

SESSION OF 2025

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 5**

As Amended by Senate Committee of the Whole

**Brief\***

SB 5, as amended, would amend the Transparency in Revenues Underwriting Elections Act (Act) regarding the acceptance and use of certain election-related funds.

***Definitions***

The bill would define the following terms:

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

***Requiring Funds Be Provided By Law***

Current 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.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

The bill would amend the Act to clarify that no election official can knowingly accept or expend any moneys except as provided in any acts of appropriation, or as otherwise provided by state law, specifically for such election expenditures.

The bill would also prohibit government agencies, including election officials, from knowingly accepting or expending any moneys, directly or indirectly, from the federal government, except as appropriated or otherwise provided by state law, for any expenditures related to election administration or for any election-related activities, including, but not limited to, voter registration and voter assistance.

The bill would require that such election expenditures be authorized by acts of appropriation or other state law and any moneys received from the federal government be expended only for those purposes authorized by an act of Congress.

The bill would exempt the receipt and expenditure of moneys for election security from these provisions.

## **Background**

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Thompson.

### ***Senate Committee on Federal and State Affairs***

In the Senate Committee hearing, **proponent** testimony was provided by a representative of Opportunity Solutions Project, who discussed presidential Executive Order 14019, issued in March 2021, which directed federal agencies to assist in voter registration efforts. The representative stated the bill would address concerns that taxpayer funds are being used to influence elections through targeted voter registration.

Written-only proponent testimony was provided by four private citizens.

Neutral testimony was provided by a representative of the Office of the Secretary of State (Office), who stated that the bill would have no effect on the agency. The conferee explained that the federal election moneys that Kansas receives are appropriated through the Help America Vote Act, which has matching state funds. The representative clarified that some law enforcement agencies receive federal grants for election security, but the Office interprets the bill to not apply to such grants.

Written-only opponent testimony was provided by representatives of League of Women Voters of Kansas and Loud Light Civic Action, and a private citizen.

No other testimony was provided.

### ***Senate Committee of the Whole***

The Senate Committee of the Whole amended the bill to exempt the receipt and expenditure of moneys for election security from the provisions of the bill limiting the use of federal funds for election-related activities.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Secretary of State indicated the bill would have no fiscal effect on agency operations. The agency is aware of no instance of federal funds provided to the agency or local election officials that were not authorized by a federal act of appropriation.

The Kansas Association of Counties indicated the bill could have a fiscal effect on counties because the prohibition on accepting and expending moneys from the federal

government is so broad. The counties would not be able to use federal funding without state approval. However, the Association is unable to estimate the fiscal effect.

Elections; Transparency in Revenues Underwriting Elections Act; voter registration