



**Testimony to Kansas Senate Committee on Commerce  
SB 361- Proponent**

Chairwoman Lynn and members of the Committee:

Thank you for this opportunity to testify in support of SB 361, a bill that would ensure Kansas public employees are regularly notified about their right to refrain from joining a public sector association and are able to exercise their right to end optional paycheck deductions to these associations at any time.

My name is Elizabeth Patton, and I am Deputy State Director of Americans for Prosperity in Kansas. Through broad-based grassroots outreach, AFP is driving long-term solutions to the country's biggest problems. AFP activists engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another. AFP recruits and unites activists in 35 states behind a common goal of advancing policies that will help people improve their lives.

AFP activists in Kansas support SB 361 because this legislation would ensure our state's public employees are fully aware of their First Amendment rights to join or refrain from joining a union and that this right can be exercised at any time by ensuring that neither the Kansas governments nor public unions can enact narrow opt-out windows that limit the ability of public employees to exercise this right.

Kansas employees have enjoyed freedom of association for decades through state law, but in June 2018, the Supreme Court ruled in *Janus v. AFSCME* that this is a First Amendment right for all public employees in the United States. The Supreme Court found that public sector union speech is inherently political since "it covers critically important and public matters such as the State's budget crisis, taxes, and collective bargaining issues related to education, child welfare, healthcare, and minority rights." Because of this, the Court clarified that "extraction of agency fees from nonconsenting public sector employees violates the First Amendment" and that "neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed."

SB 361 would help ensure that the State of Kansas is in full compliance with the First Amendment constitutional rights of its public employees. For this reason, I am asking you today to support SB 361 and all future opportunities to expand the constitutionally protected rights of our hardworking public employees.

Sincerely,

Elizabeth Patton  
AFP-KS Deputy State Director