

UPDATED
SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2042

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2042, as amended, would amend law related to the prosecution of election crimes. The bill would specify authority to prosecute election crimes is vested in the appropriate district attorney or county attorney or in the Attorney General. Current law vests prosecution authority in the district or county attorney of the county where such act occurred, the Kansas Attorney General, or the Kansas Secretary of State.

Additionally, the bill would direct the Secretary of State to promptly inform the Attorney General and the appropriate county or district attorney of evidence of any election crimes upon becoming aware of such evidence. The Secretary of State would also be directed to cooperate and provide assistance in the investigation or prosecution of any election crimes, if requested by the Attorney General or the appropriate county or district attorney.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Office of the Attorney General.

In the House Committee hearing, the Attorney General and representatives of the American Civil Liberties Union of

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Kansas and Kansas County and District Attorneys Association appeared in support of the bill. The Office of the Secretary of State submitted written-only proponent testimony. No other testimony was provided.

The House Committee amended the bill to require election crimes notifications made by the Secretary of State to be made to both the appropriate county or district attorney and the Attorney General, rather than to either the county or district attorney or the Attorney General.

The bill was referred to the House Committee on Appropriations on February 27, 2019. The bill was then rereferred to the House Committee on Corrections and Juvenile Justice on March 6, 2019. On March 12, 2019, the House Committee voted to recommend the bill favorably with the amendments previously adopted by the House Committee.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of the Attorney General estimates the bill could result in additional expenses resulting from prosecution of crimes previously prosecuted by the Secretary of State, but the agency could manage the costs within existing resources. The Office of the Secretary of State indicates expenses associated with investigations and courtroom appearances for prosecution of elections crimes resulted in expenses of \$10,000 or less per case. The agency states it is unable to estimate potential future savings. The Attorney General and Secretary of State also note additional expenses could be experienced by county and district attorneys who would file and prosecute cases previously handled by the Secretary of State, but it is not possible to estimate such expenses.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.