

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2011

As Amended by House Committee on Judiciary

Brief*

HB 2011, 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, at the request of a district attorney or county attorney, 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 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 appropriate county or district attorney, or by the Attorney General if the county or district attorney has requested assistance from the Attorney General.

Background

The bill was introduced by Representative Carmichael.

*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>

House Committee on Judiciary

In the House Committee hearing on February 17, 2021, a representative of the Office of the Secretary of State (OSS) testified as a **proponent** of the bill, stating it would help streamline and unify criminal prosecutions for such election crimes. The Attorney General submitted written-only **proponent** testimony. No other testimony was provided.

On February 25, 2021, the House Committee amended the bill to limit the Attorney General's authority to prosecute elections crimes to cases where a request is made by a district attorney or county attorney.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of the Attorney General (OAG) and the OSS entered into a memorandum of understanding regarding the investigation and prosecution of election crimes. The terms of this agreement are consistent with the language of the bill, thus the OAG has already anticipated the relatively low number of election crime prosecutions that may be referred to the OAG by the OSS and expenditures resulting from these prosecutions can be absorbed within existing resources in the OAG's Fraud and Abuse Litigation Division. The OSS indicates enactment of the bill would have no fiscal effect on the agency, which has no expenditures budgeted to prosecute election crimes in the state.

Election crimes; Secretary of State; Attorney General; county and district attorneys