

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 4, 2022
Subject: Bill Brief for SCR 1622

Senate Concurrent Resolution 1622 proposes a constitutional amendment to provide for partisan, statewide election of justices of the supreme court and abolish the supreme court nominating commission.

Section 5 of article 3 of the Constitution of the State of Kansas currently provides that justices of the supreme court are appointed by the governor from a list of three individuals submitted by the supreme court nominating commission. The nominating commission consists of nine members: One lawyer member who is the chairperson, selected by members of the bar who are residents of and licensed in Kansas; one lawyer member from each of the four congressional districts, selected by resident members of the bar in each such district; and one member who is not a lawyer from each of the four congressional districts, appointed by the governor from among the residents of each such district. New justices have an initial term ending on the second Monday in January following the first general election that occurs after one year in office and stand for retention at such general election. If retained, justices serve a regular term of six years and at the expiration of each term are eligible to stand for retention at the general election.

SCR 1622 would propose to amend section 5 of article 3 of the Constitution of the State of Kansas to provide for election of justices of the supreme court and to eliminate the supreme court nominating commission. Future justices would be elected in partisan, statewide elections, hold office for a term of six years, and be allowed to seek reelection. Each current justice will hold office for the term for which such justice was retained in office by election or for the initial term for which such justice was appointed. The office that such justice holds will be open at the end of such term or upon the retirement, resignation or removal of such justice, whichever occurs first.

Such justice shall be eligible for election to such office, unless by law such justice is compelled to retire or such justice retired, resigned or was removed from such office.

Concurrent resolutions proposing amendments to the Constitution of the State of Kansas must be adopted by a $\frac{2}{3}$ vote in each chamber in order to be presented to the general electorate for approval. If SCR 1622 is adopted by this constitutional majority in both chambers, it would then be submitted to the electors of the state at a special election on August 2, 2022, to be held in conjunction with the primary election held on such date.