AN ACT concerning state officers; relating to certain powers, duties and functions of the secretary of state and the attorney general; charitable organizations; increasing certain fees; relating to prosecution of election crimes; address confidentiality program; creating the charitable organizations fee fund; amending K.S.A. 17-1759, 17-1763, 17-1764, 17-1765, 17-1766, 17-1769, 17-1771, 17-1772, 46-236, 75-451, 75-452, 75-453, 75-454, 75-455, 75-456, 75-457 and 75-458 and K.S.A. 2019 Supp. 17-1762 and 25-2435 and repealing the existing sections.

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

New Section 1. There is hereby created in the state treasury the charitable organizations fee fund. The attorney general shall remit all moneys received pursuant to the charitable organizations and solicitations act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the charitable organizations fee fund. Moneys in the charitable organizations fee fund shall be used by the attorney general to carry out the provisions and purposes of the charitable organizations and solicitations act. All expenditures from the charitable organizations fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or a person designated by the attorney general.

New Sec. 2. The attorney general shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the secretary of state relating to the charitable organizations and solicitations act.

Sec. 3. K.S.A. 17-1759 is hereby amended to read as follows: 17-1759. This act K.S.A. 17-1759 through 17-1776 and section 2, and amendments thereto, shall be known and may be cited as the "charitable organizations and solicitations act."

Sec. 4. K.S.A. 2019 Supp. 17-1762 is hereby amended to read as follows: 17-1762. The following persons shall not be required to register with the secretary of state attorney general:

(a) State educational institutions under the control and supervision of
the state board of regents, unified school districts, educational interlocals, educational cooperatives, area vocational-technical schools, all educational institutions that are accredited by a regional accrediting association or by an organization affiliated with the national commission of accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to the student body, alumni, faculty and trustees of such institution, and their families, or a library established under the laws of this state, provided that the annual financial report of such institution or library shall be filed with the attorney general;

(b) fraternal, patriotic, social, educational, alumni organizations and historical societies when solicitation of contributions is confined to their membership. This exemption shall be extended to any subsidiary of a parent or superior organization exempted by this subsection where such solicitation is confined to the membership of the subsidiary, parent or superior organization;

(c) persons requesting any contributions for the relief or benefit of any individual, specified by name at the time of the solicitation, if the contributions collected are turned over to the named beneficiary, first deducting reasonable expenses for costs of banquets, or social gatherings, if any, provided all fund-raising fundraising functions are carried on by persons who are unpaid, directly or indirectly, for such services;

(d) any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of $10,000 during such organization's tax period, as defined by K.S.A. 17-7501, and amendments thereto, if all of such organization's fundraising functions are carried on by persons who are unpaid for such services. However, if the gross contributions received by such charitable organization during any such tax period is in excess of $10,000, such organization, within 30 days after the end of such tax period, shall register with the secretary of state attorney general as provided in K.S.A. 17-1763, and amendments thereto;

(e) any incorporated community chest, united fund, united way or any charitable organization receiving an allocation from an incorporated community chest, united fund or united way;

(f) a bona fide organization of volunteer firemen, or a bona fide auxiliary or affiliate of such organization, if all fundraising activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(g) any charitable organization operating a nursery for infants awaiting adoption if all fundraising activities are carried on by members of such an organization or an affiliate thereof and such
members receive no compensation, directly or indirectly, therefor;

(h) any corporation established by the federal congress that is
required by federal law to submit annual reports of such corporation's
activities to congress containing itemized accounts of all receipts and
expenditures after being duly audited by the department of defense or
other federal department;

(i) any girls' club which is affiliated with the girls' club of
America, a corporation chartered by congress, if such an affiliate properly
files the reports required by the girls' club of America and that the girls'
club of America files with the government of the United States the reports
required by such federal charter;

(j) any boys' club which is affiliated with the boys' club of
America, a corporation chartered by congress, if such an affiliate properly
files the reports required by the boys' club of America and that the boys'
club of America files with the government of the United States the reports
required by such federal charter;

