A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 3 of the constitution of the state of Kansas is hereby revised to read as follows:

"Article 3.—JUDICIAL"

"§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

"§ 2. Supreme court. The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period, the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

"§ 3. Jurisdiction and terms. The supreme court shall
have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.

"§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices for two years, and whose duties shall be prescribed by law.

"§ 5. Selection of justices of the supreme court. (a) (1) Any vacancy occurring in the office of any justice of the supreme court and any position to be open on the supreme court as a result of enlargement of such court, or the retirement or failure of an incumbent to file such justice's declaration of candidacy to be retained in office as hereinafter required, or failure of a justice to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(2) Whenever a vacancy occurs, will occur or a position opens on the supreme court, the clerk of the supreme court shall promptly give notice to the governor.

(3) In the event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or such position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(4) Whenever a vacancy in the office of justice of the supreme court exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy that will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of justice of the supreme court until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20
days after the senate begins its next session. In the event a
majority of the senate does not vote to consent to the
appointment, the governor, within 60 days after the senate vote
on the previous appointee, shall appoint another person
possessing the qualifications of office, and such subsequent
appointment shall be considered by the senate in the same
procedure as provided in this article. The same appointment and
consent procedure shall be followed until a valid appointment
has been made. No person who has been previously appointed
but did not receive the consent of the senate shall be appointed
again for the same vacancy. If the senate fails to vote on an
appointment within the time limitation imposed by this
subsection, the senate shall be deemed to have given consent to
such appointment.

(c) (1) Each justice of the supreme court appointed
pursuant to subsection (a) and consented to pursuant to
subsection (b) shall hold office for an initial term ending on the
second Monday in January following the first general election
that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general
election next preceding the expiration of the term of any justice
of the supreme court, the justice may file in the office of the
secretary of state a declaration of candidacy for retention in
office. If a declaration is not filed as provided in this section,
the position held by the justice shall be vacant upon the
expiration of the justice's term of office. If such declaration is
filed, the justice's name shall be submitted at the next general
election to the electors of the state on a separate judicial ballot,
without party designation, reading substantially as follows:
"Shall (Here insert name of justice), Justice of the Supreme
Court, be retained in office?"

(3) If a majority of those voting on the question vote
against retaining the justice in office, the position that the
justice holds shall be vacant upon the expiration of the justice's
term of office. Otherwise, unless the justice is removed for
cause, the justice shall remain in office for the regular term of
six years from the second Monday in January following the
election. At the expiration of each term, unless by law the
justice is compelled to retire, the justice shall be eligible for
retention in office by election in the manner prescribed in this
section.

(4) If a majority of those voting on the question vote
against the justice's retention, the secretary of state, following
the final canvass of votes on the question, shall certify the
results to the clerk of the supreme court. Any such justice who
has not been retained in office pursuant to this section shall not
be eligible for appointment to the office of justice of the
supreme court prior to the expiration of six years after the
expiration of the justice's term of office.

"§ 6. Court of appeals. (a) (1) The court of appeals shall
consist of 14 judges whose positions shall be numbered one
through 14. The court of appeals shall be a part of the court of
justice in which the judicial power of the state is vested by
section 1 of this article and shall be subject to the general
administrative authority of the supreme court. The court of
appeals shall have such jurisdiction over appeals in civil and
criminal cases and from administrative bodies and officers of
the state as may be prescribed by law, and shall have such
original jurisdiction as may be necessary to the complete
determination of any cause on review. During the pendency of
any appeal, the court of appeals, on such terms as may be just,
may make an order suspending further proceedings in the court
below until the decision of the court of appeals.

(2) Any vacancy occurring in the office of any judge of the
court of appeals and any position to be open on the court of
appeals as a result of enlargement of such court, or the
retirement or failure of an incumbent to file such judge's
declaration of candidacy to be retained in office as hereinafter
required, or failure of a judge to be elected to be retained in
office, shall be filled by appointment by the governor, with the
consent of the senate, of a person possessing the qualifications
of office.

(3) Whenever a vacancy occurs, will occur or a position
opens on the court of appeals, the clerk of the supreme court
shall promptly give notice to the governor.

(4) In the event of the failure of the governor to make the
appointment within 60 days from the date such vacancy
occurred or such position became open, the chief justice of the
supreme court, with the consent of the senate, shall make the
appointment of a person possessing the qualifications of office.

(5) Whenever a vacancy in the office of judge of the court
of appeals exists at the time the appointment to fill such
vacancy is made pursuant to this section, the appointment shall
be effective at the time it is made, but where an appointment is
made pursuant to this section to fill a vacancy which will occur
at a future date, such appointment shall not take effect until
such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office, and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each judge of the court of appeals appointed pursuant to subsection (a) and consented to pursuant to subsection (b) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows: "Shall [Here insert name of judge.], Judge of the Court of Appeals, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the judge in office, the position that the judge
holds shall be vacant upon the expiration of the judge's term of
office. Otherwise, unless the judge is removed for cause, the
judge shall remain in office for the regular term of four years
from the second Monday in January following the election. At
the expiration of each term, unless by law the judge is
compelled to retire, the judge shall be eligible for retention in
office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote
against the judge's retention, the secretary of state, following the
final canvass of votes on the question, shall certify the results to
the clerk of the supreme court. Any such judge who has not
been retained in office pursuant to this section shall not be
eligible for appointment to the office of judge of the court of
appeals prior to the expiration of four years after the expiration
of the judge's term of office.

