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STATE OF KANSAS

February 14, 2024

Testimony on SB367 (Oral Neutral)
Senate Committee on Federal and State Affairs
Thursday, February 15, 2024

Chairman Thompson and members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill 367.

KSA 25-2436 makes it a crime for an election official to accept or expend, directly or indirectly, any non-public funds for election purposes. SB367 seeks to amend KSA 25-2436 to make it a crime for an election official to accept or expend, directly or indirectly any federal funds unless appropriated by the legislature or provided by state law.

The Secretary of State has several concerns:

First, what election funding issue the bill is intended to address.

Second, SB367 would have no effect on any public official who is not an election official. The Governor and any department or agency under the Governor, any other state elected officials; independent commissions, and most of county government are not affected by this bill.

Third, it is unclear what it means to "indirectly" accept or expend federal funds.

Last, SB367 would have no effect on the current expenditures of federal funds for state elections. The Secretary of State receives periodic grants of federal funds approved by Congress under the Help America Vote Act (HAVA). These funds go through the regular state legislative budgeting process. These funds are granted for specific purposes, such as election security and election administration, require detailed accounting, are subject to audits, and usually require a state match approved by the legislature. These funds enable the Secretary of State to work with county election officials to address election security needs or to assist with other aspects of election administration, such as the operation or acquisition of the state's voter registration system. HAVA funds are distributed solely to state election officials and are not provided to any other federal or state agency for the purposes of funding election-related activity.

Respectfully,

Clayton L. Barker
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