(k) any corporation, trust or organization incorporated or established
for religious purposes, or established for charitable, hospital or educational
purposes and engaged in effectuating one or more of such purposes, that is
affiliated with, operated by or supervised or controlled by a corporation,
trust or organization incorporated or established for religious purposes, or
to any other religious agency or organization which serves religion by the
preservation of religious rights and freedom from persecution or prejudice
or by fostering religion, including the moral and ethical aspects of a
particular religious faith;

(l) the boy scouts of America and the girl scouts of America,
including any regional or local organization affiliated therewith;

(m) the young men's christian association and the young women's
christian association, including any regional or local organization affiliated
therewith;

(n) any licensed medical care facility which is organized as a
nonprofit corporation under the laws of this state;

(o) any licensed community mental health center or licensed mental
health clinic;

(p) any licensed community center for people with intellectual
disability and its affiliates as determined by the Kansas department for
aging and disability services;

(q) any charitable organization of employees of a corporation whose
principal gifts are made to an incorporated community chest, united fund
or united way, and whose solicitation is limited to such employees;

(r) any community foundation or community trust to which
deductible contributions can be made by individuals, corporations, public
charities and private foundations, as well as other charitable organizations.
and governmental agencies for the overall purposes of the foundation or to particular charitable and endowment funds established under agreement with the foundation or trust for the charitable benefit of the people of a specific geographic area and which that is a nonprofit organization exempt from federal income taxation pursuant to section 501(a) of the internal revenue code of 1986, as in effect on the effective date of this act, by reason of qualification under section 501(c)(3) of the internal revenue code of 1986, as in effect on the effective date of this act, and which that is deemed a publicly supported organization and not a private foundation within the meaning of section 509(a)(1) of the internal revenue code of 1986, as in effect on the effective date of this act;

(s) any charitable organization which that does not intend to or does not actually solicit or receive contributions from more than 100 persons;

(t) any charitable organization the funds of which are used to support an activity of a municipality of this state;

(u) the junior league, including any local community organization affiliated therewith; and

(v) any charitable organization that is an animal shelter licensed pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 5. K.S.A. 17-1763 is hereby amended to read as follows: 17-1763. (a) Except for charitable organizations exempt under K.S.A. 17-1762, and amendments thereto, no charitable organization shall solicit funds in this state, nor employ a professional fund raiser to solicit funds in this state, for any charitable purpose, unless such organization has filed with the office of the secretary of state of the state of Kansas, a registered statement with the attorney general prior to solicitation.

(b) The secretary of state attorney general shall prescribe registration forms which that shall be signed and sworn to by two authorized officers of the organization, including the chief fiscal officer, and which shall include the following information about such organization's activities in this state:

(1) The name of the organization and the name or names under which it intends to solicit;

(2) the purpose for which such organization was organized;

(3) the principal mailing address and street address of the organization and the mailing addresses and street addresses of any offices in this state;

(4) the names and mailing addresses and street addresses of any subsidiary or subordinate chapters, branches or affiliates in this state;

(5) the place where and the date when the organization was legally established, the form in which such organization is organized and a reference to any determination of such organization's tax-exempt status, if any, under the federal internal revenue code of 1986;
(6) the names and mailing addresses and street addresses of the officers, directors, trustees and principal salaried employees of the organization;

(7) the name and mailing address and street address of the person having custody of such organization's financial records;

(8) the names of the individuals or officers of the organization who will have responsibility for the custody of the contributions;

(9) the names of the individuals or officers of the organization who will have responsibility for the distribution of the contributions;

(10) the names of the individuals or officers of the organization who will have responsibility for the conduct of solicitation activities;

(11) the general purposes for which the organization intends to solicit contributions;

(12) a statement indicating whether the organization intends to solicit contributions directly or have such solicitation done on such organization's behalf by others and naming any professional fund raiser the organization intends to use;

(13) a statement indicating whether the organization is authorized by any other governmental authority to solicit contributions and whether such organization is or has ever been enjoined by any court from soliciting contributions;

(14) the cost of fund raising incurred or anticipated to be incurred by the organization, including a statement of such costs as a percentage of contributions received; and

(15) a copy of the federal income tax return of the charitable organization, if the charitable organization is required to file such; otherwise a financial statement covering complete disclosure of the fiscal activities of the organization during the preceding year. The financial statement shall be submitted on forms approved by the secretary of state, attorney general, signed and sworn by at least two authorized officers of the organization, including the chief fiscal officer. Such financial statement shall include a balance sheet and statement of income and expense, clearly setting forth the following: Gross receipts and gross income from all sources, broken down into total receipts and income from each separate solicitation project or source; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of this state, with explanation as to recipient and purpose; and total net amount disbursed or dedicated for each major purpose, charitable or otherwise.

