

Elections Funding and Elections Crimes; HB 2618

HB 2618 amends provisions of election law regarding the Transparency in Revenues Underwriting Elections Act and the crime of false representation of an election official.

The bill takes effect upon publication in the *Kansas Register*.

Transparency in Revenues Underwriting Elections Act

The bill amends the Transparency in Revenues Underwriting Elections Act regarding the acceptance and use of certain election-related funds.

Definitions

The bill adds definitions for the following terms:

- “Governmental agency,” to mean the State or any agency, political subdivision, or instrumentality thereof; and
- “Federal government,” to mean any branch, agency, department, office, bureau, or instrumentality of the government of the United States.

Expending of Funds

Continuing law provides that no election official can 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 law, for any expenditures related to conducting, funding, or otherwise facilitating the administration of a lawful election.

The bill adds that no governmental agency, including, but not limited to, any election official, may knowingly accept or expend any moneys, directly or indirectly, from the federal government, except as provided in acts of appropriation or as otherwise provided by state law, and that federal moneys that have not been so appropriated may not be used for any election-related activities, including, but not limited to, voter registration and voter assistance, as well as not for any expenditures related to conducting, funding, or otherwise facilitating the administration of a lawful election.

The bill also provides that, if these expenditures were authorized by acts of appropriation or state law, any moneys received from the federal government will only be expendable for purposes authorized by the act of Congress appropriating the funds.

False Representation of an Election Official

The bill removes “engaging in conduct that gives the appearance of being an election official” from the list of conduct that constitutes false representation of an election official. The

bill also clarifies that false representation of an election official would require the intent to cause another person to believe the other person is engaging with an election official.

[*Note:* Continuing law provides the crime of false representation of an election official is a severity level 7 nonperson felony.]

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