

March 3, 2021

The Honorable Blake Carpenter, Chairperson  
House Committee on Elections  
Statehouse, Room 149C-S  
Topeka, Kansas 66612

Dear Representative Carpenter:

**SUBJECT:** Fiscal Note for HB 2278 by Representative Poskin

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2278 is respectfully submitted to your committee.

Under current law, the Governmental Ethics Commission sends every candidate a statement of fair campaign practices. HB 2278 would specify that a candidate may sign the statement and return it to the Commission. The Commission would then be required to publish the signed statement on its website. All statements would be published in a manner that each statement may be viewed after searching for the candidate's name.

The bill would also create two causes of actions that a candidate may bring if (1) the candidate is aggrieved by a materially false statement made by another candidate or (2) if the candidate is alleging a violation of the statement of fair campaign practices signed by another candidate, including a failure to repudiate a materially false statement by any person or organization. For such actions, the bill specifies a plaintiff may seek statutory damages, an order requiring the defendant to provide certain information, or any other injunctive or equitable relief. The bill defines "materially false statement."

The Office of Judicial Administration states that enactment of HB 2278 could increase the number of cases filed in district court because it allows civil suits to be filed, which could result in more time spent by court employees and judges processing and hearing cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. The Office states enactment of the bill could result in the collection of additional docket fees in those cases filed under the bill's provisions.

The Governmental Ethics Commission states enactment of the bill would have a negligible fiscal effect on agency operations. Any fiscal effect associated with HB 2278 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

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