

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2011

By Representative Carmichael

12-22

1 AN ACT concerning elections; relating to prosecution of election crimes;
2 duties of the secretary of state; amending K.S.A. 2020 Supp. 25-2435
3 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2020 Supp. 25-2435 is hereby amended to read as
7 follows: 25-2435. (a) Independent authority to prosecute any person who
8 has committed ~~or~~, attempted to commit *or conspired to commit* any act that
9 constitutes a Kansas elections crime defined in K.S.A. 25-1128, and
10 amendments thereto, or article 24 of chapter 25 of the Kansas Statutes
11 Annotated, and amendments thereto, shall be vested in:

12 (1) ~~The appropriate county or district attorney or county attorney of~~
13 ~~the county where such act occurred; or~~

14 (2) ~~the Kansas attorney general; or~~

15 (3) ~~the Kansas secretary of state~~ **at the request of a county or**
16 **district attorney.**

17 (b) ~~If one of the officers listed in subsection (a) has commenced the~~
18 ~~prosecution of a person who has committed or attempted to commit any~~
19 ~~act that constitutes a Kansas election crime, the other officers listed in~~
20 ~~subsection (a) may provide assistance to the prosecuting officer but shall~~
21 ~~not commence a separate prosecution~~ *the secretary of state becomes aware*
22 *of evidence of any elections crime as described in subsection (a), the*
23 *secretary of state shall promptly inform the* ~~attorney general and the~~
24 ~~appropriate county or district attorney of such evidence. Upon request of~~
25 ~~the attorney general or the appropriate county or district attorney, or the~~
26 **attorney general if the county or district attorney has requested**
27 **assistance from the attorney general, the secretary of state shall**
28 *cooperate and provide assistance in the investigation or prosecution of*
29 *any such crime.*

30 Sec. 2. K.S.A. 2020 Supp. 25-2435 is hereby repealed.

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