a fiscal effect. The Kansas Sentencing Commission estimates 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