

FAQs: CAMPAIGNING IN THE CITY LIMITS

Each candidate is responsible for ensuring that his/her campaign complies with all applicable laws. This document does not discuss all applicable laws; it is intended to provide information on applicable City ordinances and use of City property. Each candidate should evaluate whether their activities comply with all applicable laws; whether a violation of City ordinance or another law occurs will depend upon the facts. City staff cannot provide advice to a candidate about how to conduct his/her campaign.

1. Can I campaign door-to-door?

Sec. 24-1 of the City Code includes campaigning door-to-door between dwellings within the definition of “canvassing.” The rules related to canvassing only apply when a canvasser is going door-to-door between dwellings (buildings used as residences). Sec. 24-2(b) makes it unlawful for a canvasser to:

- (1) Canvass between the hours of “one-half hour before sunset and 8:00 a.m. the following morning, or at any time on Sundays.”
- (2) Enter the private premises of a dwelling when a sign similar to “No Peddling” or “No Solicitations” is posted.
- (3) Refuse to leave a the private property after an owner or occupant has asked the canvasser to leave.

Again, these rules only apply when a canvasser is campaigning door-to-door of residences. The City does not regulate campaigning door-to-door for non-residences (ex. businesses), except related to the distribution of handbills, discussed in the next question.

2. Can I pass out flyers/campaign materials on private property?

Chapter 3 of the City Code regulates the “door-to-door” distribution of any “handbill,” which is any printed or written material. Sec. 3-18 states that a person must either hand the handbill to someone on the private property or secure it on the premises so it won’t blow away (ex. doorhanger). Sec. 3-19 states that, to protect lawns, the person should only travel on sidewalks or “regularly established paths” when traveling between properties. Sec. 3-20 states that a person should not throw, deposit or distribute a handbill if the private property has a sign such as “No Trespassing,” “No Peddlers or Agents,” “No Advertisement,” or similar notice indicating that the occupants do not want to be disturbed or receive handbills. Sec. 3-21 prohibits a person from throwing or depositing a handbill upon private property that is uninhabited or vacant.

Chapter 3 is most relevant with respect to residences, but the rules of handbill delivery apply if a person traveled door-to-door to non-residences (ex. stores and restaurants). That means that if a person wanted to distribute handbills to business owners/operators, he/she could visit them “door-to-door” subject to these rules.

However, the City Code focuses on regulating the travel *between* private properties and the protection of residential uses. Each private property owner manages his/her own property, setting rules for the distribution of handbills upon their private property. For example, if a person wants to pass out materials at McDonald’s restaurant, the person is subject to McDonald’s rules.

3. Can I place flyers/campaign materials on vehicles?

Sec. 3-20 prohibits you from placing a handbill on a vehicle located in the City street or in a City parking lot. The City Code does not address placing a handbill on a vehicle located on public property. For example, if a person wants to post materials on cars parked at Target, the person is subject to Target’s rules.

4. Can I pass out flyers/campaign materials on outdoor City property?

It depends on the facts. Generally speaking, a person can walk City sidewalks or City parks and talk to people or distribute handbills. The law provides a few rules depending upon when and where the materials are distributed.

- Sec. 3-22 makes it unlawful to distribute a handbill upon public property unless it is “personally delivered to a person willing to accept” it. Nobody can “force” a person to accept a handbill.
- Sec. 30-1 makes it unlawful to obstruct vehicular or pedestrian traffic on a street, alley, sidewalk, public place, public plaza or right-of-way. If a person is distributing handbills on the sidewalk, the person can’t obstruct other’s passage. Note that the City can issue a free assembly permit per Chapter 31 for “the gathering of persons for the purpose of protesting or demonstrating” upon public property at least one day in advance of the assembly. The assembly may be located in a place that “obstructs passage,” but the City will provide alternative paths for citizens or otherwise address traffic issues as part of the permit.
- All persons have to comply with traffic rules related to walking in the street, in medians, etc., regardless of whether they are campaigning or not.
- Sec. 23-91 limits the use of City parks to their “intended purposes.” If a private person’s activities disrupt park activities, or are intensive, the activity may violate a park operating rule. In some cases, a park permit or special event permit may be issued.

