

MEDIA RELEASE

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**FOR IMMEDIATE RELEASE – SUBJECT TO THE FOLLOWING CONDITION:
The entire body (below) of this press release must be printed or not used at all**

SUBJECT: Allegations of Election Bribery – May 10, 2022, USD 489 Bond Election

As the Ellis County Attorney, I am not required to provide this statement. However, I recognize that as the Ellis County Attorney I have been entrusted with a great deal of discretionary authority and with that, an immense responsibility. There has been a great deal of public attention and concern surrounding allegations that USD 489 Superintendent Ron Wilson committed “Election Bribery” in violation of K.S.A. 2020 Supp. 25-2409, a severity level 7 non-person felony. There were also many alleged instances of “Electioneering” (illegal placement of signs) in violation of K.S.A. 25-2430 on both sides of the bond issue. It is my intention to address those concerns now.

Unfortunately, we live in a time where we are very divided politically. Community, friendship, and family bonds are all too often dissolved as a consequence of political divisiveness. Elections and political issues are fraught with passion. Despite the best of intentions, we say and do things in support of our position without carefully considering the consequences . . . because these issues are important to us. Because acting and speaking for what we believe in is fundamental to who we are as Americans and as Kansans. It’s patriotic to vote, debate, challenge others, and to act when our values are questioned or challenged. It’s patriotic to encourage others to fulfill their civic duty to vote. But, according to a strict interpretation of our “Election Bribery” statute, there’s a thin line between conduct that is patriotic and conduct that is criminal.

Under K.S.A. 25-2409, “Election Bribery”, it is a severity level 7 non-person felony crime if you confer, offer or agree to confer, or solicit, accept, or agree to accept any benefit as consideration to vote (generally); it is the same crime (and same punishment) if you confer, offer or agree to confer, or solicit, accept, or agree to accept any benefit as consideration to vote specifically for or against a particular candidate or issue. The latter is objectively more criminal than the former, yet they are the same under this statute.

Similarly, when talking about value equal to or greater than \$3.00, the crime is the same regardless of the value. Objectively, it is less serious to offer someone something valued at \$3.00 to go out and vote

(generally – not for a particular candidate or issue) versus offering someone \$1,000.00 to vote for a specific candidate or issue. Yet, they are the same crime and punishment under this statute.

The strict letter of the law seemingly criminalizes more conduct than what was probably originally targeted, and that becomes more apparent when examining all the election crimes in Chapter 25. Of the thirty election crimes statutes, “Election Bribery” and “Bribe Accepted by an Elected Official” are the two most serious election crimes in Kansas.

“Election Bribery” is more serious than: voting more than once, bribing an elected official, intimidating voters, tampering with the election, voting without being qualified, election forgery, election perjury, possessing false or forged election supplies, voter machine fraud, election fraud by an election officer, electioneering, and corrupt political advertising . . . just to name a few.

I have a duty to prioritize the efforts of my office and maximize community safety. I cannot justify prosecuting Superintendent Ron Wilson, or any recipients of the email who “agreed to accept value” for “Election Bribery” because it will come at the cost of diverting time and resources away from prosecution of sexual assaults, homicides, child abuse & neglect, aggravated batteries, aggravated assaults, drug distribution crimes, burglaries, and other very serious matters that have a major impact on community safety. As such, concerning the allegations against Superintendent Ron Wilson, others who may have “agreed to accept value” to vote, and those who may have committed acts of “Electioneering”, I will take no action at this time.