

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2339**

As Amended by House Committee of the Whole

**Brief\***

HB 2339, as amended, would expand the crime of election tampering to include:

- Changing or attempting to change, alter, destroy, or conceal any vote cast by paper ballot or computer;
- Changing or attempting to change any vote by manipulating computer hardware or software, election machines, wireless or cellular transmissions, or vote tabulation methods; or
- Producing false vote totals.

The bill would clarify the crime of election tampering by making or changing any election record would not include making or changing any election record by a person who is lawfully carrying out an election duty.

**Background**

The bill was introduced by Representative Toplikar.

***House Committee on Elections***

In the House Committee hearing on the bill, Representative Toplikar provided **proponent** testimony stating the bill would further define the crime of election

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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>

tampering and would help improve voter confidence in the integrity of Kansas elections.

Written-only **opponent** testimony was provided by representatives of the League of Women Voters of Kansas.

Written-only neutral testimony was provided by a representative of Loud Light Civic Action.

The House Committee amended the bill to:

- Prohibit any person from making or changing any election record, unless such person making or changing any election record is lawfully carrying out an election duty;
- Prohibit any person from attempting to destroy any vote cast by paper ballot, election machine, or computer; and
- Prohibit any person from changing or attempting to change any vote by manipulating an election machine or wireless or cellular transmission.

### ***House Committee of the Whole***

The House Committee of the Whole amended the bill by removing the word “intentionally” before the phrase “producing false vote totals.”

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Secretary of State indicates enactment of the bill would have no fiscal effect on the agency. The Kansas Association of Counties indicates enactment of the bill would be unlikely to have any fiscal effect on Kansas counties.

Elections; election tampering