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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairperson Proctor
Members of the House Committee on Elections

From: The Office of Revisor of Statutes

Date: February 7, 2023

Subject: HB 2190 – Pertaining to election crimes, confidentiality of voter information, and the definition of “special election.”

House Bill No. 2190 (HB 2190) would amend various election statutes regarding new and existing election crimes, the confidentiality of voter information, and the definition of “special election.”

Election crime amendments

Section 1 creates the new crime of interference with an election official. This would make it a felony to hinder, obstruct, or interfere with the discharge of official duties, or to threaten, coerce, intimidate, or otherwise induce an election official to violate the law.

Section 2 creates the new crime of failure to comply with the statewide voter registration database requirements. This would make it a felony to knowingly interfere with or refuse to comply with the rules and regulations or acceptable use policies for the statewide voter registration database maintained by the Secretary of State.

Section 9 expands the crime of intimidation of voters to include threats of physical violence, stalking or surveillance at a polling place, threats of legal action, and threats to disseminate a voter’s personal information. The crime is a level 7 nonperson felony.

Section 10 expands the crime of unauthorized voting disclosure to include the disclosing of a representation of a ballot in any form. This would be in addition to the current crime of disclosing a ballot or the same of a voter who cast a ballot. The crime is a level 10 nonperson felony.

Section 11 removes the Secretary of State’s authority to prosecute election crimes. K.S.A. 25-2435 is amended to require the Secretary to promptly report any suspected criminal violations

to the Attorney General or the appropriate county or district attorney and to assist in any investigation or prosecution of such crime.

Confidentiality of voter information

HB 2190 requires use of only official governmental websites for voter registration. The bill also prohibits voter information being made available for public inspection or copying unless the voter's social security number, drivers or nondrivers license number and email address have been redacted. The bill further prohibits the public disclosure of the determination of a voter's provisional status except to the individual voter.

Definition of special elections

HB 2190 adds a definition of "special election" to clarify that such elections are not general or primary elections. The bill further provides that special elections cannot be held within 45 days of a general or primary election but may be held on the same day so as to coincide with a general or primary election.

If enacted, HB 2190 would become effective on July 1, 2023.