

Opposition to HB2451

Honorable Chair Pat Proctor and Honorable Members of the House Election Committee;

First, I applaud the concept of this proposed bill. No one should be using government assets to promote or oppose any political candidacy or ballot initiative. I do have three concerns with this:

1. This bill creates a couple of problems that are in direct violation of our 1st Amendment Right to free speech.
2. It does not address the rental use of a government facility by an advocacy group to promote a political candidacy/position.
3. It is unequal in its application being limited to State of Kansas, or any municipality.

First Amendment Right to Free Speech

Where this bill says “Officer”, it does not distinguish between an Elected Officer or an Appointed Officer. Elected Officials have to, by the nature of their election, be able to advocate for and against various political positions as they deliberate decisions and votes they cast. We do that often utilize public assets. If I mailed this testimony to you on Bel Aire Letterhead utilizing city staff that it appears I would be in violation of this proposed bill. This is just one of multiple potential scenarios.

An appointed officer may have similar conflicts with this bill, although, I think we can agree that they would not have the freedom allotted to an elected officer.

Paragraph (f) (2) states "It shall be a violation of this section for any officer or employee of the state or any municipality to conduct or authorize directed mass

communications regarding such ballot questions, such as mailers, flyers, physical signage and statements posted on social media." If this were in the context of using governmental assets for this activity that would be fine. However, the way this reads "any officer or employee..." is strictly prohibited from these activities even if conducted outside their employment as private citizens using their assets or the assets of a campaign. That is a direct violation of 1st Amendment free speech.

Rental Use of Government Facility

Often times government buildings such as school auditoriums and city buildings are rented for private use. This bill in no way should prohibit advocacy groups from renting these facilities for political advocacy as long as the rules for use are equally applied to all persons/organizations, the rent is commensurate to that use, and the rent is not paid directly or indirectly using governmental assets (funds).

Unequal application

This bill ONLY applies to employees of the State of Kansas, or any municipality. As such, it does NOT apply to school districts, townships, counties, and all other governmental entities. If we are going to make such laws they should be equally applied to all governmental bodies within the State of Kansas.

Respectfully Submitted,

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