HOUSE BILL No. 2042

By Committee on Corrections and Juvenile Justice

1-17

AN ACT concerning elections; relating to prosecution of election crimes; secretary of state; amending K.S.A. 2018 Supp. 25-2435 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 25-2435 is hereby amended to read as follows: 25-2435. (a) Independent authority to prosecute any person who has committed, attempted to commit or conspired to commit any act that constitutes a Kansas elections crime defined in K.S.A. 25-1128, and amendments thereto, or article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, shall be vested in:

(1) The appropriate district attorney or county attorney of the county where such act occurred; or
(2) the Kansas attorney general; or
(3) the Kansas secretary of state.

(b) If one of the officers listed in subsection (a) has commenced the prosecution of a person who has committed or attempted to commit any act that constitutes a Kansas election crime, the other officers listed in subsection (a) may provide assistance to the prosecuting officer but shall not commence a separate prosecution. If the secretary of state becomes aware of evidence of any elections crime as described in subsection (a), the secretary of state shall promptly inform the attorney general or the appropriate county or district attorney of such evidence. Upon request of the attorney general or the appropriate county or district attorney, the secretary of state shall cooperate and provide assistance in the investigation or prosecution of any such crime.

Sec. 2. K.S.A. 2018 Supp. 25-2435 is hereby repealed.

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