

To: House Elections Committee
From: Sage Pourmirza, Staff Attorney
Date: January 22, 2026
RE: Testimony in Opposition to HB 2451

I would like to thank Chairman Proctor and members of the Committee for providing an opportunity for the League of Kansas Municipalities to testify in opposition to HB 2451.

The League is concerned this bill will create a chilling effect on public officials educating constituents on local ballot measures. As this committee has affirmed time and again, Kansas needs to improve voter turnout and engagement. One of the best ways to accomplish that goal is to have informed voters who are aware of the issues they see on ballots.

With HB 2451, public officials will be prevented from providing mass communications urging constituents to vote and will be discouraged from providing factual information out of concern that it won't be deemed neutral. It is the duty of local officials to educate voters on ballot issues, particularly on those that will have the most impact in their communities. In providing factual information on the effects of ballot questions, those facts may state whether there is a positive or negative effect on a community as a whole. However, this bill raises concerns among public officials that presenting data-driven analysis could be mischaracterized as advocacy of biased information, when it is simply an objective assessment of likely outcomes associated with different ballot measure options.

The League has not seen that this is a problem requiring a solution. In Kansas Attorney General Opinion 93-125, it was opined that, "*public funds may not be used to promote or advocate the position of a governing body on a matter which is before the electorate. However, this does not mean that public funds may not be expended to educate and inform the electorate.*"¹ Under this opinion, local officials are already prohibited from using public funds to expressly promote or advocate positions; however, they are still permitted to use public funds to educate and inform constituents.

While we share the Legislature's interest in increasing voter turnout and education, the League believes HB 2451 may have the opposite effect by preventing public officials from educating constituents. Discouraging public officials from sharing critical information will ultimately decrease public education on ballot measures. For these reasons, we respectfully oppose the bill.

¹ XXVII Kan. Op. Att'y Gen. 45 (1993)