

Hearing Date:
Jan. 24, 2019, 10 a.m.

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

DAVIS HAMMET,)	
)	
Plaintiff,)	
)	Case No. 18CV05173
v.)	Division No. 7
)	K.S.A. Chapter 60
)	
RONNIE METSKER,)	
in his official capacity as Election Commissioner)	
in Johnson County, Kansas)	
)	
Defendant)	

**MEMORANDUM IN OPPOSITION TO PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT AND IN SUPPORT OF
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

COMES NOW defendant, Ronnie Metsker, in his official capacity as Johnson County Election Commissioner, and submits the following Memorandum in opposition to plaintiff’s Motion for Summary Judgment and in support of defendant’s Motion for Summary Judgment.

INTRODUCTION

On August 22, 2018, plaintiff Davis Hammet submitted a request under the Kansas Open Records Act, K.S.A. 45-215 *et seq.* (“KORA”), to the Johnson County Election Office seeking a list of the names of those voters who cast provisional ballots in the August 7, 2018 primary election and the “reason for provisional ballot rejection.” Plaintiff’s request was denied pursuant to the provisions of K.S.A. 2017 Supp. 25-2422, as amended by L. 2018, ch. 87, sec. 2 (“K.S.A. 25-2422”), which prohibits disclosure of whether a ballot was voted provisionally and the names

of voters who cast such votes. On August 27, 2018, plaintiff submitted a second request, seeking a list of “advance voters who had their ballots challenged including the reason for rejection.” That second request was denied based upon the same statute since plaintiff again was seeking the names of certain voters who voted provisionally.

On September 17, 2018, plaintiff filed his petition seeking disclosure of the previously requested names and provisional voting records. Mr. Metsker, as Election Commissioner, filed his answer generally denying the allegations set forth in the petition and stating that he had complied with the requirements of the KORA and K.S.A. 25-2422. Plaintiff and Mr. Metsker have both filed motions for summary judgment. Since the arguments are the same, this memorandum is filed both in support of Mr. Metsker’s motion and in opposition to plaintiff’s motion.

**DEFENDANT’S RESPONSE TO PLAINTIFF’S UNCONTROVERTED
CONTENTIONS OF FACTS**

1. Paragraph 1 of plaintiff’s contentions of facts is uncontroverted.
2. Paragraph 2 of plaintiff’s contentions of facts is uncontroverted.
3. Paragraph 3 of plaintiff’s contentions of facts is uncontroverted.
4. Paragraph 4 of plaintiff’s contentions of facts is uncontroverted.
5. The first sentence of Paragraph 5 of plaintiff’s contentions of facts is uncontroverted.

The remainder of Paragraph 5 is controverted to the extent it does not provide defendant’s complete response to plaintiff’s August 27, 2018 request, in which defendant’s legal counsel explained that once an advance mail ballot is challenged and a determination is made to not count that particular ballot, then it becomes provisional. (Petition, Exhibit D.)

DEFENDANT'S UNCONTROVERTED STATEMENT OF FACTS

1. Mr. Metsker incorporates plaintiff's Uncontroverted Statement of Facts and his responses thereto set forth above.

2. Mr. Metsker is the duly appointed Election Commissioner for Johnson County, Kansas. He was appointed by the Kansas Secretary of State and is responsible for conducting elections in Johnson County. (Affidavit of Ronnie Metsker, attached hereto as Exhibit 1.)

3. In the performance of his duties as the Election Commissioner, Mr. Metsker complies with K.S.A. 19-3424, as amended by L. 2018, ch. 59, sec. 6, which provides that "[t]he election commissioner, in the conduct of elections, shall operate under the general supervision of the secretary of state and shall comply with the statutes, rules and regulations and standards and directives that relate to the registration of voters and the conduct of elections." (Metsker Affidavit, Ex. 1.)

4. In the weeks following the August 7, 2018 primary election, the Johnson County Election Office received six requests to release certain provisional voting records, including plaintiff's request, which was the last of the six received. The requests varied but all sought the names of voters who voted provisional ballots in the primary election. (Metsker Affidavit, Ex. 1.)