(c) A charitable organization that received contributions in excess of $500,000 during the organization's most recently completed fiscal year shall file, in addition to the federal income tax returns or the statement required by subsection (b), an audited financial statement for the charitable
organization's most recently completed fiscal year, prepared in accordance
with generally accepted accounting principles, and the opinion of an
independent certified public accountant on the financial statement.

(d) Upon receipt of any such registration and payment of
applicable fees, the secretary of state attorney general shall issue a
charitable solicitation license and identification number. All certificates of
registration and identification numbers issued to charitable organizations
shall expire on the last day of the sixth month following the month in
which the fiscal year of the charitable organization ends.

(e) Every charitable organization required to register with the
secretary of state attorney general shall pay a fee of $20 $25 with each
registration.

(f) (1) The secretary of state attorney general may adopt rules and
regulations necessary for the administration of this the charitable
organizations and solicitations act.

(2) All rules and regulations, orders, directives and standards of the
secretary of state relating to the charitable organizations and solicitations
act that are in effect on June 30, 2020, shall be deemed to be the rules and
regulations, orders, directives and standards of the attorney general and
shall continue to be effective until amended, revoked or nullified pursuant
to law.

Sec. 6. K.S.A. 17-1764 is hereby amended to read as follows: 17-
1764. (a) No person shall act as a professional fund raiser for a charitable
organization or for any religious organization as described in subsection
(k) of K.S.A. 17-1762(k), and amendments thereto, before such person has
registered with the secretary of state attorney general or after the
expiration or cancellation of such registration or any renewal of such
registration.

(b) Applications An application for registration and reregistration or
renewal shall be in writing and under oath in the form prescribed by the
secretary of state attorney general. Registration or reregistration shall be in
effect for a period of one year, or a part thereof, expiring on June 30, and
may be renewed upon written application, under oath, in the form
prescribed by the secretary of state for additional one-year

(c) Every professional fund raiser required to register pursuant to this
set with the attorney general shall:

(1) Pay a fee of $25 with each registration or renewal; and

(2) file an annual written report with the secretary of state attorney
general containing such information as the secretary attorney general may
require by rule and regulation rules and regulations adopted pursuant to
K.S.A. 17-1763, and amendments thereto.

Sec. 7. K.S.A. 17-1765 is hereby amended to read as follows: 17-
(a) No person shall act as a professional solicitor in the employ of a professional fund raiser before such person has registered with the secretary of state or after the expiration or cancellation of such registration or any renewal of such registration.

(b) An application for registration or reregistration renewal shall be in writing, and under oath and in the form prescribed by the secretary of state. Upon receipt of any such registration, the secretary of state shall issue a professional solicitor's license and identification number for additional one-year periods.

(c) Upon receipt of a proper registration or renewal and payment of applicable fees, the attorney general shall issue a professional solicitor's license and identification number.

(d) Every professional solicitor required to register with the attorney general shall pay a fee of $25 with each registration or renewal.

Sec. 8. K.S.A. 17-1766 is hereby amended to read as follows: 17-1766. All solicitations by professional solicitors shall contain the following disclosures at the point of solicitation:

(a) The name, address and telephone number of the charitable organization;

(b) the registration number, obtained pursuant to K.S.A. 17-1763, and amendments thereto, for the charitable organization;

(c) if the solicitation is made by a person acting as a professional solicitor, the registration number obtained pursuant to K.S.A. 17-1765, and amendments thereto; and

(d) that an annual financial report required by K.S.A. 17-1763, and amendments thereto, for the preceding fiscal year is on file with the secretary of state.

