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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 16, 2020
Subject: Bill Brief on SB 293

Senate Bill 293 transfers duties concerning registration for charitable organizations and the address confidentiality program (safe at home) from the secretary of state to the attorney general.

Charitable organizations

The first 11 sections of the bill concern transferring oversight of the charitable organizations and solicitations act from the secretary of state to the attorney general. New Section 1 creates the charitable organizations fee fund to be administered by the attorney general and provides that moneys in the fund shall be used to carry out the provisions and purposes of the charitable organizations and solicitations act. New Section 2 transfers legal custody of records and other items to the attorney general.

Section 3 amends K.S.A. 17-1759 to include New Section 2 under the charitable organizations and solicitations act. Section 4 maintains current law regarding charitable organizations that are not required to register under that act, but changes references from the secretary of state to the attorney general. That same change is made throughout Sections 5 through 11 and Section 13. Also in Section 5, K.S.A. 17-1763, the bill increases the registration fee for each charitable organization from \$20 to \$25. In Section 6, K.S.A. 17-1764, the bill imposes a new fee of \$25 on every professional fund raiser that is already required to register. In Section 7, K.S.A. 17-1765, the bill imposes a new fee of \$25 on every professional solicitor that is already required to register.

Address confidentiality program (safe at home)

Sections 14 through 21 concern transferring oversight of the address confidentiality program from the secretary of state to the attorney general. As described in Section 14, K.S.A. 75-451, the program seeks to provide address confidentiality for victims of domestic violence, sexual assault, human trafficking or stalking and program participants can obtain a designated address to be used as a substitute mailing address. The primary amendment in each section is to change references from the secretary of state to the attorney general. Note that Section 19, K.S.A. 75-456, maintains current law requiring the secretary of state to adopt rules and regulations prescribing voting procedures to maintain confidentiality of the addresses of program participants.

As originally introduced, the bill would have amended K.S.A. 25-2435 to remove the authority of the secretary of state to prosecute elections crimes. Prosecution authority would have remained with the appropriate district attorney or county attorney or the attorney general. The bill also would have created new requirements for the secretary of state to inform the attorney general and the appropriate prosecutor of evidence of any elections crime and, upon request, cooperate and provide assistance in the investigation or prosecution of any such crime. The Senate committee on Judiciary removed this provision.