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MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: January 28, 2025

Subject: SB 5 – Prohibiting the expenditure of federal funds for elections or election-related activities without legislative approval.

Senate Bill No. 5 (SB 5) would amend the Transparency in Revenues Underwriting Elections Act, K.S.A. 25-2436. Currently, the statute makes it a felony for an election official to knowingly accept or spend moneys from any person for the purpose of conducting an election unless approved by the Legislature or permitted by state law. The law exempts the payment fees and assessed charges to an election official as permitted by law and campaign contributions for a candidate for the office of county clerk.

SB 5 expands the prohibition in two ways. First, the bill specifically includes moneys provided by any branch, agency, department, office, or bureau of the federal government. This would be in addition to any moneys provided by a private individual or organization. Second, SB 5 would prohibit expenditures of such moneys for conducting elections and election-related activities, including voter registration and voter assistance efforts. If such moneys can be expended for such activities, then such expenditures must be only for those purposes authorized by the act appropriating such moneys.

The penalty for violating the statute would remain the same at a level 9, nonperson felony.

If enacted, SB 5 would become effective on July 1, 2025.