Sec. 9. K.S.A. 17-1769 is hereby amended to read as follows: 17-1769. The following acts and practices are hereby declared unlawful as applied to the planning, conduct or execution of any solicitation or charitable purpose:

(a) Operating in violation of, or failing to comply with, any of the requirements of this act;

(b) utilizing any deceptive acts or practices whether or not any person has in fact been misled. Deceptive acts or practices include, but are not limited to, the following:

(1) The intentional use in any solicitation of exaggeration, innuendo or ambiguity as to a material fact; and

(2) the intentional failure to state a material fact, or the intentional
concealment, suppression or omission of a material fact in any solicitation;
(c) utilizing any unconscionable acts or practices. An unconscionable act or practice violates this section whether it occurs before, during or after the solicitation.
(1) The unconscionability of an act or practice is a question for the court.
(2) In determining whether an act or practice is unconscionable, the court shall consider circumstances which include, but are not limited to,
the following:
(A) Taking advantage of a person's inability to reasonably protect such person's interests because of the person's physical infirmity, ignorance, illiteracy, inability to understand the language of a solicitation or similar factor; and
(B) using undue pressure in soliciting;
(d) utilizing any representation that implies the contribution is for or on behalf of a charitable organization or utilizing any emblem, device or printed matter belonging to or associated with a charitable organization, without obtaining authorization in writing from the charitable organization;
(e) utilizing a name, symbol or statement so closely related or similar to that used by another charitable organization that the use thereof would tend to confuse or mislead a solicited person, whether or not any person has in fact been misled;
(f) misrepresenting or misleading any person in any manner to believe that the person on whose behalf a solicitation or charitable purpose is being conducted is a charitable organization;
(g) using donations for purposes other than those stated in an organization's articles of incorporation or current registration statements filed with the secretary of state attorney general;
(h) using donations for purposes other than those stated in solicitations;
(i) using donations for other than charitable purposes;
(j) misrepresenting or misleading any person in any matter, to believe that any other person or governmental unit sponsors, endorses or approves such solicitation or charitable purpose when such other person has not given consent in writing to the use of such person's name for these purposes; and
(k) utilizing or exploiting the fact of registrations so as to lead any person to believe that such registration in any manner constitutes an endorsement or approval by the state.
Sec. 10. K.S.A. 17-1771 is hereby amended to read as follows: 17-1771. Registration under—this section.
solicitations act shall not be deemed to constitute an endorsement by the state of Kansas of any registering charitable organization, professional fund raiser or professional solicitor. It shall be unlawful for any charitable organization, professional fund raiser or professional solicitor to represent, directly or indirectly, by advertising or any other manner, that such charitable organization, professional fund raiser or professional solicitor has registered or otherwise complied with the provisions of this act, for the purpose of solicitation and collection of funds for charitable purposes. The secretary of state shall cancel the registration of any organization, professional fund raiser or professional solicitor that violates the provisions of this section.

Sec. 11. K.S.A. 17-1772 is hereby amended to read as follows: 17-1772. (a) The secretary of state may enter into reciprocal agreements relating to the charitable organizations and solicitations act with a like authority of any other state or states for the purpose of exchanging information made available to the secretary of state or to such other like authority.

(b) All reciprocal agreements entered into by the secretary of state relating to the charitable organizations and solicitations act that are in effect on June 30, 2020, shall be deemed to be reciprocal agreements entered into by the attorney general and shall continue to be effective until amended, revoked or nullified pursuant to law.

Sec. 12. K.S.A. 2019 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 and 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. 13. K.S.A. 46-236 is hereby amended to read as follows: 46-236.

(a) No state officer or employee, candidate for state office or state officer elect shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate or state officer elect.

(b) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to: (1) Any contribution reported in compliance with the campaign finance act; (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business; (3) any solicitation for the benefit of any charitable organization which is required to file a registration statement with the secretary of state attorney general pursuant to K.S.A. 17-1761, and amendments thereto, or which is exempted from filing such statement pursuant to K.S.A. 17-1762, and amendments thereto, or for the benefit of any educational institution or such institution's endowment association, if such association has qualified as a nonprofit organization under paragraph (3) of subsection (c) of section 501(c)(3) of the internal revenue code of 1986, as amended; (4) any solicitation for the benefit of any national nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation; or (5) any solicitation for the benefit of any national, nonprofit organization established for the purpose of serving, informing and educating elected executive branch officials in all states of the nation.

