

State of Kansas
House of Representatives

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Blake Carpenter
House Speaker Pro Tempore
Representative, 81st District

Chairman and Members of the Committee,

Thank you for the opportunity to speak in favor of HB2057, which seeks to restore a level of balance, accountability, and the principles of federalism that our Founding Fathers envisioned in the governance of our republic.

The History and Wisdom of the Founders

Our Founding Fathers designed the Constitution with immense foresight and careful consideration of the balance of power among the branches of government, as well as between the federal and state governments. They understood that the government would be most stable and effective if it was built upon a framework of diverse constituencies, ensuring no single entity could consolidate power unchecked.

The House of Representatives was intended to represent the people directly through popular elections, while the Senate was originally designed to represent the states, selected by state legislatures. This system, prior to the ratification of the 17th Amendment in 1913, created a critical check on the federal government by ensuring that states had a voice in shaping federal policies. The states, through their legislatures, could influence the actions of the Senate, serving as a safeguard against federal overreach that might harm the sovereignty of the states or their citizens.

The 17th Amendment, which established the direct election of U.S. Senators, fundamentally altered this balance. While it was intended to address allegations of corruption and inefficiency in the legislative selection process, it inadvertently diminished the states' influence in federal policymaking. The erosion of this vital check has allowed the federal government to grow in scope and authority, often to the detriment of state interests.

The Wisdom of the Federalist Papers

The *Federalist Papers* provide profound insights into the structure of our government and the safeguards necessary to protect liberty and maintain balance. In *Federalist No. 51*, James Madison famously wrote, “Ambition must be made to counteract ambition.” This principle underpinned the design of a government in which separate powers and constituencies would serve as checks on one another. By ensuring that the states had representation in the Senate through their legislatures, Madison and the other authors of the *Federalist Papers* aimed to maintain a critical balance between state and federal authority.

Moreover, in *Federalist No. 62*, Madison highlighted the unique role of the Senate in representing the states and acting as a stabilizing force in government. He argued that by being selected by state legislatures, senators would have “a deep obligation to the state governments.” This obligation would ensure that the interests of the states, as sovereign entities, would be protected within the federal system. This legislation seeks to restore a piece of that vision by ensuring state voices remain a central part of the decision-making process, particularly in filling critical vacancies.

The changes proposed today echo the wisdom of Madison and his contemporaries: that accountability, balance, and diverse representation are the hallmarks of a well-functioning republic.

The Proposed Selection Method

In crafting this legislation, we have drawn inspiration from our own history, particularly Kansas statutes from 1897, while respecting the boundaries set by the 17th Amendment. The revised process we propose honors the principles of our Founders by bringing more voices into the decision-making process and restoring some of the accountability and balance that was lost over the last century.

This legislation introduces a selection process for vacancies in the offices of U.S. Senator, Insurance Commissioner, and Treasurer that involves not just the governor, but the legislature as well. This ensures that the will of the people—expressed through their elected representatives—is respected and upheld. It prevents any single individual from overriding the collective voice of the state.

Addressing Issues of Partisan Appointments

We have seen firsthand how governors, both now and in the past, have used their appointment powers to fill vacancies with individuals who may not reflect the political

philosophy or priorities of the people who initially elected them. These actions disregard the will of the voters and undermine the legitimacy of these critical offices.

By requiring the governor to select from a list of candidates submitted by the legislature, this legislation ensures a broader range of perspectives and accountability. It is not an effort to consolidate power but rather to distribute it more equitably. This approach reflects the wisdom of our Founders, who understood the dangers of unchecked power and the need for robust checks and balances in government.

Restoring Principles of Federalism and Accountability

This legislation is not a step backward; it is a step toward honoring the principles of federalism and accountability that made our system of government strong. It ensures that our state officials reflect the will of the people and the priorities of the state as a whole. It protects the people's voice from being silenced by unilateral decisions, and it ensures that those selected to fill vacancies are chosen through a process that prioritizes accountability and cooperation.

Conclusion

In closing, this legislation seeks to restore the balance of power envisioned by our Founders, improve the integrity of the selection process, and protect the sovereignty of our state and its citizens. By involving the legislature in these critical appointments, we are strengthening the accountability of our government and ensuring that it serves the people of Kansas, as our Constitution intended.

Thank you for your time and thoughtful consideration of this important legislation. I urge your support in restoring accountability, balance, and the voice of the people in these key decisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake Carpenter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Blake Carpenter

Speaker Pro Tempore, Kansas House of Representatives