5. Upon receipt of the first request seeking provisional records, election office staff and the County legal department, which provides legal counsel to the Johnson County Election Office, reviewed state and federal statutes, including any 2018 amendments, and applicable case law, and determined that K.S.A. 25-2422 prohibited disclosure of provisional voting records. (Metsker Affidavit, Ex. 1.).

6. On behalf of the Election Office, the County legal department confirmed its interpretation of K.S.A. 25-2422 with the Secretary of State's office. (Metsker Affidavit, Ex. 1.)

7. Prior to the 2018 primary election, the Johnson County Election Office received similar requests for provisional voting records and engaged in the same process of reviewing statutes, case law, and contacting the Secretary of State's office. (Metsker Affidavit, Ex. 1.)

STANDARDS FOR SUMMARY JUDGMENT

K.S.A. 60-256(c)(2) provides that summary judgment shall be rendered if the pleadings, discovery, and disclosure materials on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. "Summary judgment is proper where the only question or questions presented are questions of law." *Fletcher v. Nelson*, 253 Kan. 389, 391, 855 P.2d 940 (1993). The parties agree that this case presents issues of statutory interpretation and construction and, thus, involves only questions of law. *In re Estate of Strader*, 301 Kan. 50, 55, 339 P.3d 769 (2014).

ARGUMENT

Plaintiff is seeking the disclosure of certain provisional ballot records for the 2018 primary election. In his initial request, plaintiff asked for the names of all provisional voters as well as "the reason for provisional ballot rejection." In a second request, plaintiff sought the names of advance mail voters whose votes were challenged and were subsequently not counted. Based on the provisions of K.S.A. 25-2422, Mr. Metsker denied both the initial and subsequent requests. For the reasons explained below, based on the statutory language, Mr. Metsker is entitled to summary judgment in his favor as a matter of law, and plaintiff's motion must be denied.

Provisional Ballots

This case involves open records requests to disclose the names of and other information regarding voters who cast provisional ballots. Provisional ballots are cast when there is doubt about a voter's eligibility to vote. 52 U.S.C. §21082 (a); K.S.A. 2017 Supp. 25-409. Provisional ballots are not counted on election day but, instead, are set aside for determination by the board

of county canvassers at the county canvass as to whether they should be counted. K.S.A. 2017 Supp. 25-409; K.S.A. 2017 Supp. 25-3107. Advance mail ballots are reviewed when received to determine eligibility and are subject to a “challenge.” K.S.A. 2017 Supp. 25-1136. An advance mail ballot either becomes a provisional ballot, if challenged, or is counted as a regular ballot. *Id.* If it becomes a provisional ballot, then it is processed and reviewed by the county canvassers with the other provisional ballots. *Id.*

Pursuant to K.S.A. 25-2422, the Names of Provisional Voters and the Reason Each Provisional Ballot is Categorized as Provisional are Not Subject to Disclosure under the KORA

Kansas public policy provides that all public records are open for inspection unless otherwise provided by the KORA. K.S.A. 45-216. A list of statutory exceptions to disclosure is found in K.S.A. 2017 Supp. 45-221. These “exceptions are to be narrowly interpreted, and the burden is on the public agency opposing disclosure.” *Data Tree LLC v. Meek*, 279 Kan. 445, 454-55, 109 P.3d 1226 (2005); K.S.A. 2017 Supp. 45-222(c).

K.S.A. 2017 Supp. 45-221(a)(1) provides that a public agency is not required to disclose records “the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court . . . or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court . . . to restrict or prohibit disclosure.” It is the position of Mr. Metsker that plaintiff’s requests fall squarely within this exception since a statute, K.S.A. 25-2422, provides that the disclosure of the names and vote information sought here is unlawful.

The Provisions of the Statute are Clear and the Disclosure of “the name of any voter who cast such a vote” is Unlawful.

The statute at question in this case is K.S.A. 25-2422. That statute, as of July 1, 2018, provides:

(a) Unauthorized voting disclosure is, while being charged with any election duty, intentionally:

- (1) Disclosing or exposing the contents of any ballot, whether cast in a regular or provisional manner, or the name of any voter who cast such ballot, except as ordered by a court of competent jurisdiction in an election contest pursuant to K.S.A. 25-1434 et seq., and amendments thereto; or
- (2) inducing or attempting to induce any voter to show how the voter marks or has marked the voter's ballot.

