



UNIVERSITY OF KANSAS CHAPTER
STATE OF KANSAS CONFERENCE

Petition for Transparent Governance: The University of Kansas' Adherence to the Spirit and Letter of the Sunshine Laws of the State of Kansas

Background:

An amendment to the University Code is proposed below, allowing for voting by secret ballot:

"ARTICLE II. FACULTY SENATE: STRUCTURE AND FUNCTIONS

Section 3. Meetings and Quorum

The Faculty Senate shall normally meet once a month during the academic year... The agenda shall be made available to all members before each regular or special meeting... The majority of those elected to Faculty Senate shall constitute a quorum to do business.... Voting may take place by a show of hands or by voice vote. On rare occasions, **voting by private ballot is permitted upon the approval of two-thirds of the members present and voting.**"

We, the undersigned Staff Members of the University of Kansas request that the appropriate University Governance body review and rescind the following proposed addition to the University Code, Art. II, Sec.3 (as it is fundamentally inconsistent with the spirit of the Sunshine Laws of the State of Kansas): "On rare occasions, voting by private ballot is permitted upon the approval of two-thirds of the members present and voting." We further request that every effort be made in the future to abide by the spirit of all provisions of the Sunshine Laws of the State of Kansas and that the following language be inserted in UC Art. II, Sec.3: "All principal and subordinate units of the University of Kansas Governance and Administration including and especially the various Senates of the University of Kansas, any and all Subcommittees, Advisory and Consultative groups shall observe the Sunshine Laws of the State of Kansas KSA 45-215 thru 223 and 75-4317 thru 4320a as being in force, applicable and actionable with respect to physical and electronic meetings, deliberations, communications and documents referenced, used, generated and/or archived by the body."

Signature	Printed Name	e-mail	date
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1. Subject to the conditions of KSA 54-218, fees as prescribed by KSA 45-219 and restrictions as per KSA 75-4318 and 75-4319 which exempt from public discussion personnel matters, attorney-client communications, employer-employee relations, acquisitions of real property and security matters among other issues and matters...

2. **Petition due to KUAAP by 20 April 2013**



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KSAAUP and KUAAP Opinion:

The Sunshine Laws of the State of Kansas, including the Kansas Open Records Act (KORA) (KSA 45-215 thru 45-223), and the Kansas Open Meeting Act (KOMA) (KSA 75-4317 thru 75-4320a) embody extremely important principles directing that public records and public meetings of all levels of all groups that receive or expend public funds be available for public observation and/or inspection.¹ We find that the practice of voting by secret or "private" ballot is directly counter to both the letter and spirit of the Sunshine Laws of the State of Kansas, including, specifically **KSA 75-4318**:

*"...all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and **no binding action by such bodies shall be by secret ballot.**"*



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