



## City of Dodge City

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**To:** Chairman Thompson and the House Committee on Local Government  
**From:** Cherise Tieben, City Manager & Ernestor De La Rosa, Assistant City Manager/Legislative Affairs  
**Date:** February 13, 2019  
**Subject:** Written Testimony in Support of House Bill 2135

Honorable Chair and Committee Members:

Thank you for considering my testimony on behalf of the City of Dodge City in support of House Bill 2135, which repeals legislation that was passed in 2015 that restricts a cities and counties' ability to restrict political signage in the right-of-way.

As the entities responsible to manage and regulate the public rights-of-way, we believe that current legislation, which limits the ability to restrict political signage does not serve its intended purpose and poses difficulty for enforcement. The following are a few reasons why we respectfully ask that your repeal current legislation:

- The United States Supreme Court held in *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218 (2015) that sign restrictions that make distinctions in reference to the sign's message are content based and are unconstitutional.
- Generally speaking, if you have to ask what the sign says in order to enforce the law, the law is a content-based restriction in violation of the First Amendment.
- To enforce K.S.A. 25-2711, local authorities must review the content of a sign to determine if it qualifies for the protection from local sign regulations. On its face the statute protects specific signs based on the message. This would appear to be in violation of the Supreme Court ruling in *Reed*.
- The only way for cities to comply with K.S.A. 25-2711 and the ruling in *Reed* is to allow all signs to be placed in the public right-of-way. This would result in not only an aesthetic issue for many cities but a safety issue as well.

We urge you to work with all parties and find consensus among all interested groups. We strongly ask that you support House Bill 2135 and respectfully request that the Committee advance HB 2135 for further consideration.

Thank you for your time and consideration.

Sincerely,

Cherise Tieben  
City Manager

Ernestor De La Rosa  
Assistant City Manager/Legislative Affairs