

Reference for Street Officers
Excerpts from K.S.A. Chapter 25 Elections
Article 24 – Election Crimes
Last amended July 1, 2022

This document contains only those election crimes most likely to occur at a voting location where line officers may respond to a related call.

For the full election crime listing go to

<https://www.kansasleo.com/KSAs/Ch25Art24.htm>

25-2408	Definitions.
25-2409	Election bribery.
25-2413	Disorderly election conduct.
25-2415	Intimidation of voters.
25-2417	Bribery of an election official.
25-2418	Bribe acceptance by an election official.
25-2424	False impersonation as party officer.
25-2425	Voting machine fraud.
25-2426	Printing and circulating imitation ballots.
25-2427	Marking ballots to identify.
25-2428	Destruction of election supplies.
25-2430	Electioneering.
25-2431	False impersonation of a voter.
25-2433	Advance voting suppression.
25-2438	False Representation of an Election Official

25-2408. Definitions.

As used in this act, unless the context otherwise requires:

- (a) "Election" means any primary, general or special election of national, state, county, township, school or city officers or officers of any other subdivision of the state, or any question submitted election held at any time whether the same be upon a constitutional amendment, authority to issue bonds by the state or any subdivision thereof or any other special question whatsoever.
- (b) Words and phrases defined in article 25 of chapter 25 of Kansas Statutes Annotated shall have the same meaning when used in this act as is ascribed thereto in said article.

History: L. 1974, ch. 157, § 1; July 1.

25-2409. Election bribery.

- (a) Election bribery is conferring, offering or agreeing to confer, or soliciting, accepting or agreeing to accept any benefit as consideration to or from any person either to vote or withhold any person's vote, or to vote for or against any candidate or question submitted at any public election.
- (b) This section shall not apply to a business or organization that provides a

product of value less than \$3 to any person who asserts that such person has voted, without regard to such voter's vote for or against any candidate or issue.

(c) Election bribery is a severity level 7, nonperson felony.

History: L. 1974, ch. 157, § 3; L. 1993, ch. 291, § 200; L. 2015, ch. 87, § 4; July 1.

25-2413. Disorderly election conduct.

Disorderly election conduct is willfully:

- (a) Disturbing the peace in or about any voting place on election day;
- (b) leaving or attempting to leave a voting place in possession of any ballot, except as is specifically permitted by law;
- (c) approaching or remaining closer than three feet to any voting booth, voting machine or table being used by an election board except as admitted for the purpose of voting or by authority of the supervising judge;
- (d) interrupting, hindering or obstructing any person approaching any voting place for the purpose of voting;
- (e) engaging in any of the following activities within 250 feet from the entrance of a polling place during the hours the polls are open on election day:
 - (1) solicitation of contributions; or
 - (2) conduct of advisory elections other than those specifically authorized by law, including the exercise of home rule power, to be conducted by a county election officer.

Disorderly election conduct is a class B misdemeanor.

History: L. 1974, ch. 157, § 7; L. 1985, ch. 118, § 11; July 1.

25-2415. Intimidation of voters.

(a) Intimidation of voters is:

- (1) Intimidating, threatening, coercing or attempting to intimidate, threaten, or coerce any person for the purpose of interfering with the right of such person to vote or to vote as he may choose, or of causing such person to vote for, or not to vote for, any candidate for any office or question submitted at any election; or
- (2) mailing, publishing, broadcasting, telephoning or transmitting by any means false information intended to keep one or more voters from casting a ballot or applying for or returning an advance voting ballot.

(b) Intimidation of voters is a severity level 7, nonperson felony.

History: L. 1974, ch. 157, § 9; L. 2001, ch. 125, § 2; April 26.

25-2417. Bribery of an election official.

Bribery of an election official is conferring or offering or agreeing to confer any benefit, property or thing of value upon an election official with intent to influence the election official to perform the election official's duties improperly.

Bribery of an election official is a severity level 7, nonperson felony.

History: L. 1974, ch. 157, § 11; L. 1993, ch. 291, § 204; July 1.

25-2418. Bribe acceptance by an election official.

Bribe acceptance by an election official is the acceptance by an election official of any benefit, property or thing of value in consideration for improper performance of election duties.

Bribe acceptance by an election official is a severity level 7, nonperson felony.

History: L. 1974, ch. 157, § 12; L. 1993, ch. 291, § 205; July 1.

25-2424. False impersonation as party officer.

False impersonation as party officer is willfully and falsely representing oneself to be an officer of any political party organization or committeeman or committeewoman thereof with the intent to deceive any person or to influence in any way the outcome of any election.

False impersonation as party officer is a class A misdemeanor.

History: L. 1974, ch. 157, § 18; July 1.

25-2425. Voting machine fraud.

Voting machine fraud is:

- (a) Being in unlawful or unauthorized possession of a voting machine key.
- (b) Intentionally tampering with, altering, disarranging, defacing, impairing or destroying any voting machine, automatic ballot, voting machine label or register or record made by a voting machine.

Voting machine fraud is a severity level 10, nonperson felony.

History: L. 1974, ch. 157, § 19; L. 1993, ch. 291, § 210; July 1.

25-2426. Printing and circulating imitation ballots.

