

## HOUSE BILL No. 2190

By Committee on Elections

1-26

1 AN ACT concerning elections; relating to election procedures; clarifying  
2 duties of certain election officials; defining special elections; creating  
3 the crime of interference with an election official and the crime of  
4 failure to comply with the statewide voter registration database  
5 requirement; expanding the crimes of intimidation of voters and  
6 unauthorized voting disclosure; eliminating the criminal prosecution  
7 authority of the secretary of state; amending K.S.A. 25-1114, 25-1115,  
8 25-2110a, 25-2303, 25-2304, 25-2320, 25-2415, 25-2422, 25-2435, 25-  
9 2501 and 25-2502 and repealing the existing sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) Interference with an election official is:

13 (1) Hindering, obstructing or otherwise interfering in the discharge of  
14 such election official's duties;

15 (2) inducing an election official to violate any election law or to  
16 refuse to perform such election official's duties; or

17 (3) threatening, coercing or intimidating, verbally, in writing or  
18 through physical action, an election official with the intent to:

19 (A) Hinder, obstruct or otherwise interfere in the discharge of such  
20 election official's duties; or

21 (B) retaliate against an election official, and the basis of such  
22 retaliation is the election official's discharge of such official's duties.

23 (b) Interference with an election official is a severity level 7,  
24 nonperson felony.

25 New Sec. 2. (a) Failure to comply with the statewide voter  
26 registration database requirements is knowingly interfering with or  
27 refusing to comply with any rules and regulations or acceptable use  
28 policies for the statewide voter registration database adopted by the  
29 secretary of state.

30 (b) Failure to comply with the statewide voter registration database  
31 requirements is a severity level 10, nonperson felony.

32 Sec. 3. K.S.A. 25-1114 is hereby amended to read as follows: 25-  
33 1114. As used in this ~~act~~ *article*, the words and phrases ~~set out~~ *defined* in  
34 K.S.A. 25-1115 ~~to~~ *through* 25-1118, ~~and amendments thereto~~, shall have  
35 the meanings respectively ascribed ~~to them~~ *thereto* unless the context  
36 requires a different meaning.

1       Sec. 4. K.S.A. 25-1115 is hereby amended to read as follows: 25-  
2 1115. (a) "General election" means the elections held on the Tuesday  
3 following the first Monday in November of both even-numbered and odd-  
4 numbered years, and in the case of ~~special elections~~ *an election* of any  
5 officers to fill vacancies *held on a date other than the Tuesday following*  
6 *the first Monday in November*, the election at which any such officer is  
7 finally elected.

8       (b) "Primary election" means the elections held on the first Tuesday  
9 in August of both even-numbered and odd-numbered years; and any other  
10 preliminary election *held on a date other than the first Tuesday in August*  
11 at which part of the candidates for ~~special~~ election to any national, state,  
12 county, city, school or other municipal office are eliminated by the process  
13 of the election but at which no officer is finally elected.

14       (c) "*Special election*" means any election that is not a general or  
15 primary election, including, but not limited to, any mail ballot election  
16 conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A  
17 special election shall not be held within 45 days of a general or primary  
18 election but may be held on the same day as a general or primary election.

19       Sec. 5. K.S.A. 25-2110a is hereby amended to read as follows: 25-  
20 2110a. (a) In cities of the first and second class, any person desiring to  
21 become a candidate for a city office elected from a district, ~~shall file with~~  
22 ~~the city clerk before the filing deadline~~ *shall file with the county election*  
23 *officer of the county where the city is located, or of the county where the*  
24 *greater population of the city is located if the city extends into more than*  
25 *one county*, a statement of such candidacy on a form furnished by the  
26 county election officer as specified by the secretary of state *before the*  
27 *filing deadline established in K.S.A. 25-205, and amendments thereto.* ~~The~~  
28 ~~city clerk of any city upon receiving any filing under this section shall~~  
29 ~~record the same and transmit it, together with the filing fee or petition~~  
30 ~~herein provided, within three business days to the county election officer.~~  
31 In cities of the third class, any person desiring to become a candidate for a  
32 city office elected from a district; shall file with the county election officer  
33 of the county in which the city is located, or in the county in which the  
34 greater population of the city is located if the city extends into more than  
35 one county, ~~or the city clerk~~, before the filing deadline *established in*  
36 *K.S.A. 25-205, and amendments thereto*, a statement of candidacy on a  
37 form furnished by the county election officer as specified by the secretary  
38 of state.

