

## Loyalty Oath / Loyalty Affirmation

According to Kansas Statute 75-4308, public officers and employees shall be required to subscribe in writing to the oath set out in K.S.A. 54-106 (see templates below). This requirement applies to library board members and staff. **Staff should complete this oath as part of the library's hiring procedures and board members should complete this oath at the beginning of each new term served.** NEKLS recommends having these documents notarized in order to attest to both their authenticity as well as the identity of the parties signing it. Once completed, these documents should be signed and dated, and stored with personnel files in a secure location.

Kansas Statute may be found at: [http://kslegislature.org/li\\_2014/b2013\\_14/statute/](http://kslegislature.org/li_2014/b2013_14/statute/)

You may wish to copy and paste the following text onto your library's letterhead.

### ***For your board members . . . .***

#### Loyalty Oath

"I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of board member, [name of your library here]. So help me God."

- OR -

#### Loyalty Affirmation

"I do solemnly, sincerely and truly declare and affirm that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of board member, [name of your library here]. And this I do under the pains and penalties of perjury."

### ***For library staff . . . .***

#### Loyalty Oath

"I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of a member of the staff of the [name of your library here]. So help me God."

- OR -

#### Loyalty Affirmation

"I do solemnly, sincerely and truly declare and affirm that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of a member of the staff of the [name of your library here]. And this I do under the pains and penalties of perjury."

## Statement of Substantial Interest

**Background:** The Kansas Governmental Ethics Commission (GEC) – <http://www.kansas.gov/ethics/index.html> – is charged with administering, interpreting and enforcing the Campaign Finance Act and laws relating to conflict of interests, financial disclosure and the regulation of lobbying.

While public libraries generally are local government subdivisions, the local conflict of interest laws do not require board members, directors or employees to file statements of substantial interest since they are not publicly elected local governmental officials (K.S.A. 75-4302a). However, if any directors or board members are publicly elected, then they would meet the definition of local governmental official and hence required to file. One exception exists, K.S.A. 75-4305:

**75-4305. Same; filing of report of interest if statement of substantial interest not filed; abstaining from action.** (a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.

(b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter.

**Interpretation:** A public library official or employee is not required, pursuant to K.S.A. 75-4302a, to file a statement of substantial interest. But if they act upon any matter which will affect any business in which they have a substantial interest, they would have to file a written report as provided in 75-4305(a).

Since district libraries have a public election for board members, we believe district library board members should complete and have on file at the library a statement of substantial interest.

**Recommendation:** Government and non-profit boards in recent years have come under greater scrutiny for business practices, ethics, etc. NEKLS encourages each library board – in the spirit of transparency – to adopt the practice of board members completing a statement of substantial interest when joining the board for a first term. If a board member is appointed for a subsequent term, he or she would review the existing statement of substantial interest and update as necessary.

These signed documents should be stored securely – as you would personnel files – and would be readily available should you need to disclose this information (as stated in K.S.A. 75-4305).

The following template (see link) is intended for use by those elected to hold office, but it could be adapted for use where the individual meets the definition of K.S.A. 75-4305.

<http://ethics.ks.gov/EthicsSite/pdfs/localssiform.pdf>