

1925 Bluestem Terrace  
Manhattan, Kansas 66502  
March 9, 2016

The Honorable Julia Lynn, Chairperson  
Senate Commerce Committee  
State House  
Topeka, Kansas 66612

Re: Senate Bill 469

Dear Chairperson Lynn and Committee Members:

I am here as a private citizen. I am here as a life-long Kansan who loves my state and an attorney who respects the law, common and otherwise, but especially the United States Constitution and the Kansas Constitution.

No one asked me to speak to you. No one is paying me to be here. No one has covered my expenses to travel here. I have requested to address you because I read in THE TOPEKA CAPITAL-JOURNAL a description of a proposed law—Senate Bill 469—which I find troubling.

Mr. Justice Harlan, in delivering the opinion of the United States Supreme Court in *NAACP v. Alabama* in 1958, stated, “It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the 14<sup>th</sup> Amendment, which embraces freedom of speech.” Several provisions in Senate Bill 469 strike me as unconstitutionally curtailing teachers’ freedom of association, particularly New Section 1. (e). Imagine you faced yearly elections. Imagine the people in your senate district being told that they would be unrepresented for a year since the number of votes you received was less than a majority of the people eligible to vote. Then imagine, on top of that, they were told that for 12 months thereafter they could not elect a person to represent them who belonged to your political party or a party that was substantially similar to your party. Do you see the problem?

Senate Bill 469 could very well lead to litigation throughout the state. A bill that does so would cost the public significantly more than the \$340,000.00 estimated by the Division of Budget for implementing this bill.

And is it worth it? I don’t see the bill as improving the quality of education in Kansas schools. Instead, the constant need for holding elections would take time away from the important business of educating. Furthermore, the type of instability the provisions of this bill would generate strikes me as more likely to disrupt the educational process and make it even harder to attract good teachers.

I am here because, as a citizen of Kansas, I get embarrassed when my legislature passes a bill which is unconstitutional. And I would think that you would be embarrassed to let such a bill go forward.

Thank you for the opportunity to speak to you.

Sincerely,

Kristine A. Polansky