

SENATE BILL No. 258

By Committee on Federal and State Affairs

2-11

1 AN ACT concerning elections; relating to the election crime of false
2 representation of an election official; requiring specific intent of the
3 offender as an element of such criminal offense; amending K.S.A. 25-
4 2438 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 25-2438 is hereby amended to read as follows: 25-
8 2438. (a) False representation of an election official is knowingly engaging
9 in any of the following conduct by phone, mail, email, website or other
10 online activity or by any other means of communication while not holding
11 a position as an election official:

12 (1) Representing oneself as an election official, *including the use of*
13 *any official seal or other insignia of the secretary of state or any county*
14 *election office in any such communication; or*

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

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

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

22 (c) As used in this section, "election official" means the secretary of
23 state, or any employee thereof, any county election commissioner or
24 county clerk, or any employee thereof, or any other person employed by
25 any county election office.

26 Sec. 2. K.S.A. 25-2438 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.