(b) Nothing in this section shall prohibit the disclosure of the names of persons who have voted advance ballots.

(c) Nothing in this section shall prohibit authorized poll agents from observing elections as authorized by K.S.A. 25-3004, 25-3005 and 25-3005a, and amendments thereto.

(d) Unauthorized voting disclosure is a severity level 10, nonperson felony.¹

The statutory provisions are themselves quite clear. Where the statute is clear and unambiguous, the statute should be interpreted from the clear meaning of the words used. Here, the statute, in reasonably clear terms, provides that it is a nonperson felony for any person responsible for election duties to disclose the contents of any ballot, whether cast in a regular or provisional manner, or to disclose the name of any voter who cast such ballot. While it can be argued, and plaintiffs do, that the legislature may have meant to change the clear import of the statute, it simply is not legally appropriate to ignore or attempt to erase express wording in the statute. The statute, as now written, makes it unlawful to disclose the names of voters who cast such ballot. Absent some creative interpretation of the express words of the statute, Mr. Metsker followed the law and did not violate KORA.

¹ A copy of the page of the 2018 Kansas Session Laws containing the 2018 amendments to K.S.A. 25-2422 is attached as Exhibit 2.

All Reasonable Statutory Interpretations Support the Conclusion that Names of Provisional Voters May Not Be Disclosed

To the extent that this Court believes that the provisions of K.S.A. 25-2422 require some application of statutory construction rules, Mr. Metsker would respectfully submit that the conclusion would be the same. The rules of statutory construction are well-established. “The fundamental rule of statutory interpretation is that legislative intent governs if it can be discerned.” *In Interest of T.S.*, 308 Kan. 306, 419 P.3d 1159, 1162 (Kan. 2018). “ ‘When construing a statute, a court should give words in common usage their natural and ordinary meaning.’ ” *Schmidlien Electric, Inc. v. Greathouse*, 278 Kan. 810, 822, 104 P.3d 378 (2005).

Applying these rules of construction to K.S.A. 25-2422, the key action proscribed by subsection (a)(1) is disclosure. In addition to prohibiting the disclosure of the contents of the ballots, the legislature banned disclosure of the “name of any voter who cast **such** ballot.” [Emphasis added.] This prohibition on disclosure of voters’ names is preceded by the crucial phrase “whether cast in a regular or provisional manner.” Thus, the “name of any voter who cast **such** ballot” must refer to ballots cast provisionally as well as regularly. Otherwise, the phrase “whether cast in a regular or provisional manner” would be meaningless and unnecessary. So it necessarily follows that subsection (a)(1) prohibits disclosure of the names of voters who cast such provisional ballots.

While it is conceivable that subsection (a)(1) could be interpreted also to prohibit the disclosure of names of voters casting regular ballots, the legislature has provided other means of access to that information. K.S.A. 2017 Supp. 25-2323 expressly allows access to “voter registration books, active voter lists and other lists of voters required to be kept.” Subsection (b) of K.S.A. 25-2422 provides that nothing in that statute prohibits the disclosure of the names of advance ballot voters. There are no similar legislative enactments regarding the names of voters

casting provisional ballots. If the legislature had intended that provisional voters' names be open, it easily could have expressed such intent by including them in either K.S.A. 2017 Supp. 25-2323 or subsection (b) of K.S.A. 25-2422. Such intent is not found in any existing statutory provision.

K.S.A. 25-2422(a)(1) mandatorily closes the names of provisional voters and the reason each particular provisional ballot is categorized as provisional. The only exception to this prohibition is court-ordered disclosure in an election contest. Since the present action is brought pursuant to the KORA, this exception does not apply. Furthermore, unlike many other exceptions to disclosure found in the KORA, Mr. Metsker does not have any discretion to disclose provisional records. Unauthorized voting disclosure as defined in K.S.A. 25-2422 is a felony. In light of the criminal nature of this statute, express legislative intent regarding provisional voters' names is necessary to avoid even the possibility that county election officials and staff might be engaged in felonious activities if they were to release provisional voters' names.