5. Can I pass out flyers/campaign materials in indoor City property?

Kansas law prohibits the City from allowing any person “within any City building or structure” to pass out “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 is allowed to do so **in the same manner.**” K.S.A. 25-4169a.

As a policy matter, the City does not permit any candidate to distribute campaign materials inside a “City building or structure,” because the City would have to ensure that each candidate is allowed to do so “in the same manner.” We currently do not have an interpretation of what “in the same manner” means. It is unclear whether it means that the City has to ensure that each candidate is offered the ability to pass out materials at precisely the same time as the other candidate, or that each candidate is offered the ability to distribute materials in the same way (ex. at a certain door/location).

Because of the lack of certainty, plus the potential disruption to the public and City business, the City has chosen to prohibit the distribution of such materials within City buildings or structures.

6. Can I use City resources/events/staff as part of my campaign?

Kansas law prohibits a City officer or employee from using or authorizing the use of “public funds or public vehicles, machinery, equipment or supplies” or “the time of any officer or employee” to “expressly advocate the nomination, election or defeat of a clearly identified candidate for local office.” K.S.A. 25-4169a. The only exception is that an incumbent may use his/her “time” or the time of his/her “personal staff” to campaign. Kansas law also prohibits the City from posting or distributing a campaign website or postal address that “expressly advocate[s] the nomination, election or defeat of a clearly identified candidate” in any “communication generated or distributed using public funds, machinery, equipment or supplies.” K.A.R. 19-20-5.

A City officer (an incumbent or a City board/committee member) or a City employee can commit this misdemeanor offense. Here are some scenarios that may violate this law:

- A City officer using City e-mail to distribute a campaign website.
- A City officer riding in a City firetruck in a parade carrying a campaign sign or wearing a campaign shirt.
- A City employee giving City supplies to a candidate to distribute at a campaign booth at the Riley County Fair. (A candidate can have a separate candidate booth at the Fair).

7. Can I hold a campaign event or set up a booth on outdoor City property or in a City park?

It depends on the facts. Note that state law restrictions on use of City resources/property in K.S.A. 25-4169a (discussed in Questions #5 and #6). Here are some scenarios:

- Many City facilities are available to rent for a campaign event, to the same extent the facility can be rented by any person or organization. If the facility is indoors, and campaign materials will be distributed, then the City must invite the other candidates to distribute their campaign materials “in the same manner” during your event. See Question #5.
- The City does not permit any person to set up a booth or similar structure on City property, other than in City parks. In a City park, a person needs City permission to set up a booth or similar structure. If the City park is being used for a special event, such as Purple Power Play on Poyntz in City Park, then the person needs to follow the event organizer’s rules. If a person wants to hold their own special event in a City park, then they can apply for a permit.

8. Can my campaign signs be placed on City property?

Sec. 3-1 of the City Code makes it unlawful for any person to write or post any sign (regardless of content) on City sidewalks, crosswalks, bridges, pavement, public building, or anywhere else upon City property or within City parks. The Zoning Regulations also prohibit the placement of any sign in the City rights-of-way (generally 15-feet from the curb along streets).

9. I’m an incumbent or a City board/committee member. What can I say about my service when I am campaigning door-to-door or at non-City events?

The City does not regulate what you say about your City service. If you are a City official, the general guidance is to ensure that you are making it clear that you are speaking as a candidate and not in your “official capacity” when you are discussing your service.

10. I’m an incumbent or a City board/committee member. Can I campaign while I’m acting in my official capacity?

The City does not regulate what you say when you are acting in your official capacity. Depending on the facts, your statements may implicate a state law relating to election violations, or they may



implicate the state law restrictions related to campaigning using City resources or indoor City property (See Questions #5 and #6).

11. Why aren't City employees supporting me?

Please note that the City personnel policy strictly limits City employees' involvement in City elections. Among other things, a City employee:

- Cannot use his/her official authority to influence or interfere with any election;
- Cannot participate in any City campaign activities;
- Cannot engage in activities in support of a candidate while working;
- Cannot wear campaign materials while working.

12. What City documents, photos or videos can I use for my campaign?

Most City documents, including photos or videos, are public records that the City must make open to the public. The City does not prohibit you from using a City open record as part of your campaign, as long as it does not violate any other law.