

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **SCR 1621**, on page 1, in line 12, after "5" by inserting ", 8"; by striking all in lines 14 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 7; following line 7 by inserting:

**"§ 5. Selection of justices of the supreme court.** (a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement or failure of an incumbent to file his declaration of candidacy to succeed himself as hereinafter required, or failure of a justice to be elected to succeed himself, resignation or removal of a justice, shall be filled by appointment by the governor of one of three persons possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided election at the next general election. Such election shall be partisan and from the state as a whole. Except as otherwise provided in this section, election laws applicable to other state officers elected from the state as a whole shall apply to the nomination and election of justices of the supreme court. Each justice of the supreme court elected as provided by law shall hold office for a term of six years. Such term shall commence on the second Monday in January following the general election. Justices of the supreme court may seek reelection.

(b) ~~In event of the failure of the governor to make the appointment within sixty days from the time the names of the nominees are submitted to him, the chief justice of the supreme~~

~~court shall make the appointment from such nominees~~ Each justice of the supreme court in office at the time this amendment takes effect shall hold office for the term for which such justice was retained in office by election, or hold office for the initial term for which such justice was appointed, and until a successor is elected and qualified. The office that such justice holds shall be open upon the expiration of such justice's term of office or upon the retirement, resignation or removal of such justice, whichever occurs first. Such justice shall be eligible for election to such office in the manner prescribed in this section, unless by law such justice is compelled to retire or such justice retired, resigned or was removed from such office.

~~(e) Each justice of the supreme court appointed pursuant to provisions of subsection (a) of this section 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 twelve months in office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any justice of the supreme court may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed, the position held by such justice shall be open from the expiration of his term of office. If such declaration is filed, his 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.)~~

~~\_\_\_\_\_~~  
 \_\_\_\_\_  
 (Here insert the title of the court.)

~~be retained in office?"~~

~~If a majority of those voting on the question vote against retaining him in office, the position or office which he holds shall be open upon the expiration of his term of office; otherwise he shall, unless removed for cause, remain in office for the regular term of six years from the second Monday in January following such election. At the expiration of each term he~~

~~shall, unless by law he is compelled to retire, be eligible for retention in office by election in the manner prescribed in this section.~~

~~(d) A nonpartisan nominating commission whose duty it shall be to nominate and submit to the governor the names of persons for appointment to fill vacancies in the office of any justice of the supreme court is hereby established, and shall be known as the "supreme court nominating commission." Said commission shall be organized as hereinafter provided.~~

~~(e) The supreme court nominating commission shall be composed as follows: One member, who shall be chairman, chosen from among their number by the members of the bar who are residents of and licensed in Kansas; one member from each congressional district chosen from among their number by the resident members of the bar in each such district; and one member, who is not a lawyer, from each congressional district, appointed by the governor from among the residents of each such district.~~

~~(f) The terms of office, the procedure for selection and certification of the members of the commission and provision for their compensation or expenses shall be as provided by the legislature.~~

~~(g) No member of the supreme court nominating commission shall, while he is a member, hold any other public office by appointment or any official position in a political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court. The commission may act only by the concurrence of a majority of its members.~~

**"§ Sec. 8. 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 district court holding office under a nonpartisan method authorized in subsection (a) of section 6 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.";

Also on page 4, by striking all in lines 20 through 43; following line 43, by inserting:

""Explanatory statement. The purpose of this amendment is 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. Each justice elected would hold office for a term of six years and would be allowed to seek reelection.

"A vote for this proposition would cause justices of the supreme court to be elected in partisan, statewide elections for terms of six years.

"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 by renumbering sections accordingly;

On page 1, in the title, in line 1, after "5" by inserting ", 8"; in line 3, by striking "senate confirmation" and inserting "direct partisan election"

Senator \_\_\_\_\_