

Elections Crimes; SB 34

SB 34 creates or amends laws related to elections crimes, prosecution of those crimes, and elections definitions.

Regarding election crimes and prosecution of those crimes, the bill does the following:

- Creates a separate crime of voting more than once, which currently is incorporated in the crime of voting without being qualified. The new crime is defined as intentionally voting or attempting to vote more than once in the same jurisdiction in an election held on a particular date, 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 is a severity level 7, nonperson felony, and the general criminal attempt statute does not apply to the crime;
- Creates new law that gives the following officials independent authority to prosecute any person for a Kansas election crime: the district attorney or county attorney of the county where such violations occurred, the Kansas Attorney General, and the Kansas Secretary of State. Once one of the listed officers has commenced prosecution of a person for an election crime, the other officers may assist in the prosecution but may not commence a separate prosecution;
- Amends the statute prohibiting or requiring certain actions with regard to advance voting to increase the severity level for a violation of its provisions from a class C misdemeanor to a severity level 9, nonperson felony;
- Amends 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;
- Amends the crime of voting without being qualified to remove the provisions regarding voting more than once (which becomes a separate crime, as described above) and defines 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 is increased from a class A misdemeanor to a severity level 7, nonperson felony, and the general criminal attempt statute does apply to the crime;
- Increases the severity level for the crime of election tampering from a severity level 8 to a severity level 7, nonperson felony; and
- Clarifies that the crime of false impersonation of a voter can occur by representing oneself as another person whether real or fictitious, and increases the severity level of this crime from a severity level 9 to a severity level 8, nonperson felony.

The bill also amends 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."