

Opposition Testimony to SB 299
by Mike Pirner

Dear Chairwoman Bowers and Members of the Committee,

Today, I am writing in opposition to SB 299. I write as an individual and not on behalf of any organization or individual I work for. My interest in this bill stems from my role as a political consultant and my familiarity with local elections in Johnson County, where there are five unified school districts over the threshold proposed in the bill, as well as the Johnson County Community College. I have participated, either as a volunteer, or a consultant for candidates, in several elections for these various races, including two candidates in 2019.

While I generally oppose bringing more races under the control of the Governmental Ethics Commission, my primary concern is related to the nature of the various races this would impact. My understanding is that by bringing these offices under the purview of the GEC is that it would place an immediate contribution limit of \$500 per cycle for these races. This restriction would place a severe burden on the ability of candidates to raise money for these races.

Candidates for the Johnson County Community College run county-wide in Johnson County. The Blue Valley School District has around 90,000 voters; the Olathe School District over 100,000 – all candidates in these districts run district-wide. The Shawnee Mission School District has 164,000, where there are two at-large positions. By comparison, a State Senate district – where the limit is \$1,000 --averages between 45,000 and 50,000 voters.

To reach that numbers of voters, a candidate must have the resources to do so, and a \$500 limit is an extremely low limit given the size of these areas – even a \$1000 limit would make it very difficult. One of the benefits of the current structure, which has no limit, is that a candidate at least has the ability raise the resources - 299 would make this impossible. Remember, because PACs and lobbyists that fund state legislative campaigns do not have interest in these local races, it is already very difficult for candidates to raise money. The consequence is very low turnout due to the fact a candidate simply does not have the resources to reach a large segment of the public, who is thus unaware an election is even occurring.

Furthermore, because donation limits also place limits on the ability of a candidate to receive in-kind assistance, this would further inhibit a school board candidate from their ability to even receive aid. So, for instance, if a PAC wanted to step in and help a candidate who was underfunded, this would prohibit their ability to do so, if such activity was in coordination with the candidate. **To be clear, I believe the nature of this severe restriction would be unconstitutional due to its low limit, because I believe it would abridge the freedom of speech. The government has no compelling interest in placing such a severe limitation on local candidates to raise support.**

Simply put, this bill would essentially put up a giant “stop sign” for candidates who might be interested in serving their communities on local school boards and/or community colleges, because it would make it that more difficult to run.

More broadly, I do not believe the proper path is to impose *more* restrictions on candidates’ ability to fundraise; or more importantly, the ability for members of the public to support candidates of their choice via their hard-earned money. Rather, I would go the other direction – I would look at ways to loosen up our laws in Kansas for other races where I believe the current restrictions on political activity inhibit freedom and the ability of people to speak.

Specifically, as to school district and community college races, the only reform I could endorse for these races is simplifying the disclosure process of expenditures and contribution, such as what dates reports are due and what forms should be used. That makes it easier for candidates and the public to follow and is a reform I could support, and would not necessitate further steps as envisioned in SB 299. Beyond that, I believe the current system for school board and JCCC candidates works – because it is rooted in freedom of speech. Thank you.