



**HEARING ON HB2135
House Local Government Committee
9:00 a.m. on February 13, 2019**

Chairman Thompson and members of the House Local Government Committee:

The City of Wichita supports the proposed repeal of K.S.A. 25-2711 which prohibited municipalities from regulating political signs forty five days prior to an election. The proposed amendments would allow cities to regulate all signs in a consistent and constitutional manner.

Cities should be allowed to determine, within constitutional limitations, the orderly placement of signs within their boundaries. Such local regulation is necessary to promote public safety, provide that city right of ways and traffic control devices are visible to drivers and to reduce sign clutter.

Questions were raised by legislators and municipalities regarding the constitutionality of K.S.A. 25-2711 in light of the United States Supreme Court decision in *Reed v. City of Gilbert*, 135 S. Ct. 2218 (2015). Municipalities and the Kansas Attorney General reached varying legal conclusions regarding the legality of the statute's restrictions.

The statute regulates "political signs" differently from other signs. This distinction arguably would make the statute a content-based regulation. The Supreme Court in *Reed* held that content-based ordinances/statutes are presumably unconstitutional. Such laws are subject to strict scrutiny by courts and will only be upheld if they are narrowly tailored to serve compelling state interests. The imposition of content based regulation of signs on local governments could subject municipalities to costly litigation to enforce the statute's provisions.

The City of Wichita urges passage of this legislation to return the regulation of signs to cities pursuant to its Home Rule and police powers.

Regards,

Mayor Jeff Longwell
City of Wichita

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