

February 12, 2019

Chairman Thompson and members of the House Local Government Committee,

As most of you know, I have had the privilege of serving in the Kansas House for the previous 6 years, including 4 years on this committee. In addition, I have been involved in helping candidates in their elections for many years before I was elected. A major part of local and state election is the display of yard signs, not only for candidates, but also for other ballot issues and we need to make sure that right is maintained.

It seems that every cycle, there is some effort to restrict homeowner's rights in displaying yard signs. Usually, it is because some neighbor has complained to either their city council or their homeowners association because they don't like the candidate being supported, or simply think that yard signs are ugly. Fortunately, the Kansas legislature has consistently been on the side of the homeowner and the First Amendment to ensure our right to free speech, especially political speech.

There has been some concern from cities about signs displayed in medians and whether removing them would violate this law. That reasoning is a red herring. The property owner always has the right to remove a sign and the medians are owned by the city. Cities can remove signs on property that they own and maintain. However, right-of-way is not ownership. Just because the city has a right-of-way to put up road signs or maintain utilities does not give them the right to remove yard signs. The basic rule of thumb is that whoever has the responsibility to make sure the property is mowed or maintained also that the ability to display or remove signs.

HB 2135 is another attempt to allow cities and counties to trample on our First Amendment rights. The Kansas legislature has worked hard over the years to prevent homeowners associations, cities, and counties from infringing on this basic right. I urge you to reject HB 2135 and leave K.S.A. 25-2711 in place to ensure the right to display political signs whenever done in safe manner.

Submitted,

A handwritten signature in cursive script that reads "Keith Esau".

Keith Esau
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