

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-7196
paul.waggoner@house.ks.gov



600 E. 73RD
HUTCHINSON, KANSAS 67502
(620) 899-8227

PAUL WAGGONER
104TH DISTRICT

PROPONENT TESTIMONY ON SB 314

Senate Fed and State Affairs Committee

January 28, 2026

Chairman Thompson and Committee members:

I strongly support SB 314 as a 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 that the voters in my district would not support the measure based on the reasons given.

Even more distressing than the \$200 million increase in taxes over 25 years 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. Finally the USD 308 Superintendent admitted they had already spent “approximately \$15,000” for yard signs and for a glossy 8-page flyer. I was stunned they thought 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, that what they were following was 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”.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-7196
paul.waggoner@house.ks.gov



600 E. 73RD
HUTCHINSON, KANSAS 67502
(620) 899-8227

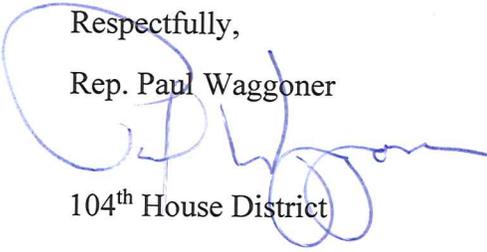
PAUL WAGGONER
104TH DISTRICT

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 SB 314 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 SB 314 and/or the companion HB 2451 to restore that fairness.

Respectfully,

Rep. Paul Waggoner



104th House District