Printing and circulating imitation ballots is knowingly printing and circulating sample or imitation ballots except the official sample ballot furnished by the county election officer.

Printing and circulating imitation ballots is a severity level 10, nonperson felony.

History: L. 1974, ch. 157, § 20; L. 1993, ch. 291, § 211; July 1.

25-2427. Marking ballots to identify.

Marking ballots to identify is knowingly, in any manner or fashion marking, folding or clipping any ballot so that such ballot may be distinguished from other ballots.

Marking ballot to identify is a class A misdemeanor.

History: L. 1974, ch. 157, § 21; July 1.

25-2428. Destruction of election supplies.

Destruction of election supplies is intentionally destroying or defacing any list of candidates posted in accordance with law, card of instruction, sample ballot or any election supplies.

Destruction of election supplies is a severity level 9, nonperson felony.

History: L. 1974, ch. 157, § 22; L. 1993, ch. 291, § 212; July 1.

25-2430. Electioneering.

- (a) (1) Electioneering is:
 - (A) Knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted. Electioneering includes, including wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicate support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of 250 feet from the entrance thereof; or
 - (B) if committed by a candidate:
 - (i) Touching or handling any voter's ballot during the voting process;
 - (ii) distributing ballots or counting ballots;
 - (iii) hindering or obstructing any voter from voting or from entering and leaving the polling place; or
 - (iv) hindering or obstructing any election board worker from performing election duties.
- (2) Electioneering shall not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.
- (b) The provisions of subsection (a)(1)(B) shall not apply to:
 - (1) The secretary of state, any election official or county election officer;
 - (2) a candidate for precinct committeeman or committeewoman who is employed by a county election office and is engaged in the performance of such employee's duties;
 - (3) a candidate for any office not specified in paragraphs (1) or (2) who is employed by a county election office and is engaged in the performance of such employee's duties, if such employee does not appear as a candidate for office on any ballot such employee touches, handles, distributes or counts; or
 - (4) a candidate transmitting or delivering an advance voting ballot in accordance with section 2(b), and amendments thereto.
- (c) As used in this section:

- (1) "advance voting site" means the central county election office or satellite advance voting sites designated as such pursuant to subsection (c) of K.S.A. 25-1122(c), and amendments thereto, and adult care homes and hospital based care units at the time of an election participating in the voting procedures prescribed in K.S.A. 2020 Supp. 25-2812, and amendments thereto, and
- (2) "candidate" means an individual who has declared such individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been nominated for elected office pursuant to K.S.A. 25-301 et seq., and amendments thereto, in the election for which the individual is charged with having violated the provisions of this section.

(d) Electioneering is a class C misdemeanor.

History: L. 1974, ch. 157, § 24; L. 2001, ch. 125, § 3; L. 2008, ch. 129, § 2; L. 2021, ch. 96, § 8; L. 2022, ch. 87, § 7, July 1.

25-2431. False impersonation of a voter.

- (a) False impersonation of a voter is representing oneself as another person, whether real or fictitious, and thereby voting or attempting to vote.
- (b) False impersonation of a voter is a severity level 8, nonperson felony.

History: L. 1974, ch. 157, § 25; L. 1993, ch. 291, § 214; L. 2015, ch. 87, § 7; July 1.

25-2433. Advance voting suppression.

Advance voting suppression is knowingly, with intent to impede, obstruct or exert undue influence on the election process:

- (a) Destroying or altering another person's advance voting ballot applied for, or completed, by a registered voter, unless such registered voter consents in writing to such destruction or alteration;
- (b) obstructing the delivery of an advance voting ballot to a voter or a completed advance voting ballot to the county election officer;
- (c) failing to deliver any such advance voting ballot to the appropriate county election officer within two business days or before the close of polls on election day, whichever first occurs;
- (d) exercising undue influence upon an advance voter in applying for, delivering or marking an advance voting ballot; or
- (e) opening an advance voting ballot envelope sealed by the voter or examining or disclosing the contents of such voter's advance voting ballot except as required to fulfill official duties as otherwise prescribed by law.
- (f) Delivering an advance voting ballot to the United States mail, with first-class postage attached, at least five calendar days prior to election day for delivery to the county election officer shall not be a violation of this section.
- (g) As used in this section:
 - (1) "Undue influence" means coercion, compulsion or restraint as to diminish the voter's free agency, and by overcoming the power of resistance, obliges or causes such voter to adopt the will of another;

- and
- (2) "deliver" means hand-deliver, mail or otherwise transmit an advance voting ballot.

Advance voting suppression is a severity level 9, nonperson felony.

History: L. 2007, ch. 196, § 5; May 24.

25-2438 False Representation of an Election Official

- (a) False representation of an election official is knowingly engaging in any of the following conduct by phone, mail, email, website or other online activity or by any other means of communication while not holding a position as an election official:
 - (1) Representing oneself as an election official;
 - (2) engaging in conduct that gives the appearance of being an election official; or
 - (3) engaging in conduct that would cause another person to believe a person engaging in such conduct is an election official.
- (b) False representation of an election official is a severity level 7, nonperson felony.

History: L. 2021 Ch. 96, § 3: July 1