



**Senate Committee on Local Government
Hearing on House Bill 2135
Hearing Date – February 13, 2019**

**Written Testimony in support of HB 2135 on behalf of the City of Manhattan
By the Honorable Michael L. Dodson, Mayor of Manhattan**

Good afternoon Chair Thompson, Vice Chair Bergquist and Honorable Members of the House Committee on Local Government. My name is Michael L. Dodson, Mayor of Manhattan.

The City of Manhattan supports HB 2135 as written, concerning the repeal of legislation enacting restrictions on city and county political sign regulations in the public-right-of-way (ROW). K.S.A. 2018 Supp. 25-2711 prohibits a city from regulating or prohibiting the placement of political signs on private property or the unpaved right-of-way for city streets in the period 45-days prior to an election through the two days following the election. Like most cities, the City of Manhattan prohibits the placement of all non-governmental signs in the city's rights-of-way.

- K.S.A. 2018 Supp. 25-2711 creates a content-based exception to such a prohibition, which may conflict with First Amendment jurisprudence. The City acknowledges that the Kansas Attorney General, in AG Op 2018-16, stated that the state law does not violate the First Amendment because a city can simply decline to regulate ROW signage at all times, or at least during the election period, to comply with both the First Amendment and the state law.
- The City does not support allowing ROW signage at all times, or during the election period, because ROW signs can decrease public safety by interfering with the vision triangle, vehicular and pedestrian traffic and governmental signage. Further, ROW signs may become a nuisance through lack of maintenance, disrepair or abandonment in the ROW, requiring the City to monitor their condition and/or perform removal.
- The City of Manhattan supports the authority of local government to regulate and prohibit the presence of signs in its rights-of-way in a content-neutral manner, at all times.

For all the reasons stated above, the City of Manhattan supports HB 2135 to repeal legislation that restricts a city's or county's ability to regulate political signage in the ROW. Thank you for your time and consideration.