

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2056**

As Agreed to March 26, 2025

Brief*

Senate Sub. for HB 2056 would amend various provisions of election law concerning the crime of false representation of an election official, nominations by political parties, and the testing of certain voting equipment before an election.

False Representation of an Election Official

The bill 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.

Political Party Nominations

The bill would amend election law regarding nominations for elected office to require that any person nominated for an elected office accept such nomination and restrict the number of nominations a person may accept to one nomination.

Nominations by Political Parties Not Participating in Primaries

Continuing law authorizes any recognized political party that does not participate in a primary election to, by means of a delegate or mass convention or caucus, nominate one person for each office that is to be filled at the next election and file a certificate of such nomination. [Note: Recognized political parties in Kansas that currently do not participate in primary elections include the Libertarian Party, No Labels Kansas, and United Kansas.]

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

The bill would require any person listed on a certification of nomination to submit a signed and notarized declaration stating they accept the party's nomination for the designated office. The bill would prohibit any person from being a party's nominee until the declaration is submitted accordingly.

Restriction on Number of Nominations

The bill would clarify that no person may accept more than one nomination for the same office. The bill would further prohibit any person from becoming a candidate for a different political party or as an independent candidate for office at a general election if such person has:

- Received and accepted a party nomination from a political party not participating in a primary election;
- Filed a declaration of intention to become a candidate for an office; or
- Filed a valid nomination petition to be an independent candidate.

Changing Political Party Nomination

The bill would, prior to the filing deadline established in statute, permit a person who has either received and accepted a party nomination, filed a declaration of intention to become a candidate, or filed a valid nomination petition to be an independent candidate to become a candidate for a different political party or an independent candidate if such person has:

- Declined a party nomination;
- Withdrawn from candidacy after nomination; or
- Withdrawn from a nomination.

Enforcement

The bill would direct the Secretary of State to enforce the provisions of the bill for all federal and state elected offices and direct the appropriate county election officer to enforce the provisions of the bill for all county and township elected offices.

Technical and Conforming Amendments

The bill would make technical and conforming amendments.

Testing Voting Equipment

Current law requires automatic vote tabulating equipment and optical scanning equipment to be tested within five days before the date of an election to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. The bill would change the number of days before the date of an election for such required testing from 5 days to 30 days.

Conference Committee Action

The second Conference Committee agreed to the provisions of Senate Sub. for HB 2056, as recommended by the Senate Committee on Federal and State Affairs, regarding the crime of false representation of an election official.

The second Conference Committee further agreed to add the provisions of HB 2056, as introduced, concerning political party nominations, and to add provisions changing when certain voting equipment must be tested before the date of an election.

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 may accept. These provisions were not retained in the substitute bill. [*Note:* The second Conference Committee reinserted these provisions.]

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. [*Note:* The Conference Committee retained this amendment.]

HB 2056 (Political Party Nominations)

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

House Committee on Elections

In the House Committee hearing, a representative of the Secretary of State provided **proponent** testimony, stating the bill would eliminate two loopholes in Kansas election law. The conferee explained election law currently does not require a minor party's nominee to accept the nomination and permits a candidate to run as a major party candidate and a minor party candidate, and the bill would close these loopholes.

No other testimony was provided.

Fiscal Information

SB 258 (False Representation of an Election Official)

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 SB 258 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.

HB 2056 (Political Party Nominations)

According to the fiscal note prepared by the Division of the Budget on HB 2056, as introduced, the Office of the Secretary of State states that it would use existing resources to update training materials for local election officials and update educational and promotional materials for the public.

The Kansas Association of Counties indicates enactment of the bill would not have a fiscal effect.

Any fiscal effect associated with enactment of HB 2056 is not reflected in *The FY 2026 Governor's Budget Report*.

Elections; election crime; false representation; nomination procedures; political parties; voting equipment; Secretary of State

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