

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

Before the Committee on Elections

Kansas Secretary of State Testimony for SB 63 The "SECURE Act"

Kansas Secretary of State Kris Kobach
March 11, 2013

Chairman Schwab and members of the Committee, I am Kris Kobach, Kansas Secretary of State. Thank you for the opportunity to testify on behalf of SB 63 or as my office calls the bill, the "SECURE Act". The SECURE Act overwhelmingly passed out of the Senate on February 28, 2013 by a vote of 31-9.

The acronym "SECURE" stands for Stopping Election Crime by Uniting Regulation and Enforcement. The SECURE Act is a companion bill to the successful SAFE Act passed into law in 2011. While the SAFE Act focused on photo identification and proof of citizenship, the SECURE Act focuses on penalties for election crimes and enforcement. These two acts in tandem will ensure that Kansas remains the standard bearer for the nation when it comes to conducting secure and fair elections.

There are two main components to the SECURE Act. One component of the Act increases penalties for certain election crimes, a change that is necessary to reflect the serious nature of election fraud. The second component grants prosecutorial authority over election crimes to the Office of the Kansas Secretary of State in addition to the Kansas Attorney General and District and County Attorneys.

Election crime is a legitimate problem in Kansas and one that unfortunately has not been sufficiently addressed. The best way to illustrate this issue is by examining the cases of "double voting" my office discovered had occurred during the 2010 election cycle. Double voting refers to an individual illegally voting more than once in the same election. My office unearthed 11 cases of double voting that occurred in the 2010 election cycle and then delivered this information to the relevant county and district attorneys. The results may surprise you. At this time 7 of the cases have yet to result in any action, 2 have resulted in a diversion, 1 likely resulted in a diversion but the case is sealed, and only 1, very recently, resulted in a guilty plea and conviction.

I would also like to draw your attention to two instances that occurred before 2010. In 2008 the spouse of a Kansas law school professor engaged in double voting. Despite having full knowledge of the crime committed, the individual in question received an almost unheard of "pre-filed" diversion. In another case, a "serial double voter" double voted in the 2006 primary

and general elections as well as the 2008 general election. Secretary of State Ron Thornburgh reported these incidents to both counties in which the crime occurred and my administration later followed up with both county attorneys. Despite this serial double voting, the final result was only a diversion.

I do not intend my remarks to cast aspersions on the performance of the county and district attorneys of Kansas. County and district attorneys are hard working public servants with an extremely full plate. There are a number of reasons why county and district attorneys are not prosecuting election crimes. These reasons include potential conflicts, lack of resources, and the burden of more pressing crimes. It only makes sense that county and district attorneys would focus their limited resources on violent crimes, murders, rapes, drug crimes, and property crimes. That is why I propose my office be granted the authority to prosecute election crimes. It is not uncommon for a state agency to have the ability to prosecute crimes in their area of expertise. Examples of this include the Kansas Insurance Commissioner and the Office of the Kansas Securities Commissioner. My office has expertise in the area of elections as well as the resources to pursue these cases. In addition, my office can do this at minimal fiscal impact. This would ensure that election crimes receive the attention they deserve while also giving county and district attorneys the option to direct their resources to other matters.

Voter fraud is a serious issue and I strongly believe that the majority of Kansans agree. As the facts I have previously stated indicate, if voter fraud is to be taken seriously, we must change how we approach the enforcement of election crimes. Diversions are not a deterrent. There must be fines and there must be convictions. Passage of SB 63, the SECURE Act, is the best way to accomplish this and ensure that Kansas continues to have the most secure and fair elections in the nation.