

February 12, 2019

Chairman Thompson and members of the House Local Government Committee,

Thank you for allowing me to provide neutral testimony on HB 2136. I realize it is unusual for someone to provide such testimony and in fact, I support what HB 2136 is trying to do on the surface, but it is simply a Band-Aid fix for a much bigger problem.

The bigger problem I am referring to is that of self-replicating governmental boards and councils. Self-replicating boards, i.e. boards that pick their own members, are not a problem for private corporations and interest groups where the owners are the benefactors of the service of such boards. However, self-replicating boards are antithetical to a representative government that is responsible to the people it serves.

When a governmental entity picks its own board or council members instead of letting the people decide, or at least have other outside representatives of the people choose the members, the new member is no longer ensured to represent the people he is serving. Instead, that person's obligation is to the people who selected him, i.e. the rest of the board or council, not to the people of the ward or district he is supposed to represent.

The situation that HB 2136 is trying to prevent would also have been prevented by solving the larger problem because there could not have been an agreement to circumvent the election process. This is because the person resigning from the city council would not know if he would actually be appointed to the open position before resigning and could not be appointed without resigning.

Fortunately, there are two solutions available to make sure that the replacement member is selected by the people instead of the board that they will sit on. The first is the solution that you all enjoy as elected representatives. That is to have partisan elections and allow the elected precinct committee people of the district and party of the departing person select a replacement to fill out the term until the next election. This tried and true method has worked for years.

The second option is to hold a special election within the district of the departing member. While this is more costly, it still ensures that the position can be quickly filled and will be answerable to the citizens of the district. While partisan elections will make the process go faster, I realize that many city councils and other non-partisan boards are still not comfortable with admitting their partisanship. Therefore, I suggest that they be given the option between these two methods.

Therefore, I would ask that you amend a substitute for HB 2136 that would require non-partisan boards to either become partisan for the purpose of allowing the precinct committee people to select replacements, or hold a special election within 45 to 75 days following the departure of a member of a member of the board or council.

Thank you for your time and attention.

Submitted,



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