



Testimony of the Kansas Association of Counties to the
House Committee on Local Government
Proponent for HB 2135 • February 13, 2019

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2135, which would repeal K.S.A. 25-2711 regarding signage in the right of way along city streets and county roads.

K.S.A. 25-2711 requires that cities and counties not “regulate or prohibit the placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election.” This is a dangerous prohibition.

This law creates a problem under the First Amendment of the United States Constitution. Because K.S.A. singles out political signs, any sign regulation enacted by a city or county would be content based during the 45-day period prior to an election, and the two day period following an election. Kansas Attorney General Opinion 2018-016 found that “a local jurisdiction could elect to enforce **no local sign regulations at all** or could enforce regulations that do not regulate or prohibit the placement of or the number of any signs, regardless of content, in the designated locations during the 45-day period prior to any election and the two-day period following the election.” (emphasis added) This would mean that during the roughly seven week period outlined in K.S.A. 25-2711, anyone could place *any* sign in the right of way with no regulation.

This lack of regulation could create public safety issues if sightlines are blocked along roads and county highways. While political speech is important expression and should be respected and allowed in as many circumstances as possible, allowing signs that block critical sightlines along roads and highways is unsafe, particularly since this statute prevents the city or county from regulating *any* signs during the designated period, potentially creating even more clutter in the right of way.

It is important to remember that cities and counties should not be preventing the placement of any signs based on the candidate or issue that those signs support. Rather, the regulation or prohibition of signage in the right of way should be focused on the public safety of allowing clear sightlines along county roads and highways to prevent crashes.

Please consider the need for road safety and recommend HB 2135 for passage. Thank you for your time and consideration.

Respectfully,

A handwritten signature in blue ink that reads "Jay Hall". The signature is written in a cursive style with a large, stylized "J" and "H".

Jay Hall

Kansas Association of Counties