

## Testimony of Rex Sharp in Support of SB 474

K.S.A. 12-3013 was intended to give citizens of cities an opportunity to vote on critical issues when their elected representatives will not listen to their wishes. This happens increasingly now that everything is politicized by parties, rather than truly nonpartisan as cities are supposed to be governed.

So why hasn't K.S.A. 12-3013 fulfilled its promise of allowing initiative petitions if the electors can get the tremendous number of signatures needed to put an issue on the ballot—25% for cities of the first class and 40% for all other cities? Everything is tied up in courts for years because the City Council, who does not want to listen to its constituents, can sue using taxpayer money and the citizens can't raise enough money to fight for their rights.

The easy path for a City Council is the excuse that the proposed initiative petition is administrative, not legislative. Even the Kansas Supreme Court admits that no ordinance, whether proposed by the City Council or by initiative petition, is ever purely legislative or purely administrative, a lawsuit ensues. *McAlister v. City of Fairway*, 289 Kan. 391, 402, 212 P.3d 184 (2009) (“no single act of a governing body is ever likely to be solely legislative or solely administrative”). But the City Council can proceed anyway, so why not the initiative petition?

So, what is the purpose of not letting the people vote on a principally administrative ordinance if they deem it worthy of a campaign to get the needed signatures, and want to vote on it? Other than the City Council not having its way with no accountability, what is the harm?

Without SB 474, K.S.A. 12-3013 will never provide initiative petition availability to city citizens, it will be tied up in needless, expensive, and lengthy litigation. I strongly encourage the Legislature to adopt SB 474.

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