Sec. 14. K.S.A. 75-451 is hereby amended to read as follows: 75-451.

The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, human trafficking or stalking frequently establish new addresses in order to prevent their assailants from finding them. The purpose of K.S.A. 75-451 through 75-458, inclusive, and amendments thereto, is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault, human trafficking or stalking, to enable interagency cooperation with the secretary of state attorney general in providing address confidentiality for victims of domestic violence, sexual assault, human trafficking or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the secretary of state attorney general as a substitute mailing address.

Sec. 15. K.S.A. 75-452 is hereby amended to read as follows: 75-452.
The following words and phrases when used in K.S.A. 75-451 through 75-458, inclusive, and amendments thereto, shall have the meanings respectively ascribed to them herein, unless the context clearly requires otherwise:

(a) "Abuse" means:
   (1) Causing or attempting to cause physical harm;
   (2) placing another person in fear of imminent physical harm;
   (3) causing another person to engage involuntarily in sexual relations by force, threats or duress, or threatening to do so;
   (4) engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror;
   (5) depriving another person of necessary health care, housing or food; or
   (6) unreasonably and forcibly restraining the physical movement of another.

(b) "Confidential address" means a residential street address, school street address or work street address of an individual, as specified on the individual's application to be a program participant under K.S.A. 75-451 through 75-458, inclusive, and amendments thereto.

(c) "Confidential mailing address" means an address that is recognized for delivery by the United States Postal Service.

(d) "Domestic violence" means abuse committed against a victim or the victim's spouse or dependent child by:
   (1) A current or former spouse of the victim;
   (2) a person with whom the victim shares parentage of a child in common;
   (3) a person who is cohabitating with, or has cohabitated with, the victim;
   (4) a person who is related by blood or marriage; or
   (5) a person with whom the victim has or had a dating or engagement relationship.

(e) "Program participant" means a person certified as a program participant under K.S.A. 75-453, and amendments thereto.

(f) "Enrolling agent" means state and local agencies, law enforcement offices, nonprofit agencies and any others designated by the secretary of state attorney general that provide counseling and shelter services to victims of domestic violence, sexual assault, human trafficking or stalking.

(g) "Sexual assault" means an act which if committed in this state would constitute any crime defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2019 Supp. 21-6419 through 21-6422, and amendments thereto.

(h) "Stalking" means an act which if committed in this state would
constitute "stalking" as defined by K.S.A. 60-31a01, and amendments thereto.

(i) "Human trafficking" means an act which if committed in this state would constitute the crime of human trafficking as defined by K.S.A. 21-3446, prior to its repeal, or K.S.A. 2019 Supp. 21-5426(a), and amendments thereto.

Sec. 16. K.S.A. 75-453 is hereby amended to read as follows: 75-453.

(a) An adult person, an adult family member residing with the victim, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply by and through an enrolling agent to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. Program participants shall not apply directly to the attorney general. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the attorney general, signed by the applicant and enrolling agent under penalty of perjury and providing, and it contains all of the following:

(1) A statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking or stalking and:

(i) That the applicant fears for the applicant's safety or the applicant's children's safety or the safety of the minor or incapacitated person on whose behalf the application is made; or

(ii) that by virtue of living with an enrolled program participant, the applicant fears that the knowledge or publication of the applicant's whereabouts will put the enrolled participant in danger.

(2) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail.

(3) The confidential mailing address where the applicant can be contacted by the attorney general, and the phone number or numbers where the applicant can be called by the attorney general.

(4) The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, human trafficking or stalking.

(5) Evidence that the applicant or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking or stalking, or is an adult family member residing with the victim. This evidence may include any of the following:

(A) Law enforcement, court or other federal, state or local government records or files.
(B) Documentation from a public or private entity that provides assistance to victims of domestic violence, sexual assault, human trafficking or stalking.

(C) Documentation from a religious, medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual assault, human trafficking or stalking.

(D) Other forms of evidence as determined by the secretary of state.