The Legislative History Does Not Support Plaintiff's Interpretation

Plaintiff attempts to argue that the legislature has expressed its intent that the names of provisional voters and the reason they voted provisionally are subject to disclosure. Plaintiff's arguments are misguided for several reasons. First, it is important to note that what plaintiff actually relies upon to support his argument are two separate statutory amendments, one in 2013 and one in 2018. Without dispute, the statute, at least prior to the 2013 amendments, was clear and expressly prohibited the disclosure of the names of those voters who cast a provisional ballot. Indeed, plaintiff concedes that point in his Memorandum in Support of Summary Judgment. (Plaintiff's Memorandum in Support, page 11.) Therefore, plaintiff must argue that

one or both of the amendments actually changed the clear and express provisions of the statute. As this Court can readily see, the express provision related to the disclosure of the names of those casting such votes was not changed. Plaintiff is, therefore, left with trying to argue “legislative intent.” This argument does not change the express words of the statute and to some degree ignores the words that actually appear in the statute.

Moreover, K.S.A. 25-2422 fails to include any such express legislative intent. As plaintiff acknowledges, the legislature amended the statute in both 2013 and 2018. Yet, on neither occasion did the legislature clarify that provisional voters’ names are open records. If that was the legislature’s intent, it could have easily expressed it through simple changes to the wording of the statute. Instead, there is no express indication in the sources cited by plaintiff that the legislature intended to modify K.S.A. 25-2422 to make provisional voters’ names subject to disclosure. Plaintiff’s attempts to piece together excerpts from the Legislative Research Department’s supplemental notes and bill summaries do not override the language of the statute.²

In 2018, the legislature amended K.S.A. 25-2422 by deleting the following language: “The name of any voter who cast such a ballot shall not be disclosed from the time the ballot is cast until the final canvass of the election by the county board of canvassers.” (Exhibit 2, attached.) The legislative history cited by plaintiff clearly shows that this change was solely focused on obtaining access to certain voting records between the time of the election and the canvass. Notably, provisional voters’ names are not discussed or even mentioned in the

² Plaintiff also cites *Mah v Board of County Commissioners of Shawnee County, Kansas*, 2013 WL 3967952 (Aug. 1, 2013) as support for its interpretation of the legislative history. In that case, Representative Ann Mah requested the names of provisional voters in the 2012 general election, in which she was a candidate for re-election to the Kansas House of Representatives. Secretary of State Kris Kobach argued that federal law prohibited disclosure of provisional voters’ names. While the case was pending, K.S.A. 25-2422 was amended. Ultimately, the court determined that the case was moot because the 2013 amendments to K.S.A. 25-2422 prohibited the disclosure of provisional voters during the time between the election and the final canvass. The court did not directly consider or rule upon the issue of whether provisional voter records are subject to disclosure outside of that time frame.

legislative history provided by plaintiff. There was no discussion of or intent expressed that the amendment would make provisional voting records subject to disclosure. The entire focus was on the timing of the release of records already subject to disclosure. Further, there was no notice or opportunity for the public or for state and local election officials to provide testimony on this change to K.S.A. 25-2422. The House Judiciary Committee made this change without public or election officials' input, which could have provided clarification regarding provisional voting records.

**The Release of Provisional Records by Other Counties
Does Not Support Plaintiff's Interpretation**

Attached to plaintiff's Memorandum in Support of its Motion for Summary Judgment are lists of provisional voters' names supplied by seven Kansas counties. Plaintiff appears to argue that because seven out of 105 county election officials disclosed provisional voter information, it necessarily follows that those records are open under the KORA and K.S.A. 25-2422. This argument is flawed for several reasons. First, the release of provisional voter records, or any records for that matter, by a small percentage of counties does not provide support for plaintiff's interpretation of K.S.A. 25-2422. It would be inappropriate for this court or for Mr. Metsker to speculate on the process or reasoning applied by the seven counties in disclosing these records. The misinterpretation or misapplication of the statute by these seven counties is not evidence of the meaning of the statutory language.

