

HOUSE BILL No. 2618

AN ACT concerning elections; relating to election crimes; prohibiting the use of funds provided by the United States government for the conduct of elections or election-related activities unless approved by the legislature; requiring specific intent of the offender as an element of the offense of false representation of an election official; amending K.S.A. 25-2436 and 25-2438 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-2436 is hereby amended to read as follows: 25-2436. (a) The provisions of this section shall be known and may be cited as the transparency in revenues underwriting elections act.

(b) As used in this section:

(1) "Election official" means any county election officer or the chief state election official, as such terms are defined in K.S.A. 25-2504, and amendments thereto, and any officer or employee of such election official.

(2) "*Federal government*" means any branch, agency, department, office, bureau or instrumentality of the government of the United States.

(3) "*Governmental agency*" means the state or any agency or political subdivision or instrumentality thereof.

(4) "Person" means any individual, corporation, partnership, company, organization, political party, political committee or any other private entity.

(c) (1) No election official shall knowingly accept or expend any moneys, directly or indirectly, from any person, except as provided in any acts of appropriation or as otherwise provided by state law, for any expenditures related to conducting, funding or otherwise facilitating the administration of an election pursuant to law.

(2) *No governmental agency, including, but not limited to, any election official, shall knowingly accept or expend any moneys, directly or indirectly, from the federal government, except as provided in any acts of appropriation or as otherwise provided by state law, for any expenditures related to conducting, funding or otherwise facilitating the administration of an election pursuant to law or for any election-related activities, including, but not limited to, voter registration and voter assistance. Provided that such expenditures are authorized by acts of appropriation or state law, any moneys received from the federal government shall only be expended for those purposes authorized by an act of congress appropriating such moneys.*

(d) The provisions of this section shall not apply to:

(1) Any moneys collected by an election official from the payment of fees or assessed costs as required by law; or

(2) any moneys received as campaign contributions for any candidate for the office of county clerk.

(e) A violation of this section is a severity level 9, nonperson felony.

Sec. 2. K.S.A. 25-2438 is hereby amended to read as follows: 25-2438. (a) False representation of an election official is knowingly engaging in any of the following conduct by phone, mail, email, website or other online activity or by any other means of communication while not holding a position as an election official:

(1) Representing oneself as an election official; *or*

(2) ~~engaging in conduct that gives the appearance of being an election official; or~~

(3) ~~engaging in conduct that would cause another person with the intent to cause a person to believe a that the person engaging in such conduct is an election official.~~

(b) False representation of an election official is a severity level 7, nonperson felony.

(c) As used in this section, "election official" means the secretary

of state, or any employee thereof, any county election commissioner or county clerk, or any employee thereof, or any other person employed by any county election office.

Sec. 3. K.S.A. 25-2436 and 25-2438 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.