

Legislative Testimony

In **Opposition** to Senate Bill 419
Senate Committee on Education
February 4, 2026

In-Person Testimony

Chair Erickson and Members of the Committee,

My name is Logan DeMond, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties of all Kansans. On behalf of the ACLU of Kansas, I oppose Senate Bill 419. While the ACLU of Kansas appreciates the efforts to protect freedom of speech, other provisions in this bill undercut basic values of fairness and freedom of expression.

SB 419 recognizes an important truth about expression on college campuses: so-called “free speech zones” do not promote speech, they restrict it by confining expressive activity to small, designated areas, effectively silencing students and community members everywhere else. This practice runs counter to long-standing First Amendment principles that treat most outdoor public spaces on public campuses as traditional public forums. We support provisions that affirm students’ and visitors’ rights to speak, assemble, and protest throughout campus, subject only to reasonable time, place, and manner rules. At the same time, we support measures that strengthen accountability when government actors fail to uphold free speech rights, including carefully crafted causes of action. When universities or public officials unlawfully limit expression, whether by silencing speakers or failing to protect lawful protest, individuals should have a clear path to seek redress. Even so, it is essential that such provisions recognize the rights of both speakers and demonstrators and affirm the government’s duty to protect those rights in good faith. Enforcement mechanisms should not favor one viewpoint over another, nor should they chill lawful dissent.

However, the ACLU of Kansas is concerned that other provisions in SB 419 undermine core principles of equality and free expression. This bill expands existing loopholes that allow government-funded student organizations to exclude individuals from membership or leadership based on discriminatory criteria. The U.S. Supreme Court’s decision in *Christian Legal Society v. Martinez* affirmed that public colleges may decline to fund groups that discriminate while still respecting the First Amendment. Kansas law already contains expansive exceptions for sincerely-held religious belief, resulting in funding and taxpayer support for student organizations that discriminate against LGBTQ+ students and other identity groups. This bill extends those exceptions even further to allow taxpayer subsidy for discrimination rooted in political and ideological belief. As a result, public institutions would be required to subsidize organizations, including ethnic supremacist political organizations, that actively exclude and

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discriminate against students based on political beliefs. Free speech must be protected, but taxpayer-funded programs should not be compelled to support outright discrimination and exclusion under the guise of free speech.

SB 419 contains risks to both civil rights and freedom of expression on college campuses in Kansas. By expanding opportunities for publicly funded discrimination and adopting overly broad restrictions that may chill lawful dissent, this bill threatens to weaken constitutional protections. On behalf of the ACLU of Kansas, I urge the members of this committee to oppose SB 419 and pursue policies that genuinely promote inclusive, robust, and equal participation in campus life for all students.

Logan DeMond
Director of Policy and Research