Second, when Mr. Metsker and the Johnson County Election Office staff receive KORA requests for provisional records, they review the statutes and applicable law in consultation with the County legal department. (Metsker Affidavit, Ex. 1.) Mr. Metsker and the Election Office followed this standard process when they received six KORA requests for provisional records following the 2018 primary election and concluded that K.S.A. 25-2422 prohibited the disclosure

of the requested provisional records. (Metsker Affidavit, Ex. 1.) With the assistance of the County Legal Department, Mr. Metsker confirmed their interpretation of K.S.A. 25-2422 with the Kansas Secretary of State's office. (Metsker Affidavit, Ex. 1.) In doing so, Mr. Metsker complied with the mandate of K.S.A. 19-3424, as amended by L. 2018, ch. 59, sec. 6, which provides that "[t]he election commissioner, in the conduct of elections, shall operate under the general supervision of the secretary of state and shall comply with the statutes, rules and regulations and standards and directives that relate to the registration of voters and the conduct of elections." The actions of the seven counties do not diminish the careful, deliberate process followed by Mr. Metsker in interpreting and applying K.S.A. 25-2422.

Help America Vote Act Protects the Provisional Voter

The Help America Vote Act ("HAVA") was passed by Congress in 2002 in response to problems encountered in the 2000 presidential election. HAVA made significant changes to election administration nationwide. These changes included requirements regarding provisional ballots. HAVA requires election officials to establish a free access system whereby any individual who casts a provisional ballot may discover whether that individual's ballot was counted and, if not, the reason it was not counted. 52 U.S.C. §21082 (a)(5)(B). HAVA further provides that "Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot." *Id.*

Mr. Metsker's denial of plaintiff's requests is consistent with HAVA's provisions protecting the privacy and confidentiality of provisional voters. Plaintiff and other third parties are barred by K.S.A. 25-2422(a)(1) from obtaining the names of provisional voters and the reasons why certain individuals cast provisional ballots. Similarly, HAVA expressly restricts plaintiff and other third parties from obtaining information about individual provisional voters' ballots. HAVA

ensures that individual provisional voters may access information about their ballot but does not extend these same guaranties to plaintiff and other third parties.³

Integrity of the Election Process

By making unauthorized voting disclosure a felony, K.S.A. 25-2422(a)(1) not only protects the privacy of the voter but also ensures the integrity of the election process. By protecting the names of provisional voters, it precludes third parties from attempting to contact provisional voters to inquire as to their ballot and the reason they voted provisionally. At the same time, HAVA protects the provisional voter by providing a confidential access system so that only the voter can find out if his or her vote counted. Taken together, this structure protects the election process from undue interference from third parties while respecting the privacy of voters and the voting process.

CONCLUSION

WHEREFORE, Mr. Metsker respectfully requests that the Court find that he has fully met his burden under K.S.A. 2017 Supp. 45-222(c) and that, pursuant to the express language of K.S.A. 25-2422(a)(1), the names of provisional voters and the reason each such voter's ballot was categorized as provisional is not an open record under the KORA. Mr. Metsker respectfully requests this Court deny plaintiff's motion for summary judgment and enter summary judgment in favor of defendant.

³ But see *Mah v. Shawnee County Commission*, 2012 WL 5584613 (Nov. 15, 2012)(finding that 52 U.S.C. §21082 (a)(5)(B) does not protect the names of the voters who cast provisional ballots). This issue in this case was whether HAVA prohibits the disclosure of provisional voters' names. While the court reached the conclusion that HAVA did not protect the names of voters who cast provisional ballots, the court did not discuss or even cite K.S.A. 25-2422. However, HAVA clearly restricts access to information about individual provisional ballots and recognizes the privacy interests of voters, which is consistent with the concerns addressed in K.S.A. 25-2422.

Respectfully submitted,

/s/Cynthia Dunham
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(913) 715-1900
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Memorandum was served by email on December 21, 2018, addressed to:

Lauren Bonds
Zal Kotval Shroff
ACLU FOUNDATION OF KANSAS
lbonds@aclukansas.org

/s/Cynthia Dunham
Cynthia Dunham #13851

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

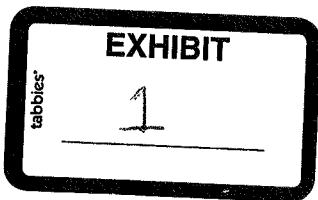
DAVIS HAMMET,)	
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Plaintiff,)	
)	Case No. 18CV05173
v.)	Division No. 7
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)	
RONNIE METSKER,)	
in his official capacity as Election Commissioner)	
in Johnson County, Kansas)	
)	
Defendant)	

AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

COMES NOW Ronnie Metsker, of lawful age, being first duly sworn on his oath, states as follows:

1. He is the duly appointed Election Commissioner for Johnson County, Kansas. He was appointed by the Kansas Secretary of State and is responsible for conducting elections in Johnson County.
2. He has knowledge of and access to the records of the Johnson County Election Office pertaining to the matters set forth herein.
3. In the performance of his duties as the Election Commissioner, he complies with K.S.A. 19-3424, as amended by L. 2018, ch. 59, sec. 6, which provides that “[t]he election commissioner, in the conduct of elections, shall operate under the general supervision of the



secretary of state and shall comply with the statutes, rules and regulations and standards and directives that relate to the registration of voters and the conduct of elections.”

4. In the weeks following the August 7, 2018 primary election, the Johnson County Election Office received six requests to release certain provisional voting records, including plaintiff’s request, which was the last of the six received. The requests varied but all sought the names of voters who voted provisional ballots in the primary election.

5. Upon receipt of the first request seeking provisional records, election office staff and the County legal department, which provides legal counsel to the Johnson County Election Office, reviewed state and federal statutes, including any 2018 amendments, and applicable case law, and determined that K.S.A. 2017 Supp. 25-2422, as amended by L. 2018, ch. 87, sec. 2 (“K.S.A. 25-2422”) prohibited disclosure of provisional voting records.

6. On behalf of the Election Office, the County legal department confirmed its interpretation of K.S.A. 25-2422 with the Secretary of State’s office.

7. Prior to the 2018 primary election, the Johnson County Election Office received similar requests for provisional voting records and engaged in the same process of reviewing statutes, case law, and contacting the Secretary of State’s office.

Further affiant saith naught.



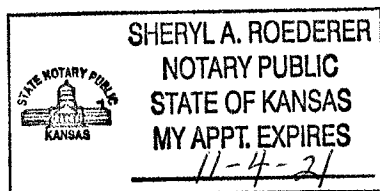
Ronnie Metsker

SUBSCRIBED AND SWORN to before me this 20th day of December, 2018.



Notary Public

My Commission Expires:



~~(B) The provisions of this paragraph shall expire July 1, 2018, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2018.~~

(d) The commissioner may provide for the release of information to law enforcement agencies or prosecutorial agencies or offices who shall maintain the confidentiality of the information.

(e) The commissioner may accept a report of examination or investigation from another state or federal licensing agency, in which the accepted report is an official report of the commissioner. Acceptance of an examination or investigation report does not waive any fee required by this act.

(f) Nothing shall prohibit the commissioner from releasing to the public a list of persons licensed or their agents or from releasing aggregated financial data on such persons.

(g) The provisions of subsection (a) shall expire on July 1, 2021, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, 2021.

Sec. 2. K.S.A. 2017 Supp. 25-2422 is hereby amended to read as follows: 25-2422. (a) Unauthorized voting disclosure is, while being charged with any election duty, intentionally:

(1) Disclosing or exposing the contents of any ballot, whether cast in a regular or provisional manner, or the name of any voter who cast such ballot, except as ordered by a court of competent jurisdiction in an election contest pursuant to K.S.A. 25-1434 et seq., and amendments thereto; or

(2) inducing or attempting to induce any voter to show how the voter marks or has marked the voter's ballot.

~~(b) The name of any voter who has cast a ballot shall not be disclosed from the time the ballot is cast until the final canvass of the election by the county board of canvassers.~~

~~(e)~~(b) Nothing in this section shall prohibit the disclosure of the names of persons who have voted advance ballots.

~~(d)~~(c) Nothing in this section shall prohibit authorized poll agents from observing elections as authorized by K.S.A. 25-3004, 25-3005 and 25-3005a, and amendments thereto.

~~(e)~~(d) Unauthorized voting disclosure is a severity level 10, nonperson felony.

Sec. 3. K.S.A. 2017 Supp. 38-2212 is hereby amended to read as follows: 38-2212. (a) *Principle of appropriate access.* Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.