39       (b) In cities having a population of less than 5,000, each such filing  
40 shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a  
41 petition signed by 25 qualified electors of the council district or by a  
42 number of such qualified electors of the district equal to not less than 10%  
43 of the ballots cast in the district at the last general city election, whichever

1 is less.

2 (c) In cities having a population of not less than 5,000 nor more than  
3 100,000, each such filing shall be accompanied by a filing fee of \$10 or, in  
4 lieu of such filing fee, by a petition signed by 50 qualified electors of the  
5 council district or by a number of such qualified electors of the district  
6 equal to not less than 1% of the ballots cast in the district at the last  
7 general city election, whichever is less.

8 (d) In cities having a population of more than 100,000, each such  
9 filing shall be accompanied by a filing fee of \$50; or, in lieu of such filing  
10 fee, by a petition signed by 100 qualified electors of the council district or  
11 by a number of qualified electors of the district equal to 1% of the ballots  
12 cast in the district at the last general city election, whichever is less.

13 (e) Within three days from the date of the filing of a nomination  
14 petition or declaration of intention to become a candidate for a city office  
15 elected from a district, the county election officer shall determine the  
16 validity of such petition or declaration.

17 (f) If a nomination petition or declaration is found to be invalid, the  
18 county election officer shall notify the candidate on whose behalf the  
19 petition or declaration was filed that such nomination petition or  
20 declaration has been found to be invalid and the reason for the finding.  
21 Such candidate may make objection to the finding of invalidity by the  
22 county election officer in accordance with K.S.A. 25-308, and  
23 amendments thereto.

24 (g) All city elections shall be conducted by the county election officer  
25 of the county in which such city is located, or of the county in which the  
26 greater population of the city is located if the city extends into more than  
27 one county.

28 Sec. 6. K.S.A. 25-2303 is hereby amended to read as follows: 25-  
29 2303. (a) The officer responsible for administering the provisions of this  
30 ~~act~~ *article* shall be the county election officer.

31 (b) "County election officer" means the election commissioner in  
32 counties having an election commissioner, and the county clerk in counties  
33 ~~which that~~ *that* do not have an election commissioner. ~~Words and terms defined~~  
34 ~~in chapter 406 of the laws of 1968 shall have the same meaning in this act~~  
35 ~~as is ascribed thereto in such act, unless inconsistent with the provisions of~~  
36 ~~this act.~~

37 (b)(c) "Voter registration agency" means any office in the state, other  
38 than an office of the division of motor vehicles, that provides public  
39 assistance, that provides state-funded programs primarily engaged in  
40 providing services to persons with disabilities, recruitment offices of the  
41 armed forces; and the office of the city clerk in any city of the first or  
42 second class. A voter registration agency shall provide voter registration  
43 services to persons who apply for the agency's services or assistance, and

1 upon completion of each recertification, renewal or change of address  
2 form.

3 ~~(e)~~(d) Deputy county election officers shall maintain records and  
4 perform duties under the provisions of this act only in the manner  
5 prescribed by the county election officer. County election officers may  
6 appoint such deputy county election officers as deemed appropriate,  
7 including, but not limited to, the city clerk of any city, personnel in any  
8 public high school, any public library or public institution of higher  
9 education, in addition to those required to be appointed under the  
10 provisions of subsection ~~(b)~~ (c).

11 *(e) Any governmental agency or employee thereof acting in such*  
12 *employee's official capacity shall register voters using official*  
13 *governmental websites and shall provide voter registration information*  
14 *that only lists official governmental websites for such purposes. No other*  
15 *entity may affiliate with a governmental agency for the purpose of*  
16 *registering voters unless, as part of a joint voter registration plan, such*  
17 *entity agrees to register voters using only official governmental websites*  
18 *and provide voter registration information that only lists official*  
19 *governmental websites.*

20 *(f) The terms used in this article mean the same as such terms are*  
21 *defined in K.S.A. 25-2502 through 25-2507, and amendments thereto,*  
22 *unless the context requires a different meaning.*

23 Sec. 7. K.S.A. 25-2304 is hereby amended to read as follows: 25-  
24 2304. (a) The county election officer shall maintain registration books to  
25 register all citizens entitled to be registered by such county election officer  
26 under the provisions of this act. Such registration books may be in such  
27 form as may be authorized by the secretary of state.

