



May 29, 2019

Mr. Derek Schmidt
Kansas Attorney General
120 SW 10th Ave. 2nd Floor
Topeka, KS 66612-1597

Re: Formal Complaint of Kansas Open Meetings Act Violation by Senate President Wagle

Dear Attorney General Schmidt,

I am submitting this letter and formal complaint in reaction to unprecedented action by Sen. President Susan Wagle this morning in ordering the news media removed from the Senate Chambers during their news coverage of protests from the Senate gallery by a group opposed to Senate debate regarding Medicaid expansion.

This formal complaint is being filed on behalf of the Kansas Sunshine Coalition for Open Government, the Kansas Press Association, the Kansas Association of Broadcasters, and the Kansas Institute for Government Transparency.

The facts, as widely reported by the news media, including the Associated Press, are that earlier this morning, the Senate arrested nine protesters after disrupting debate on the legislation, but also cleared the Senate gallery and news media area, with Senate President Susan Wagle's spokesman saying the media were removed because reporters were providing publicity to the protesters.

This is clearly an unconstitutional breach of both the Kansas Constitution and the U.S. Constitution's right to liberty of the press. The Kansas Constitution says: "The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects."

We believe today's unprecedented action also is a violation of the Senate's own rules, which say their meetings are open to the press and public. On page 12, rule 23 of the Senate's rules states: The open meeting law (K.S.A. 75- 4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such committees." When the Senate without warning closed the chamber doors, the closure was done without notice and rendered the public incapable of attending the proceedings in violation of the Kansas Constitution, the Kansas Open Meetings Act and the Senate's own rules.

This is unconscionable and cannot, and shall not, be tolerated. We are urging your investigation and speedy resolution of this matter, including a preliminary restraint, which may be achieved in a consent

KANSAS SUNSHINE COALITION FOR OPEN GOVERNMENT

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Attorney General Schmidt

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order, so that it may not recur now or in the future as your office resolves this complaint.

Thank you sincerely for your time and consideration of this complaint.

Sincerely,

Ron Keefover, President

Kansas Sunshine Coalition for Open Government

Cc: Members of the News Media

Sen. Susan Wagle

Sen. Anthony Hensley

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