

HOUSE BILL No. 2451

By Committee on Elections

Requested by Representative Waggoner

1-15

1 AN ACT concerning elections; relating to the use of public assets for
2 campaign finance; prohibiting the use of such assets to advocate for or
3 against state constitutional amendments and any other ballot question
4 submitted to qualified electors; amending K.S.A. 25-4169a and
5 repealing the existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 25-4169a is hereby amended to read as follows: 25-
9 4169a. (a) ~~(1)~~ No officer or employee of the state of Kansas, or any
10 municipality, shall use or authorize the use of public funds or public
11 vehicles, machinery, equipment or supplies of any such governmental
12 agency or the time of any officer or employee of any such governmental
13 agency, for which the officer or employee is compensated by such
14 governmental agency, to expressly advocate the nomination, election or
15 defeat of a clearly identified candidate to state office or local office, *to*
16 *promote or oppose the adoption or repeal of any provisions of the*
17 *constitution of the state of Kansas or to promote or oppose any ballot*
18 *question submitted to the qualified electors of this state or any political*
19 *subdivision thereof.*

20 (b) The provisions of this section prohibiting the use of time of any
21 officer or employee for such purposes shall not apply to an incumbent
22 officer campaigning for nomination or reelection to a succeeding term to
23 such office or to members of the personal staff of any elected officer.

24 (c) The provisions of this section shall not apply to the statutory
25 duties of the commission on judicial performance pursuant to article 32 of
26 chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

27 ~~(2)(d)~~ The provisions of this ~~subsection~~ *section* shall not apply to the
28 use of internet connectivity provided by the state of Kansas or any
29 municipality to any candidate or elected official.

30 ~~(3)(e)~~ Except as otherwise provided in this section, no municipality
31 shall permit or allow any person to distribute, or cause to be distributed,
32 within any building or other structure owned, leased or rented by such
33 municipality any brochure, flier, political fact sheet or other document
34 ~~which~~ *that* expressly advocates the nomination, election or defeat of a
35 clearly identified candidate for state or local office unless each candidate

1 for such state or local office is permitted or allowed to do so in the same
2 manner.

3 ~~(4)(f)~~ (1) *An officer or employee of the state or any municipality may*
4 *respond to inquiries regarding the adoption or repeal of any provisions of*
5 *the constitution of the state of Kansas or any other ballot question in a*
6 *neutral manner and publish neutral information to educate or otherwise*
7 *inform the public on such ballot questions on any website maintained by*
8 *the state or such municipality.*

9 (2) *It shall be a violation of this section for any officer or employee of*
10 *the state or any municipality to conduct or authorize directed mass*
11 *communications regarding such ballot questions, such as mailers, flyers,*
12 *physical signage and statements posted on social media.*

13 (g) For the purposes of this ~~subsection~~ section, the term municipality
14 ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A.
15 12-105a, and amendments thereto.

16 ~~(b)~~(h) Any person violating the provisions of this section shall be
17 guilty of a class C misdemeanor.

18 Sec. 2. K.S.A. 25-4169a is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.