

*The Honorable Tim Huelskamp, Ph.D.*

January 28, 2025

Re: HB 2057

Members of the House Committee on Elections:

**Thank you for the opportunity to testify in favor of HB 2057.**

Please do not hold it against me – but as some of you might know, I served in the Kansas Senate for fourteen years. And during my entire tenure in the Kansas Legislature, I served on the Senate Elections and Local Government Committee, including six years as Chairman. Following my time here, I was honored to serve six years in the U.S. Congress. Prior to my legislative service, I earned a Ph.D. in Political Science with emphases on Legislative Politics and Farm Bill policy.

For my entire adult life, I have been a strong proponent in the principles of our American system of government. The founders of our nation rejected two alternative approaches to governance: a pure democracy on one hand, and top-down authoritarian on the other. Instead, our system is predicated on the values of a representative republic in which the American citizenry choose their representatives in free, fair, and open elections to represent their will, opinions, ideas and ideals in the passage of laws and regulations. We have no king, nor do we have the dream of a process envisioned by the ancient Greeks where every citizen would vote on every proposition that would impact the public.

Unfortunately, the current system in Kansas for selection, in the case of a vacancy in the offices of the United States senator, the state treasurer, and the commission of insurance, violates the fundamental premises of our representative Republic. Instead of allowing the citizens of Kansas to select an individual to fill vacancies in these, current law places this enormous power in the hands of one single individual – whoever occupies the Office of Governor in Kansas.

One solitary individual – behind closed doors – determines our next U.S. Senator, our next State Treasurer, our next Insurance Commissioner. There are no restrictions on who they might choose. The same party - the other party – no party – or not even a registered vote. Someone well known to Kansas - or a completely new resident to our state. The Governor could even appoint their spouse, their daughter or son, or a top key campaign donor. There are no restrictions in the law – no opportunity for citizens to decide who represents them in the U.S. Senate, the Offices of the State Treasurer or the Commissioner of Insurance.

In fact, a governor might self-appoint to one of these positions. By my count, nine different times in U.S. history sitting governors in the various states self-appointed to the U.S. Senate.

Thankfully, in eight of these nine situations, the voters rose up in anger and kicked those former governors, now U.S. senators, out of office in the very next election. But the damage had already

been done – by a vote of 1-0, these governor/senators assumed the office, cast the votes, and claimed to represent the citizens when they indeed had not.

Such power also encourages corruption, and we can also look to Illinois for a recent example of corruption surrounding an appointment to the U.S. Senate. In 2010, the then-governor of Illinois was impeached, removed from office, and later was found guilty of corruption by a federal jury for attempting to sell the U.S. Senate seat vacated by President Barack Obama. Of no particular note, this was the fourth Illinois governor to serve time in federal prison – including governors of both political parties.

Additionally, we most recently had the situation here in Kansas of a vacancy in the office of U.S. senator. On May 15, 1996, then-Senator Bob Dole, having secured the necessary votes in the Republican presidential primaries, announced his resignation from the U.S. Senate to focus on the race for president of the United States. A formal resignation date was set for June 11 – and why was that date important? By postponing his formal resignation to June 11 – it would be one day after the filing deadline for the 1996 Kansas general election. It was assumed then that the filing deadline having passed – whoever was appointed by Governor Bill Graves would serve at until 1998 before facing the voters. Thankfully though, then-Kansas Secretary of State Ron Thornburg, wisely announced there would be a special U.S. senate election in 1998.

Certainly, in these situations, we can agree that placing such power in the hands of one individual poses a significant risk to the principles of representation fundamental our American system. Concentrating such authority in a single individual can lead to abuses of power, lack of accountability, and the erosion of checks and balances that are essential for a fair and just society. I also hope we can agree that such power of all these appointments can lead to favoritism, rejection of the will of Kansas voters, and outright corruption. It's the case of the ultimate insider making the ultimate insider decision – and that should not be the case in Kansas.

There are many potential avenues to fix this this glaring problem. HB 2057 is one solution – and by involving legislators from every district in the state – it removes the current, potentially corruptive selection by one individual and places it in the hands of 165 duly elected representatives of the people. Another solution is our current process for filling a vacancy in the office of a representative to Congress, deployed most recently in our 4<sup>th</sup> Congressional District eight years ago, where a special election was held. Or even allowing duly elected party officials to make the decision adheres to the small-R republican principle of election and representation. In any case, a solution that involves more people and more representatives of the people would do much to avoid the inherent inconsistency and potential corruption of our current law.

Thank you for the opportunity to testify on this matter, and I look forward to any questions you might have at the proper time.