

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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PAUL WAGGONER  
104TH DISTRICT

## PROPONENT TESTIMONY ON HB 2451

House Committee on Elections

January 22, 2026

Chairman Proctor and Committee colleagues:

This bill is the result of my experience watching a school system, USD 308 Hutchinson, attempt to pass a \$200 million school bond last November. I attended a public forum and heard the districts rationale for the bond and knew, from going door to door in my district, that voters were unlikely to support the measure based on the reasons given.

What was more distressing was receiving a tip from a local news source that the District was using taxpayer money to fund their rather expensive and comprehensive voter campaign. The District at first denied or evaded the question. But then finally admitted they had already spent “approximately \$15,000” for yard signs (I estimated over 2,000 were already out) and for a glossy 8-page flyer. I was stunned this was legal.

The Vote No campaign in Hutchinson had begun to receive some TV news attention in Wichita regarding their claim of school district electioneering. I then had a Wellington citizen reach out to me about her, very similar, experience with their school district and bond campaign. She had already complained to Governmental Ethics/Public Disclosure Commission and was told there is nothing they could do about it.

About the same time the district claimed, via email, they were following established policy and a controlling Attorney Generals opinion.

I contacted AG Kobach’s office and was pointed toward AG Opinion 93-33 which elaborated, mainly from KSA 25-4169a and a certain amount of case law, that school districts have an obligation to “educate the electorate regarding issues to be voted on by the electors but may not ‘advocate’ a position regarding that issue”.

Further, from *Hobart v. USD 309* (1981) “However, the school district does not have the authority to advocate a position on issues to be voted on by electors of the school district. Officers and staff of the school district must maintain a semblance of neutrality”. And again from AG Opinion 93-33 “we have been unable to locate authority for a school district or its officials to participate in or undertake campaigns”.

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KSA 25-4169a does make clear that no one can use public funds, monetary or otherwise, to advocate for the election of a candidate. But it does not address the question of issue advocacy or constitutional questions on the ballot. That is why HB2451 is needed. It clearly and decisively fills in that legal gap.

As one of my fellow proponents wrote "When government uses public resources to advocate, it creates an uneven playing field where one side has taxpayer money, official branding, staff time, and access to students and families yet the other side has nothing but personal time and personal money. That is not a fair election nor is it a neutral government". I urge you to support HB2451 to restore that fairness.

Respectfully,

Rep. Paul Waggoner

104<sup>th</sup> House District