

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 575

As Amended by Senate Committee on
Elections and Local Government

Brief*

SB 575 addresses the use of public property to expressly advocate the nomination, election or defeat of a clearly identified candidate. The bill would:

- Expand the current restriction on the use of public funds, vehicles, machinery, equipment or supplies by a public officer or employee to all municipalities, in addition to the state of Kansas and the specific municipalities currently covered by the law.
 - The current restriction applies to the state of Kansas, counties, cities of the first class, any unified school district with an enrollment of 35,000 or more, and the Board of Public Utilities of Kansas City, Kansas. The bill would retain the restriction for these entities and add a number of others, subsumed under the term “municipalities.”
 - The bill would use the definition of “municipalities” contained in another statute that covers all of the following: “county, township, city, school district of whatever name or nature, community junior college, municipal university, city, county or district hospital, drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

having power to create indebtedness and make payment of the same independently of the parent unit.”

- Add a further restriction, prohibiting any municipality from allowing any person to distribute express advocacy political brochures or other documents in any structure owned by the municipality, unless each candidate for the office concerned is provided the same opportunity.

Background

Senator Tim Huelskamp and a representative of Americans for Prosperity testified in favor of the bill. No opponents testified.

The Senate Committee amended the bill to prohibit any municipality from allowing anyone to distribute express advocacy materials unless each candidate for the office concerned is given the same opportunity. The Senate Committee also made technical changes to the bill.

According to the fiscal note, the Kansas Governmental Ethics Commission (KGEC) could not estimate the number of violations that would occur or the amount of time needed to devote to investigating those violations. It is believed any effect on KGEC’s budget would be negligible, however, and could be handled within existing resources.