



KANSAS REPUBLICAN PARTY

February 16, 2015

Testimony in Support of: SB197

The primary goal of SB197 is to create a public record of which attorneys voted in the elections for the attorney members of the Supreme Court Nominating Commission. Currently it is the most important election in Kansas for which there is no record of who voted.

The members of the Commission determine whose names will be submitted to the Governor for appointment to the Supreme Court. The Nominating Commission, therefore, has immense power and given that, unlike any other state, the Kansas Nominating Commission is majority attorney, the attorney elections control the Commission.

There are a small number of eligible-to-vote attorneys and very few of them bother to vote for members of the Nominating Commission (see numbers below). This set-up makes the election for, and control of, the Commission extremely susceptible to manipulation of special interests.

It is often claimed by defenders of the system that the attorney voters represent a diversity of views and backgrounds. The problem with that claim is that no records are maintained of which attorneys voted. This makes it impossible to determine if attorneys from one geographic area, from one firm, or from one area of legal specialization voted in disproportionate numbers in order to control the Commission.

Given the immense power held by the Nominating Commission, it is in the best interest of the people of Kansas to know who is electing the controlling group on the Commission, so the people know who is controlling the selection of their Supreme Court Justices.

Lawyer Turnout for Electing Board Members—is Low-

- Voting is a simple mail ballot- winner must get a majority, a runoff vote of the top 2 lawyers is used if no one gets an initial majority
- 2014: CD1: 547 (52%)
- 2013 Statewide: 2289 (25%) 1st round // 2481 (27%) runoff
- 2013: CD4: 659 (37%)
- 2012 CD3 – 4 candidates, no majority in 1st round, redistricting took out one of the two finalists, so winner w/o a majority of the vote -
- 2011: CD2 727 (33%) 1st round // 700 (32%) runoff
- 2010: CD1 436 (42%)
- 2009: Statewide: 2,532 (28%) 1st round // 2,696 (30%) runoff
- 2009: CD4 735 (28%)
- 2008: CD3 723 (20%)
- 2007: CD2 759 (40%) runoff // 765 (40%) initial

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