

SESSION OF 2013

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 63**

As Amended by Senate Committee on Judiciary

**Brief\***

SB 63 would create or amend law related to elections crimes. Specifically, the bill would:

- Create a new section for the crime of voting more than once, which is currently incorporated in the crime of voting without being qualified. The new crime would be defined as intentionally voting or attempting to vote more than once in the same jurisdiction, voting in more than one U.S. jurisdiction in an election held on a particular date, or inducing or aiding any person to take the above actions. The crime would be a severity level 7, nonperson felony.
- Create a new section that would vest independent authority to prosecute any person for a Kansas election crime in the district attorney or county attorney of the county where such violations occurred, the Kansas Attorney General, or the Kansas Secretary of State. Once one of the listed officers has commenced prosecution of a person for an election crime, the other officers could assist in the prosecution, but could not commence a separate prosecution.
- Amend the statute prohibiting or requiring certain actions with regard to advance voting to increase the severity level for a violation of its provisions

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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 <http://www.kslegislature.org>

from a class C misdemeanor to a severity level 9, nonperson felony;

- Amend the election bribery statute to add an exemption for a business or organization providing a product worth less than \$3.00 to any person who asserts such person has voted, without regard to the voter's vote for or against a candidate or issue;
- Amend the crime of voting without being qualified to remove the provision regarding voting more than once (moved to the new section described above) and define the crime as voting or attempting to vote in any election district when not a lawfully registered voter in that district, or voting or attempting to vote at any election by a person who is not a U.S. citizen, or who does not otherwise qualify as an elector. The severity level of this crime would be increased from a class A misdemeanor to a severity level 7, nonperson felony;
- Increase the severity level of the crime of election tampering from a severity level 8 to a severity level 7, nonperson felony;
- Clarify that the crime of false impersonation of a voter can occur by representing oneself as another person whether real or fictitious, and increase the severity level of this crime from a severity level 9 to a severity level 8, nonperson felony; and
- Amend the declaration signed by voters in the registration book to replace the phrase "at this election" with "in the election held on this date, in this or any other jurisdiction in the United States, for any offices or ballot issues."

## **Background**

The bill was introduced by the Committee on Ethics, Elections and Local Government.

In the Senate Judiciary Committee, Secretary of State Kris Kobach testified in support of the bill. A former member of the House of Representatives testified as a neutral conferee. The Johnson County District Attorney testified in opposition to the bill on behalf of the Kansas County and District Attorneys Association. The Edwards County Attorney submitted written testimony opposing the bill.

The Senate Committee amended the bill by adopting technical amendments, changing the culpability requirement for the crime of voting more than once from “knowingly” to “intentionally,” and changing the word “offering” to “attempting” in the definition of voting more than once.

The fiscal note prepared by the Division of the Budget on the original bill states the Secretary of State indicates any fiscal effect could be absorbed within existing resources. The Kansas Association of Counties and the Office of the Attorney General state they believe the bill would have no fiscal effect. The Kansas Sentencing Commission states the bill would have no effect on prison admission or bed needs.

The fiscal note further indicates the bill has the potential to increase the number of cases related to voting crimes filed in district and appellate courts and could increase the time required by judicial and non-judicial personnel. The bill could also generate additional revenue from docket fees and penalties. However, a precise fiscal effect cannot be determined at this time and would most likely be accommodated within the existing schedule of court cases. Any fiscal effect associated with the bill is not reflected in *The FY 2014 Governor’s Budget Report*.