

SENATE BILL No. 5

By Committee on Federal and State Affairs

1-14

1 AN ACT concerning elections; relating to the transparency in revenues
2 underwriting elections act; prohibiting the use of funds provided by the
3 United States government for the conduct of elections and election-
4 related activities unless approved by the legislature; amending K.S.A.
5 25-2436 and repealing the existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 25-2436 is hereby amended to read as follows: 25-
9 2436. (a) The provisions of this section shall be known and may be cited
10 as the transparency in revenues underwriting elections act.

11 (b) As used in this section:

12 (1) "Election official" means any county election officer or the chief
13 state election official, as such terms are defined in K.S.A. 25-2504, and
14 amendments thereto, and any officer or employee of such election official.

15 (2) "*Federal government*" means any branch, agency, department,
16 office, bureau or instrumentality of the government of the United States.

17 (3) "*Governmental agency*" means the state or any agency or
18 political subdivision or instrumentality thereof.

19 (4) "Person" means any individual, corporation, partnership,
20 company, organization, political party, political committee or any other
21 private entity.

22 (c) (1) No election official shall knowingly accept or expend any
23 moneys, directly or indirectly, from any person, except as provided in any
24 acts of appropriation or as otherwise provided by state law, for any
25 expenditures related to conducting, funding or otherwise facilitating the
26 administration of an election pursuant to law.

27 (2) *No governmental agency, including, but not limited to, any*
28 *election official, shall knowingly accept or expend any moneys, directly or*
29 *indirectly, from the federal government, except as provided in any acts of*
30 *appropriation or as otherwise provided by state law, for any expenditures*
31 *related to conducting, funding or otherwise facilitating the administration*
32 *of an election pursuant to law or for any election-related activities,*
33 *including, but not limited to, voter registration and voter assistance.*
34 *Provided that such expenditures are authorized by acts of appropriation or*
35 *as otherwise provided by state law, any moneys received from the federal*
36 *government shall only be expended for those purposes authorized by an*

1 *act of congress appropriating such moneys. {The provisions of this*
2 *paragraph shall not apply to the receipt and expenditure of moneys for*
3 *election security.}*

4 (d) The provisions of this section shall not apply to:

5 (1) Any moneys collected by an election official from the payment of
6 fees or assessed costs as required by law; or

7 (2) any moneys received as campaign contributions for any candidate
8 for the office of county clerk.

9 (e) A violation of this section is a severity level 9, nonperson felony.

10 Sec. 2. K.S.A. 25-2436 is hereby repealed.

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