

April 20, 2023

The Honorable Pat Proctor, Chairperson  
House Committee on Elections  
300 SW 10th Avenue, Room 218-N  
Topeka, Kansas 66612

Dear Representative Proctor:

**SUBJECT:** Fiscal Note for HB 2164 by House Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2164 is respectfully submitted to your committee.

HB 2164 would create and define the crime of elector fraud as transmitting any falsely made, altered, forged or otherwise fraudulent presidential electoral college certificate of vote. The Secretary of State would submit the certificate. Elector fraud would be a severity level 10, nonperson felony.

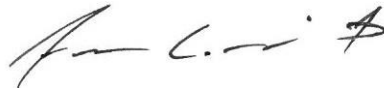
The Kansas Sentencing Commission estimates that enactment of HB 2164 could have an effect on prison admissions, bed space, and workload of the Commission; however, any fiscal effect would be negligible. The Department of Corrections indicates that enactment of the bill would have no fiscal effect. The Office of the Attorney General indicates that costs associated with any increase in cases or complaints as a result of enactment of HB 2164 would be absorbed within existing resources.

The Kansas Judicial Branch indicates HB 2164 could increase the number of cases filed in the district courts because it creates a new crime. The provisions of the bill would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since crimes committed under the bill would carry a severity level 10, nonperson felony penalty there could be additional supervision of offenders. The enactment of the bill could increase the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. However, the agency is unable to estimate a fiscal effect. The Secretary of State provides that it would use existing resources to provide information about the change in law to the

public, media, political parties, candidates, and others. Any fiscal effect associated with HB 2164 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates HB 2164 would not have a fiscal effect on counties.

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: Sandy Tompkins, Office of the Secretary of State  
Scott Schultz, Sentencing Commission  
Randy Bowman, Department of Corrections  
Jay Hall, Kansas Association of Counties  
Vicki Jacobsen, Judiciary  
John Milburn, Office of the Attorney General