28 *(b) The secretary of state shall prescribe by rules and regulations*  
29 *adopted as provided by law suitable provisions to assure the reasonable*  
30 *safety and reliability of registration books and applications for registration.*  
31 *Such rules and regulations may make specific provisions relating to any*  
32 *one or more of the types of registration books authorized by the secretary*  
33 *of state.*

34 ~~(b)~~(c) The secretary of state shall establish a centralized voter  
35 registration database. Such database shall include all necessary voter  
36 registration information from every county within the state of Kansas. The  
37 secretary of state shall include in such database a list of active voters and a  
38 separate list of voters who have failed to vote at two consecutive state or  
39 national general elections or who have failed to respond to a confirmation  
40 notice sent pursuant to ~~subsection (e)~~ of K.S.A. 25-2316c(e), and  
41 amendments thereto.

42 ~~(e)~~(d) County election officers shall maintain voter registration  
43 records as required by law and transmit data in the manner prescribed by

1 rules and regulations adopted pursuant to this section.

2 ~~(d)~~(e) The secretary of state shall adopt rules and regulations to insure  
3 the reasonable safety and reliability of the information contained in the  
4 central voter registration database and voter lists required by this section  
5 and to prescribe the type of data, the frequency, and the manner in which it  
6 is transferred to such central location.

7 *(f) No portion of the voter registration database shall be made*  
8 *available for public inspection or copying unless each individual's social*  
9 *security number, driver's license card number or nondriver's license card*  
10 *number and email address have been fully redacted or otherwise rendered*  
11 *unreadable.*

12 Sec. 8. K.S.A. 25-2320 is hereby amended to read as follows: 25-  
13 2320. (a) The county election officer shall allow access to any person at  
14 any time during regular business hours, under supervision of the county  
15 election officer for the purpose of examining the voter registration books,  
16 active voter lists and other lists of voters required to be kept. Any person  
17 may make a written request for a copy of the registration books at any time  
18 except on any election day. The election officer is hereby directed to  
19 provide one or more copies ~~which~~ *that* are accurate insofar as practicable  
20 of such books to the person so requesting. The election officer shall  
21 provide such copies to the person within 10 days following the request if  
22 so requested. The expense of making such copies shall be paid by the  
23 person requesting them. The cost of copies shall be established by the  
24 county election officer at a price ~~which~~ *that* is not more than the actual  
25 cost and shall be set uniformly in order that the price therefor shall be the  
26 same for all persons requesting identical copies.

27 (b) No voter registration record shall be made available for public  
28 inspection or copying unless the individual's social security number,  
29 driver's license number, nondriver's identification card number *and email*  
30 *address*, or any part thereof, has been ~~removed~~ *fully redacted* or otherwise  
31 ~~been~~ rendered unreadable.

32 *(c) No records concerning a voter's ballot being deemed provisional*  
33 *or whether such provisional status was cured shall be made available for*  
34 *public inspection or copying. Such records pertaining to an individual's*  
35 *ballot may be made available to the individual who cast such ballot.*

36 Sec. 9. K.S.A. 25-2415 is hereby amended to read as follows: 25-  
37 2415. (a) Intimidation of voters is:

38 (1) Intimidating, threatening, coercing or attempting to intimidate,  
39 threaten, or coerce any person for the purpose of interfering with the right  
40 of such person to vote or to vote as ~~he~~ *such person* may choose, or of  
41 causing such person to vote for, or not to vote for, any candidate for any  
42 office or question submitted at any election. *Intimidation of a voter*  
43 *includes: (A) Any form or threat of physical violence or intimidation; (B)*

1 *following, monitoring or surveillance of a voter at a polling place; (C)*  
2 *threats of arrest, criminal prosecution or other legal action without a legal*  
3 *basis for such action; and (D) threats to disseminate a voter's personal*  
4 *information; or*

5 (2) mailing, publishing, broadcasting, telephoning or transmitting by  
6 any means false information intended to keep one or more voters from  
7 casting a ballot or applying for or returning an advance voting ballot.

8 (b) Intimidation of voters is a severity level 7, nonperson felony.

