



**TESTIMONY IN OPPOSITION TO SB 368 – Concerning certain elections; dealing with limitations on the use of public funds**

To: Honorable Chairman, Senator Mitch Holmes  
Members of the Senate Committee on Ethics and Elections

From: Members of the Lenexa Governing Body  
Mike Boehm, Mayor  
Joe Karlin, Ward 1  
Steven Lemons, Ward 1  
Diane Linver, Ward 2  
Tom Nolte, Ward 2  
Lou Serrone, Ward 3  
Amy Slater, Ward 3  
Andy Huckaba, Ward 4  
Mandy Stuke, Ward 4

Date: February 3, 2016

Honorable Chairman and members of the Senate Committee on Ethics and Elections, the Lenexa City Council thanks you for the opportunity to provide testimony opposing SB 368.

Limitations on the use of public funds to campaign for or against a particular issue or to favor one candidate over another are well-articulated in Kansas law, court decisions, and public officials' code of ethics.

By current law and ethical obligation, we cannot use taxpayer dollars to advocate one way or another in elections or referenda. Furthermore, the nature of representative democracy demands voters have access to plentiful and impartial information about the choices they have on Election Day. Primary, secondary, and tertiary sources of information are all important to ensure the electorate has the resources necessary to make decisions regarding their own governance. It is a cornerstone of our government.

In 2015, the Kansas Legislature passed a bill moving elections from the spring to the fall of odd numbered years. A worthwhile supporting argument for the change was to increase voter turnout – to excite people about, and engage them in, their self-governance. We posit that a well-informed populace is an engaged populace. Any marketing or public relations expert will tell you that in order to engage an audience and compel them to take action, one must provide a timely and consistent message while



creating a sense of urgency. Through the dissemination of timely, consistent, and factual information about the activities of public servants, municipalities seek to strengthen democracy and increase democratic participation by fulfilling one of their inherent responsibilities – informing citizens. The information we provide is educational and informative. It does not advocate for or against an election outcome, but makes our citizens aware of the implications of their votes.

Each city, county, or school district publishes on a routine basis a report detailing their successes, challenges, and opportunities. Our city's nationally recognized publication, Town Talk, is used to tell citizens about issues that will impact the community. In 2015, we polled our residents and found that Town Talk was the primary way they learned about the things happening in the city. We publish this magazine six times per year and it is not unusual to see information about certain projects or programs flow through multiple issues. Consistency is important to us and the community we serve; and the information we provide to them is highly regarded. If this legislation is advanced and one of our projects or programs requires an election, it will mean we could not provide any information about it in this magazine. We can assure you that our citizens will demand to know why detailed information about the matter wasn't provided in our flagship publication. This inability to provide voters with the information they need does not strengthen democracy, it weakens it.

A highly-informed population and increased voter turnout are noble goals and necessary to how we govern ourselves. Providing facts, figures, and stories to the public about what their government is doing, and why they are doing it, is a foundational role of government. SB 368 strips citizens of one of the primary resources – their own local government – for information about issues affecting them. At a time when citizens across the country are petitioning for more transparency, this bill will only serve to cloud the happenings of government. It is crucial that municipalities retain the authority to inform their citizens; because if not, the data they use to make decisions is incomplete. If enacted, this legislation's problems will manifest themselves in unintended consequences, decreased citizen satisfaction, and poor policymaking. Citizens should have the right to information and facts about every issue they are asked to vote on. As Thomas Jefferson wrote:

*"The most effectual means of preventing the perversion of power into tyranny are to illuminate, as far as practicable, the minds of the people..."*