



January 16, 2013

Testimony in Support of Changes to the Judicial Selection System Senate Judiciary Committee

Mr. Chairman and members of the committee:

On behalf of the 45,000 activist members of Americans for Prosperity-Kansas, I'm pleased to provide testimony in support of changing the judicial selection system in Kansas.

AFP has long supported changing the way Kansas selects its judges to the Court of Appeals and Supreme Court. This position was derived by evaluating the current system and finding a number of things that cause concern. While there are a number of ways to change the system, this testimony focuses on why the current secretive system needs to be replaced by a transparent one.

Problems with the Current System

1. It's not a democratic system.

The system ignores the one-person, one vote standard that exists in a democracy. In a state with more than 2.5 million citizens, only a few thousand state bar members get to vote on judicial candidates.

2. It lacks transparency.

If you're not a voting member of the bar association, then you're shut out of the selection process for candidates. The votes are not made public and the discussions regarding one's merits are not disclosed or at least, they don't have to be. It makes you wonder what exactly the association has to hide.

3. The Kansas Bar Association has a tremendous amount of power.

Bar members make up a majority of the selection committees; they can hold their candidate selection meetings behind closed doors. They're not accountable to the people of Kansas.

What Kansas needs is a judicial selection process that's more transparent and accountable to the people. Senate confirmation or elections of judges would do both. The fact that the current system does not allow for citizen input prior to someone being placed on the court is disturbing.

AFP-Kansas is supportive of making reform-minded changes to the selection system that involves citizen input and transparency.

Thank you for your consideration of this important matter.

Derrick Sontag
Kansas State Director
Americans for Prosperity