9 Sec. 10. K.S.A. 25-2422 is hereby amended to read as follows: 25-  
10 2422. (a) Unauthorized voting disclosure is, while being charged with any  
11 election duty, intentionally:

12 (1) Disclosing or exposing the contents of any ballot *or a*  
13 *representation of any ballot, in any form*, whether cast in a regular or  
14 provisional manner, or the name of any voter who cast such ballot, except  
15 as ordered by a court of competent jurisdiction in an election contest  
16 pursuant to K.S.A. 25-1434 et seq., and amendments thereto; or

17 (2) inducing or attempting to induce any voter to show how the voter  
18 marks or has marked the voter's ballot.

19 (b) Nothing in this section shall prohibit the disclosure of the names  
20 of persons who have voted advance ballots.

21 (c) Nothing in this section shall prohibit authorized poll agents from  
22 observing elections as authorized by K.S.A. 25-3004, 25-3005 and 25-  
23 3005a, and amendments thereto.

24 (d) Unauthorized voting disclosure is a severity level 10, nonperson  
25 felony.

26 Sec. 11. K.S.A. 25-2435 is hereby amended to read as follows: 25-  
27 2435. (a) Independent authority to prosecute any person who has  
28 committed ~~or~~, attempted to commit *or conspired to commit* any act that  
29 constitutes a Kansas elections crime defined in K.S.A. 25-1128, and  
30 amendments thereto, or article 24 of chapter 25 of the Kansas Statutes  
31 Annotated, and amendments thereto, shall be vested in:

32 (1) The district attorney or county attorney of the county where such  
33 act occurred; *or*

34 (2) the Kansas attorney general; ~~or~~

35 (3) ~~the Kansas secretary of state.~~

36 (b) ~~If one of the officers listed in subsection (a) has commenced the~~  
37 ~~prosecution of a person who has committed or attempted to commit any~~  
38 ~~act that constitutes a Kansas election crime, the other officers listed in~~  
39 ~~subsection (a) may provide assistance to the prosecuting officer but shall~~  
40 ~~not commence a separate prosecution~~ *the secretary of state suspects that*  
41 *any of the crimes described in subsection (a) have been committed and is*  
42 *aware of evidence of such crime, the secretary shall promptly inform the*  
43 *attorney general or the appropriate district attorney or county attorney of*

1 *such suspicions and any evidence thereof. Upon request by the prosecuting*  
2 *attorney, the secretary shall cooperate and assist in the investigation and*  
3 *prosecution of any such crime.*

4 Sec. 12. K.S.A. 25-2501 is hereby amended to read as follows: 25-  
5 2501. As used in this ~~act~~ *chapter*, the words and phrases ~~set out~~ *defined* in  
6 K.S.A. 25-2502 ~~to~~ *through* 25-2507, and amendments thereto, shall have  
7 the meanings respectively ascribed ~~to them~~ *thereto* unless the context  
8 requires a different meaning.

9 Sec. 13. K.S.A. 25-2502 is hereby amended to read as follows: 25-  
10 2502. (a) "General election" means the elections held on the Tuesday  
11 following the first Monday in November of both even-numbered and odd-  
12 numbered years, and in the case of ~~special elections~~ *an election* of any  
13 officers to fill vacancies *held on a date other than the Tuesday following*  
14 *the first Monday in November*, the election at which any such officer is  
15 finally elected.

16 (b) "Primary election" means the elections held on the first Tuesday  
17 in August of both even-numbered and odd-numbered years; and any other  
18 preliminary election *held on a date other than the first Tuesday in August*  
19 *at which part of the candidates for* ~~special~~ *election* to any national, state,  
20 county, township, city, school or other municipal office are eliminated by  
21 the process of the election but at which no officer is finally elected.

22 (c) "*Special election*" means *any election that is not a general or*  
23 *primary election, including, but not limited to, any mail ballot election*  
24 *conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A*  
25 *special election shall not be held within 45 days of a general or primary*  
26 *election but may be held on the same day as a general or primary election.*

27 Sec. 14. K.S.A. 25-1114, 25-1115, 25-2110a, 25-2303, 25-2304, 25-  
28 2320, 25-2415, 25-2422, 25-2435, 25-2501 and 25-2502 are hereby  
29 repealed.

30 Sec. 15. This act shall take effect and be in force from and after its  
31 publication in the statute book.