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 House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate 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 amended 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 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 thereon as a result of enlargement of the 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 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.

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

(3) In event of the failure of the governor to make the appointment within 60 days from the time the names of the nominees are submitted to the governor, the chief justice of the supreme court shall make the appointment from such nominees.

(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 which will occur at a future date, such appointment shall not take effect until such date.

(b) (1) Each justice of the supreme court appointed pursuant to subsection (a) 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 such justice's 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 be retained in office. If a declaration is not so filed, the position held by such justice shall be open from the expiration of such justice's term of office. If such declaration is filed, such 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 such justice in office, the position or office which such justice holds shall be open upon the expiration of such justice's term of office; otherwise such justice 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 such justice shall, unless by law such justice is compelled to retire, 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 nomination or 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.

(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 and any judge of the court of appeals is hereby established, and shall be known as the "supreme court nominating commission." The commission shall be organized as hereinafter provided.

(e) The supreme court nominating commission shall be composed as follows:

(1) One member from each congressional district who is an attorney, chosen from among their number by the resident members of the bar in each such district;

(2) five members appointed by the governor as follows: One member from each congressional district; and one member from the state as a whole who shall serve as the non-voting chairperson of the commission; and
(3) six members appointed by the legislature as follows:
Two by the president of the senate; two by the speaker of the
house of representatives; one by the minority leader of the
senate; and one by the minority leader of the house of
representatives.

(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 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 or judge of the court of appeals.
The commission may act only by the concurrence of a majority
of its members.

§ 6. Court of appeals. (a) (1) The court of appeals shall
consist of not less than 14 judges. 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 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 by section 5 of this article.

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

(3) In event of the failure of the governor to make the
appointment within 60 days from the time the names of the
nominees are submitted to the governor, the chief justice of the
supreme court shall make the appointment from such nominees.

(4) 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) (1) Each judge of the court of appeals appointed
pursuant to subsection (a) 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 such judge's term of office, any judge of the court of appeals may file in the office of the secretary of state a declaration of candidacy for election to be retained in office. If a declaration is not so filed, the position held by such judge shall be open from the expiration of such judge's term of office. If such declaration is filed, such 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 such judge in office, the position or office which such judge holds shall be open upon the expiration of such judge's term of office; otherwise such judge shall, unless removed for cause, remain in office for the regular term of four years from the second Monday in January following such election. At the expiration of each term such judge shall, unless by law such judge is compelled to retire, 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 nomination or 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.

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

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

"§ 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 subsection (a) of section 7 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 subsection (a) of section 7 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; or (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 change the membership of the supreme
court nominating commission. This amendment would
continue in effect the current provision whereby the supreme
court nominating commission nominates three persons for
the office of the supreme court or court of appeals and the
governor appoints one of such persons. Commission
membership would change to: Four attorney members, one
attorney selected from each congressional district by the
resident members of the bar in each such district; five
members appointed by the governor as follows: One
member from each congressional district; and one member
from the state as a whole who shall serve as the non-voting
chairperson of the commission; and six members appointed
by the legislature as follows: Two by the president of the
senate; two by the speaker of the house of representatives;
one by the minority leader of the senate; and one by the
minority leader of the house of representatives.

"A vote for this proposition would place the law concerning the
court of appeals into the constitution and continue in effect
the current provision whereby the supreme court nominating
commission nominates three persons for the office of the
supreme court or court of appeals and the governor appoints
one of such persons. Commission membership would
change to: Four attorney members, one attorney selected
from each congressional district by the resident members of
the bar in each such district; five members appointed by the
governor, one member from each congressional district and
one member from the state as a whole who shall serve as the
non-voting chairperson of the commission; and six members
appointed by the legislature.

"A vote against this proposition would leave the law concerning
the court of appeals in the Kansas statutes and continue in
effect the current provision whereby the supreme court
nominating commission nominates three persons for the
office of the supreme court or court of appeals and the
governor appoints one of such persons. Commission
membership would remain: 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."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate 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 2014 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.