

SCOTT SCHWAB
Secretary of State



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STATE OF KANSAS

Testimony: HB2011 (Proponent)

House Judiciary Committee
Wednesday, February 17, 2021

Chairman Patton and members of the Committee:

Thank you for the opportunity to testify in support of HB2011. The bill would eliminate the authority of the Secretary of State to prosecute election crimes. Our office has supported this legislation, in various forms, since Secretary Schwab took office in January 2019.

For several years, local officials did not prosecute accusations of voter fraud due to limited resources and higher profile crimes. The reasoning was understandable and served as the basis for the previous secretary to seek prosecutorial power. However, unlike his predecessor, Secretary Schwab is a businessman, not an attorney and believes the resources of the Office should concentrate on administering the hundreds of specific statutory duties delegated to the Office of Secretary of State and ensuring Kansas elections continue to be secure and trustworthy.

The mere continued possession of prosecutorial authority can make the Secretary of State a target for litigation based on a claimed threat of potential prosecution. Additionally, criminal prosecutions require lawyers and staff with specialized skills and experience. The Office of Secretary of State lacks this expertise and criminal prosecutions are generally beyond its capabilities and limited resources.

The Attorney General was elected by the people of Kansas to serve as the chief criminal prosecutor for the State of Kansas. Continuity and unity of effort are essential to enforcing election crime laws. HB2011 would streamline and unify criminal prosecutions in Kansas by making the Attorney General the sole state-level prosecutor in cases of voter fraud. The Secretary of State would assist the Attorney General by providing expert factual analysis of potential election crime cases to help determine which cases should be prosecuted.

We appreciate your consideration and ask for your support of HB2011.

Respectfully Submitted,

Clay Barker
Deputy Assistant Secretary of State
Assistant General Counsel