

SESSION OF 2026

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2451**

As Amended by House Committee on Elections

**Brief\***

HB 2451, as amended, would prohibit the use of public assets to promote or oppose the adoption or repeal of any provision of the *Kansas Constitution* or any ballot question. The bill would also require a fiscal disclosure statement be included in any informational material about a proposed bond issue that is paid for, in whole or in part, with public funds.

***Ballot Questions and Provisions of the Kansas Constitution***

*Prohibition*

Current law prohibits any officer or employee of the state of Kansas or any municipality from using public assets to expressly advocate the nomination, election, or defeat of a clearly identified candidate to state or local office. The bill would further prohibit the use of public assets to promote or oppose the adoption or repeal of any provision of the *Kansas Constitution* or to promote or oppose any ballot question submitted to the qualified electors of the state or any political subdivision of the state.

*Distribution of Material Within Municipal Buildings*

Current law provides no municipality shall permit any person to distribute within any building or structure owned, leased or rented by such municipality any campaign material

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

that expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office unless each candidate for such office is permitted to do so in the same manner. The bill would extend the equal opportunity provision for ballot issues and ballot issue committees.

### *Violations*

Current law defines violations of the section as a class C misdemeanor. The bill would expand violations to include any officer or employee of the state or any municipality conducting or authorizing directed mass communications regarding ballot questions, such as mailers, flyers, radio advertisements, television advertisements, physical signage, and statements posted on social media.

### *Exceptions*

The bill would state that this section would not be interpreted to limit the freedom of speech of any officer or employee of the state or municipality who is speaking in their personal capacity. The bill would also state this section would not prohibit the state, its agents, or the governing body of any municipality from presenting factual information solely for the purpose of educating voters on a ballot question.

### ***Fiscal Disclosure Statement for Bond Proposals***

The bill would require that any publication, communication, mailing, advertisement, website, social media posting or other informational material concerning a proposed bond issue that is paid for, in whole or in part, with public funds include a fiscal disclosure statement, a link to a state or municipality website, or a quick response code (QR code) that provides neutral, factual information about the financial impact of the proposed bond issue. The bill would define “public funds” to mean any state, county, city, school district,

or other political subdivision funds, including funds derived from taxes, fees, or assessments.

The bill would require all fiscal disclosure statements to be presented in plain language, in a manner that is clearly visible and understandable to the average reader, and in a way that is not minimized, obscured, or contradicted by other content in the publication.

The bill would state that nothing in this section shall be construed to permit the use of public funds to advocate for a bond issue, and the information required under this section must be strictly informational and neutral.

#### *Required Content of Fiscal Disclosure*

The bill would require the fiscal disclosure statement to include, at a minimum, the following information:

- The principal amount of the proposed bond issue;
- The estimated total cost of the bond issue, including interest, calculated using the expected interest rate at the time that the bond is proposed and clearly identified as an estimate;
- The duration of the bond, including the number of years over which the bond is to be repaid;
- A statement identifying any outstanding bonds or bond-related obligations of the issuing entity, including:
  - The remaining principal balance; and
  - The estimated remaining total payments, including interest;
- The estimated annual debt service payment required to repay the proposed bond issue;

- The estimated total amount of property tax revenue, in actual dollars, required annually to make the bond payments;
- An estimate of the annual and total property tax impact expressed in real dollar amounts, including the estimated annual cost per \$100,000 of appraised residential property value; and
- A clear statement that the estimates provided are projections and that actual costs may vary based on interest rates, assessed valuation changes, and other economic factors.

The bill would prohibit any publication funded with public funds from stating or implying that a proposed bond issue would not raise taxes or would not increase property taxes based solely on mill levy calculations, unless the publication also includes the following:

- The estimated actual property tax dollars required annually to make bond payments;
- The estimated real dollar cost to property owners; and
- A disclaimer explaining that a mill levy that remains the same equates to a tax increase due to appraised valuations increasing annually.

#### *Violations*

Publication concerning a bond issue inconsistent with the provisions of the bill, including failure to provide the fiscal disclosure statement, would constitute a violation of this act. [Note: As in the previous section, the violation would be a class C misdemeanor, in accordance with current law.]

## **Background**

The bill was introduced by the House Committee on Elections at the request of Representative Waggoner.

### ***House Committee on Elections***

In the House Committee hearing, **proponent** testimony was provided by Representative Waggoner, Senator Shane, and a representative of Stop the Bond Hutchinson. The proponents provided examples of school districts advocating for bond issues and ballot questions and generally stated the bill would codify a prohibition on the use of public funds that Kansans already believed was law.

Written-only proponent testimony was provided by a private citizen.

**Opponent** testimony was provided by representatives of the Kansas Association of Counties, League of Kansas Municipalities, and United School Administrators. The opponents generally expressed concerns about officers and employees of the state or any municipality being able to provide factual information and the prohibition extending beyond work time.

Written-only opponent testimony was provided by representatives of the City of Bel Aire, Game On for Kansas Schools, Kansas Association of School Boards, Kansas Parent Teacher Association, Northeastern Johnson County Cities, USD 233 (Olathe), USD 308 (Hutchinson), and USD 512 (Shawnee Mission) and two private citizens.

No other testimony was provided.

The House Committee amended the bill to:

- Add provisions concerning fiscal disclosure statements for bond proposals;

- Add radio advertisements and television advertisements to the list of mass communications an employee or officer of the state or any municipality may not direct or authorize;
- Extend provisions regarding equal opportunity to disseminate campaign materials currently in place for candidates to ballot issues and ballot issue committees;
- Provide that the bill would not limit freedom of speech of any officer or employee of the state or any municipality who is speaking in their personal capacity; and
- Allow the state, state agencies, and the governing body of a municipality to present factual information solely for the purpose of educating voters on a ballot question.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Public Disclosure Commission indicates enactment of the bill would not have a fiscal effect.

The Office of Judicial Administration states enactment of the bill could increase the number of cases filed in the district courts because the bill expands the crime. This would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases, and since the crime carries a class C misdemeanor penalty, there could also be additional supervision of offenders by court services officers. Enactment of the bill could increase the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. The agency is unable to estimate a precise fiscal effect.

The Office of the Secretary of State indicates it would use existing resources to update training materials for local election officials and update educational and promotional materials for the public regarding provisions of the bill. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities both indicate that the bill would not have a fiscal effect.

Elections; campaign finance; constitutional amendments; ballot questions; bonds; public assets; public funds