

Senate Concurrent Resolution No. 1604

By Committee on Judiciary

1-19

A PROPOSITION to amend sections 6 and 7 of article 3 of the constitution of the state of Kansas, relating to nonpartisan selection of district judges and the creation of commission for evaluating judicial performance.

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: Sections 6 and 7 of article 3 of the constitution of the state of Kansas are hereby amended to read as follows:

“§ 6. 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 *for the nonpartisan selection appointment* 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.~~ *in which retention elections are held for such district judges.* 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 thirty days after such vacancy, or as may be provided by such nonpartisan method of selection~~ *appointment.*

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

- 1 (c) The legislature shall provide for clerks of the district courts.
2 (d) Provision may be made by law for judges pro tem of the district
3 court.
4 (e) The supreme court or any justice thereof shall have the power to
5 assign judges of district courts temporarily to other districts.
6 (f) The supreme court may assign a district judge to serve temporarily
7 on the supreme court.

8 **“§ 7. Qualifications of justices and judges; uniform state-**
9 *wide evaluation of appellate and district court judges.* Justices of
10 the supreme court and judges of the district courts shall be at least
11 thirty years of age and shall be duly authorized by the supreme court
12 of Kansas to practice law in the courts of this state and shall possess
13 such other qualifications as may be prescribed by law. *A commission*
14 *for evaluating judicial performance shall be established, with lawyer*
15 *and nonlawyer members appointed in equal numbers by the gov-*
16 *ernor and the supreme court, with such terms as shall be prescribed*
17 *by the legislature. The governor shall appoint one of the members*
18 *to serve as chairman. The commission shall establish a written uni-*
19 *form statewide plan for evaluating the performance of all appellate*
20 *and district court judges. It shall adopt rules providing for the dis-*
21 *semination of information to the public on the performance of an*
22 *appellate or district judge prior to such judge’s retention election.*
23 *The public shall be afforded a full and fair opportunity for partic-*
24 *ipation in the evaluation process and the commission by its rules*
25 *shall establish such procedures as it deems advisable for surveying*
26 *the opinions of persons who have knowledge of the judge’s perform-*
27 *ance, and for establishing local judicial evaluation committees to*
28 *assist it.”*

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

31 *“Explanatory statement.* The purpose of this amendment is to provide
32 for the nonpartisan appointment of all district judges. It removes
33 the existing provision relating to election of district judges and au-
34 thORIZES the legislature to provide for the manner in which retention
35 elections are held for those judges. The proposition establishes a
36 commission for evaluating judicial performance and requires the
37 commission to adopt rules for evaluating the performance of judges
38 and assuring that the public is afforded an opportunity to participate
39 in the evaluation process.

40 *“A vote for this proposition would eliminate the election of district*
41 *judges and provide for the nonpartisan appointment of all district*
42 *judges and retention elections for those judges. A commission for*
43 *evaluating judicial performance would be established and it would*

1 adopt a uniform statewide plan to evaluate the performance of all
2 appellate and district court judges and rules assuring participation
3 by the public in the evaluation process.

4 “A vote against this proposition would continue in effect the current
5 law which provides for the election of district judges, except where
6 a nonpartisan selection of district judges has been adopted, and
7 which does not provide for a commission for evaluating judicial
8 performance.”

9 Sec. 3. This resolution, if approved by two-thirds of the members
10 elected (or appointed) and qualified to the Senate, and two-thirds of the
11 members elected (or appointed) and qualified to the House of Repre-
12 sentatives shall be entered on the journals, together with the yeas and
13 nays. The secretary of state shall cause this resolution to be published as
14 provided by law and shall cause the proposed amendment to be submitted
15 to the electors of the state at the general election in November in the
16 year 2002 unless a special election is called at a sooner date by concurrent
17 resolution of the legislature, in which case it shall be submitted to the
18 electors of the state at the special election.

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