

HOUSE BILL No. 2042

By Committee on Corrections and Juvenile Justice

1-17

Proposed Amendments to HB 2042 - Jennings
House Corrections and Juvenile Justice
Prepared by: Natalie Scott, Assistant Revisor
January 30, 2019

1 AN ACT concerning elections; relating to prosecution of election crimes;
2 secretary of state; amending K.S.A. 2018 Supp. 25-2435 and repealing
3 the existing section.
4

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

6 Section 1. K.S.A. 2018 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* district attorney or county attorney ~~of the county~~
13 ~~where such act occurred; or~~

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

15 (3) ~~the Kansas secretary of state.~~

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

and

27 Sec. 2. K.S.A. 2018 Supp. 25-2435 is hereby repealed.

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