How Can I Support My November Board Elections Without Stepping Over the Line

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This time of year, there are plenty of competing interests.

Let's spend some time:

1. Understanding the law;
2. Talking about best practices; and
3. Room conversations.
K.S.A. 25-4169a

• (a)(1) No officer or employee of the state of Kansas, or any municipality, shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such governmental agency, to expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer. The provisions of this section shall not apply to the statutory duties of the commission on judicial performance pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

• (2) The provisions of this subsection shall not apply to the use of internet connectivity provided by the state of Kansas or any municipality to any candidate or elected official.

• (3) Except as otherwise provided in this section, no municipality shall permit or allow any person to distribute, or cause to be distributed, within any building or other structure owned, leased or rented by such municipality any brochure, flier, political fact sheet or other document which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office unless each candidate for such state or local office is permitted or allowed to do so in the same manner.

• (4) For the purposes of this subsection, the term municipality shall have the meaning ascribed to it in K.S.A. 12-105a, and amendments thereto.

• (b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.
Board Policy GAHB: Political Activities

Staff members shall not use school time, school property, or school equipment for the purpose of furthering the interests of any political party, the campaign of any political candidate, or the advocacy of any political issue.

For the purposes of this policy, “advocacy of any political issue” shall not be deemed to include providing information on educational matters to elected officials.
What about bond issues?

  • The public purpose doctrine does not encompass the use of public funds to promote or advocate a governing body’s position on a matter which is before the electorate. However, public funds may be expended to educate and inform regarding issues to be voted upon by the electorate.
  • The “public purpose doctrine” gives great deference to governmental bodies in deciding how funds are spent. However, that discretion can be curtailed when the governing body’s action is “clearly evasive or violative of a constitutional provision.
Semblance of Neutrality


• A unified school district is under an obligation to educate the electorate regarding issues pertaining to schools which are to be voted on by the electorate. However, officers of the school district must maintain a semblance of neutrality, and information provided by the school district may not advocate a particular stance on the issue. Donations from private sources do not expand the authority or power of a school district to participate in or undertake campaigns. Officers and staff of the school district may, in their private capacity, advocate a position on an issue subject to election by voters of the school district.
Incompatibility of Office

K.S.A. 25-123. Election to more than one office; incompatible offices.

When a person is simultaneously elected to more than one office, such person may accept any such offices that are not incompatible with any other office accepted by such person. If a person accepts election to incompatible offices, the person shall be deemed to have accepted the office last accepted and to have declined any previously accepted incompatible office.
Let's have some discussion.

What is happening in your district?
What has worked for you?
What challenges have you faced?
Questions?

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