

SCOTT SCHWAB
Secretary of State



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STATE OF KANSAS

Testimony: SB293 (Proponent)

Senate Judiciary Committee
Thursday, January 30, 2020

Chairman Wilborn and members of the Committee:

SB293, if enacted, would consolidate regulation of charitable fundraising and the Safe at Home Program into the Office of the Attorney General and remove the authority of the Secretary of State to prosecute election crimes.

Charitable Fundraising: Under current law, the Secretary of State is responsible for administering the registration of charitable organizations, solicitors and fundraisers, while the Attorney General's Office enforces violations of the charities statutes and prosecutes fraudulent solicitations. For several years, our office has coordinated the regulation of charities with the Attorney General's office. This legislation would provide better customer service and more efficient administration to have one agency perform these tasks.

Safe at Home: We work closely with victim's services organizations to administer the Safe at Home Program which ensures participant addresses are kept confidential from their abuser, trafficker or stalker. However, we are only an administrator of these programs and have no oversight or enforcement capabilities. Given the small size of our staff and the lack of expertise, particularly for working with abuse victims, we believe these programs, and their participants, would be better served by the Office of Attorney General.

Prosecutorial Authority: Finally, SB293 would remove the authority of the Secretary of State to prosecute election crimes. In the past, local officials did not always prosecute accusations of voter fraud due to limited resources and higher profile crimes. The reasoning was understandable and served as the basis for the previous secretary to seek prosecutorial power. However, unlike his predecessor, Secretary Schwab is a businessman, not an attorney and believes the resources of the Office should concentrate on administering the constitutional duties of the Office of Secretary of State and ensuring Kansas elections continue to be secure and trustworthy. Moreover, the possession of prosecutorial authority can make the Secretary of State a target for litigation based on a claimed threat of prosecution.

On behalf of the Office of Secretary of State, we believe SB293 effectively combines regulatory and enforcement responsibilities into a single agency. We appreciate your consideration of SB293 and ask for your support of this legislation.

Respectfully Submitted,

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