(d) The supreme court may assign a judge of the court of
appeals to serve temporarily on the supreme court.

§ 7. District courts. (a) The state shall be divided into
judicial districts as provided by law. Each judicial district shall
have at least one district judge. The term of office of each judge
of the district court shall be four years. District court shall be
held at such times and places as may be provided by law. The
district judges shall be elected by the electors of the respective
judicial districts unless the electors of a judicial district have
adopted and not subsequently rejected a method of nonpartisan
selection. The legislature shall provide a method of nonpartisan
selection of district judges and for the manner of submission
and resubmission thereof to the electors of a judicial district. A
nonpartisan method of selection of district judges may be
adopted, and once adopted may be rejected, only by a majority
of electors of a judicial district voting on the question at an
election in which the proposition is submitted. Whenever a
vacancy occurs in the office of district judge, it shall be filled
by appointment by the governor until the next general election
that occurs more than 30 days after such vacancy, or as may be
provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their
respective districts as may be provided by law.

(c) The legislature shall provide for clerks of the district
courts.

(d) Provision may be made by law for judges pro tem of
the district court.

(e) The supreme court or any justice thereof shall have the
power to assign judges of district courts temporarily to other
districts.

(f) The supreme court may assign a district judge to serve
temporarily on the supreme court.

(g) The supreme court or the court of appeals may assign a
district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the
supreme court, judges of the court of appeals and judges of the
district courts shall be at least 30 years of age and shall be duly
authorized by the supreme court of Kansas to practice law in the
courts of this state and shall possess such other qualifications as
may be prescribed by law.

"§ 9. Prohibition of political activity by justices and
certain judges. No justice of the supreme court who is
appointed or retained under the procedure of section 5 of this
article, nor any judge of the court of appeals who is appointed
or retained under the procedure of section 6 of this article, nor
any judge of the district court holding office under a
nonpartisan method authorized in section 7(a) of this article,
shall directly or indirectly make any contribution to or hold any
office in a political party or organization or take part in any
political campaign.

"§ 10. Extension of terms until successor qualified. All
judicial officers shall hold their offices until their successors
shall have qualified.

"§ 11. Compensation of justices and judges; certain
limitation. The justices of the supreme court, judges of the
court of appeals and judges of the district courts shall receive
for their services such compensation as may be provided by
law, which shall not be diminished during their terms of office,
unless by general law applicable to all salaried officers of the
state. Such justices or judges shall receive no fees or perquisites
nor hold any other office of profit or trust under the authority of
the state, or the United States except as may be provided by law,
or practice law during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the
supreme court may be removed from office by impeachment
and conviction as prescribed in article 2 of this constitution. In
addition to removal by impeachment and conviction, justices
may be retired after appropriate hearing, upon certification to
the governor, by the supreme court that such justice is so
incapacitated as to be unable to perform adequately such
justice's duties. Other judges shall be subject to retirement for
incapacity, and to discipline, suspension and removal for cause
by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this
amendment to the constitution shall: (a) Shorten the term of
office or abolish the office of any justice of the supreme court,
any judge of the court of appeals, any judge of the district court,
or any other judge of any other court who is holding office at
the time this amendment becomes effective, or who is holding
office at the time of adoption, rejection, or resubmission of a
nonpartisan method of selection of district judges as provided in
section 7(a) of this article, and all such justices and judges shall
hold their respective offices for the terms for which elected or
appointed, unless sooner removed in the manner provided by
law; (b) repeal any statute of this state relating to the supreme
court, the supreme court nominating commission, the court of
appeals, district courts, or any other court, or relating to the
justices or judges of such courts, and such statutes shall remain
in force and effect until amended or repealed by the legislature."

Sec. 2. The following statement shall be printed on the ballot with
the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to
place the law concerning the court of appeals into the
constitution and to do away with the supreme court
nominating commission. The governor will appoint a
qualified person, or if the governor fails to act, the chief
justice of the supreme court would appoint a qualified
person, and such person's appointment would require the
consent of the senate. If the senate does not consent to the
appointment by a majority vote, the governor would then
appoint another qualified person, and such person's
appointment would again go to the senate for consent. The
same appointment and consent procedure would be followed
until a valid appointment is made. If the senate fails to vote
on an appointment within 60 days, it will be considered that
the senate has given consent to the appointment.

"A vote for this proposition would provide a procedure whereby
the governor or chief justice would appoint a person to be a
supreme court justice or court of appeals judge, and the
senate, by majority vote, would consent to the appointment
of the supreme court justice or court of appeals judge.

"A vote against this proposition would continue the current
system in which justices of the supreme court are appointed
by the governor from a list of three individuals submitted by
the supreme court nominating commission, and judges of the

court of appeals are appointed by the governor, with the

consent of the senate."

Sec. 3. This resolution, if approved by two-thirds of the members
elected (or appointed) and qualified to the Senate, and two-thirds of the
members elected (or appointed) and qualified to the House of
Representatives shall be entered on the journals, together with the yeas
and nays. The secretary of state shall cause this resolution to be published
as provided by law and shall cause the proposed amendment to be
submitted to the electors of the state at the general election in November
in the year 2020, unless a special election is called at a sooner date by
concurrent resolution of the legislature, in which case it shall be
submitted to the electors of the state at the special election.