(6) A statement of whether there are any existing court orders involving the applicant for child support, child custody or child visitation and whether there are any active court actions involving the applicant for child support, child custody or child visitation, the name and address of legal counsel of record and the last known address of the other parent or parents involved in those court orders or court actions.

(7) The signature of the applicant and of any individual or representative of any enrolling agent who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed in accordance with procedures prescribed by the secretary of state.

(c) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule and regulation establish a renewal procedure.

(d) Upon certification in the program, in any case where there are court orders or court actions identified in subsection (a)(6), the secretary of state shall, within 10 days, notify the other parent or parents of the address designated by the secretary of state for the program participant and the designation of the secretary of state as agent for purpose of service of process. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent to be notified. A copy shall also be sent to that parent's counsel of record.

(e) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be punishable may be prosecuted for, convicted of, and punished under K.S.A. 2019 Supp. 21-5824, and amendments thereto, or other applicable statutes.

Sec. 17. K.S.A. 75-454 is hereby amended to read as follows: 75-454.

(a) If the program participant obtains a legal name change after being
certified as a program participant, the secretary of state attorney general shall cancel certification of the program participant.

(b) The secretary of state attorney general may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the secretary of state attorney general with seven days' prior notice of the change of address.

(c) The secretary of state attorney general may cancel certification of a program participant if mail forwarded by the secretary attorney general to the program participant's address is returned as nondeliverable.

(d) The secretary of state attorney general shall cancel certification of a program participant who knowingly provides false or incorrect information.

Sec. 18. K.S.A. 75-455 is hereby amended to read as follows: 75-455.

(a) A program participant may request that state and local agencies use the address designated by the secretary of state attorney general as the participant's address. When creating a new public record or amending or updating an existing record, state and local agencies shall accept the address designated by the secretary of state attorney general as a program participant's substitute address, unless the secretary of state attorney general has determined that:

(1) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under K.S.A. 75-451 to through 75-458, inclusive, and amendments thereto; and

(2) This address will be used only for those statutory and administrative purposes.

(b) A program participant may use the address designated by the secretary of state attorney general as the participant's work address.

(c) The office of the secretary of state attorney general shall forward all first class mail, and other items designated by rule and regulation rules and regulations, to the appropriate program participants.

Sec. 19. K.S.A. 75-456 is hereby amended to read as follows: 75-456.

(a) The secretary of state attorney general is authorized to adopt rules and regulations for the proper implementation of K.S.A. 75-451 to through 75-458, inclusive, and amendments thereto.

(b) (1) The secretary of state shall prescribe by rule and regulation adopt rules and regulations prescribing voting procedures to maintain confidentiality of the addresses of program participants.

(2) Except for rules and regulations, orders, directives and standards of the secretary of state relating to subsection (b)(1), all rules and regulations, orders, directives and standards of the secretary of state relating to K.S.A. 75-451 through 75-458, and amendments thereto, that
are in effect on June 30, 2020, shall be deemed to be the rules and regulations, orders, directives and standards of the attorney general and shall continue to be effective until amended, revoked or nullified pursuant to law.

(c) Except for records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the secretary of state relating to subsection (b)(1), the attorney general shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the secretary of state relating to K.S.A. 75-451 through 75-458, and amendments thereto.

Sec. 20. K.S.A. 75-457 is hereby amended to read as follows: 75-457. The secretary of state attorney general shall not make any records in a program participant's file available for inspection or copying, other than the address designated by the secretary of state attorney general, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency in accordance with procedures prescribed by rules and regulations;
(b) if directed by a court order, to a person identified in the order;
(c) if requested by a state or local agency, to verify the participation of a specific program participant, in which case the attorney general may only confirm participation in the program; and
(d) if requested by the secretary of state for election purposes, to the secretary of state in accordance with procedures prescribed by rules and regulations.

Sec. 21. K.S.A. 75-458 is hereby amended to read as follows: 75-458. The secretary of state attorney general shall designate enrolling agents to assist persons applying to be program participants. The secretary of state attorney general may collaborate with enrolling agents to develop a training curriculum. Any assistance rendered to applicants by the office of the secretary of state or its attorney general or the attorney general's designees shall not be construed as legal advice.


Sec. 23. This act shall take effect and be in force from and after its publication in the statute book.