

## HOUSE BILL No. 2298

By Committee on Judiciary

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AN ACT concerning district magistrate judges; relating to the election or retention thereof; amending K.S.A. 20-336 and 20-2908 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 20-336 is hereby amended to read as follows: 20-336. In any judicial district which has not approved the proposition of nonpartisan selection of district court judges, election laws applicable to the election of ~~county officers~~ *district court judges* shall govern every election of district magistrate judges. Each district magistrate judge shall be elected by the electors of the ~~county~~ *judicial district* where the judge's position is located.

Sec. 2. K.S.A. 20-2908 is hereby amended to read as follows: 20-2908. Following the approval of nonpartisan selection of judges of the district court in a judicial district as provided in K.S.A. 20-2901 and amendments thereto, there shall not be an election or reelection of a judge of the district court at any succeeding general election, but any judge of the district court in the judicial district whose term of office expires on the second Monday in January next following any such succeeding general election shall be eligible for retention in office as provided in this section. No later than 12:00 noon on the Monday preceding the first Tuesday of August preceding the expiration of the judge's term of office, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. Such declaration shall be prescribed by the secretary of state. If a declaration is not so filed, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If a declaration is filed, the judge's name shall be submitted at the next general election to the electors of the judicial district, ~~if the judge is a district judge, or to the electors of the county, if the judge is a district magistrate judge.~~ The name shall be submitted on a separate judicial ballot, without party designation, reading substantially as follows: "Shall \_\_\_\_\_ (Here insert name of judge.) \_\_\_\_\_ (Here insert the title of the court.) be retained in office?" If a majority of those voting on the question vote against retaining the person in office, the position or office which the person holds shall be vacant upon the expiration of the person's term of office;

1 otherwise, unless removed for cause, the person shall remain in office for  
2 the regular term of four years from the second Monday in January fol-  
3 lowing the election. At the expiration of each term, unless by law the  
4 person is compelled to retire, the person shall be eligible for retention in  
5 office by election in the manner prescribed in this section.

6       Wherever a majority of those voting on the question of retaining any  
7 judge in office vote against retention, the secretary of state, following the  
8 final canvass of votes on the question, shall certify the results to the chief  
9 justice of the supreme court. Any judge who has not been retained in  
10 office pursuant to this section shall not be eligible for nomination or  
11 appointment to the office of judge of the district court in the judicial  
12 district prior to the expiration of four years after the expiration of the  
13 judge's term of office.

14       Election laws applicable to the general elections of other state officers  
15 shall apply to elections upon the question of retention of judges of the  
16 district court pursuant to this section, to the extent that they are consistent  
17 with the provisions of this act.

18       Sec. 3. K.S.A. 20-336 and 20-2908 are hereby repealed.

19       Sec. 4. This act shall take effect and be in force from and after its  
20 publication in the statute book.

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