



TESTIMONY OF
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IN SUPPORT OF HB 2558
KANSAS HOUSE COMMITTEE ON LOCAL GOVERNMENT

FEBRUARY 16, 2016

—WRITTEN TESTIMONY ONLY—

Thank you, Chairman Huebert, and members of the Committee on Local Government for holding this hearing on HB 2558 and affording us the opportunity to provide testimony on this important First Amendment issue. The American Civil Liberties Union (ACLU) of Kansas, a membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas, is pleased to **strongly support HB 2558**. The bill would prevent units of local government from imposing bans on certain forms of political activity, such as approaching private residences for canvassing or polling.

- **HB 2558 reaffirms the core values of the First Amendment to the U.S. Constitution.** The First Amendment is clear in stating that “no law” shall be made “abridging the freedom of speech.” Although the First Amendment protects the freedom of Americans to engage in all kinds of expressive activities, protection of political speech was especially important to the framers of the Bill of Rights. The freedom to express political views and engage in political activity—regardless of the content of the views being expressed—remains absolutely essential to American democracy. Through its provisions, HB 2558 clearly articulates that the State of Kansas stands on the side of the Constitution and the protections it affords for political speech and activities.
- **Local governments should not regulate political speech and expressive activities.** While local governments have—and should retain—wide discretion over the sorts of activities that are permissible within their jurisdictions, they may not under any circumstances infringe on the rights guaranteed by the Constitution. The political speech and expressive activities spelled out in HB 2558 are protected by the First Amendment. As such, local governments should not be attempting to regulate these expressive activities in the same way that they may be able to regulate commercial speech or soliciting.
- **HB 2558 will clarify for local governments what is permissible, and reduce their vulnerability to legal challenge.** If local governments were to adopt ordinances like those that would be prohibited under HB 2558, it is highly likely that they would be challenged in court and found unconstitutional. By prohibiting such ordinances outright, HB 2558 clarifies the state of the law and will prevent local governments from entertaining the notion that such regulation of political speech might sustain constitutional scrutiny. That in turn will protect local government from legal challenge and liability.

We urge you to **support HB 2558** on these grounds.

