



Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

Feb. 3, 2015

To: The Honorable Mitch Holmes, chairman of the Senate Committee on Ethics and Elections

From: Doug Anstaett, executive director, Kansas Press Association

Re: SB 79

Chairman Holmes and members of the committee:

Thank you for this opportunity to address you today regarding the Kansas Press Association's opposition to SB 79, which would dramatically alter the way we inform the people of Kansas about proposed constitutional amendments.

Amending the Kansas Constitution is serious business. It's a power that the Legislature can initiate, but the fact that it requires a two-thirds vote of both houses and the signature of the governor before being submitted to the electorate underscores the fact that the framers believed such a decision should never be undertaken lightly.

Transparency in government is the hallmark of our republic and our state. While no one will admit they are against open government, we often see attempts like this to do the opposite.

Our system of government also relies on an informed electorate. If voters don't understand an issue, they are less likely to come to an educated conclusion on whether they should vote "yes" or "no" on a proposed change.

Public notice has been the way we have helped citizens understand what their government is doing, when it is meeting, what issues it is considering, whether a landfill is going in next door to someone's farm or house, whether the school board should authorize an extension of the capital outlay fund, and the list goes on and on.

Notice gives the voter information in advance so that he or she can make an informed decision.

This bill would reduce from three publications to one the times voters are reminded that the "serious business" of amending the Constitution is being considered.

While we will acknowledge the huge growth of the Internet and digital distribution of information, the fact still remains that a good portion of our citizens do not have access to computers or don't feel comfortable using them. If they miss the one notice this bill would leave in newspapers, they may remain uninformed.

Yes, many of us use computers and mobile devices every day. But you would be hard-pressed to find a single Kansan that would "purposely" go to the Internet to search for a constitutional amendment. I dare say that would be such a rarity that relying on any government website — whether it be the Secretary of State's or the State of Kansas' — to inform citizens would fall far

short of what we believe is true "notice." Compare the "hits" on government websites to those on newspaper websites and you'll find they pale in comparison.

The reason notices in a newspaper work is because they are right there for the reader to see. They don't have to use a search engine or out of sheer luck just happen upon them among the hundreds of thousands of websites out there.

In addition, newspaper publication has long been considered the only "legal" way to guarantee in a court of law that notice took place. Some day, the Internet may figure that one out; so far, no one has come close to being able to certify that a notice appeared online.

The Secretary of State's written testimony states that constitutional amendments are very expensive to publish. He cited a cost between \$70,000 and \$300,000 per notice. For the latest constitutional amendment, published last October, the cost according to the Secretary's own records was \$33,000, not \$44,000 as he stated during the hearing.

The Kansas Press Association, an authorized bidder on advertising placement through the State of Kansas, submitted a bid that met the requirements of the law and was more than \$8,000 under the bid the Secretary of State's Office chose to accept, so while we agree competitive bidding is a good way to reduce costs, the lower bid that meets the requirements should be accepted. This would cut costs.

We oppose SB 79 and ask that the committee reject it if and when it comes up for a vote in committee.

Thank you for your time and for allowing KPA to submit its testimony following the hearing. If you have any questions, we'll be available to answer them.