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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 13, 2025
Subject: Bill Brief for SCR 1611 (As Amended by Senate Committee of the Whole)

Senate Concurrent Resolution 1611 proposes to amend the Constitution of the State of Kansas to provide for the direct election of Kansas Supreme Court justices and to abolish the Supreme Court Nominating Commission (Commission). Currently, justices are appointed by the Governor from a list of three individuals who are nominated by the Commission. Once appointed, justices are then subject to periodic retention elections to continue serving on the Court.

SCR 1611 proposes to amend Section 5 of Article 3 of the Constitution to abolish the Commission and establish direct election of the justices. The proposed new language provides for six-year terms for each justice. Court positions 1, 2, and 3 would be up for election in November of 2028. Court positions 4 and 5 would be up for election in November of 2030. Court positions 6 and 7 would be up for election in November of 2032. The rules applicable for such elections and the designation of court position numbers would be provided by law. Any vacancy for an unexpired term would be filled by election as provided by law.

SCR 1611 also proposes to amend Section 8 of Article 3 to permit justices to take part in political campaigns, including making contributions and holding office in a political party or organization. The Senate Committee of the Whole Amendment would also permit a judge of the district court holding office under a nonpartisan method of selection to take part in political campaigns when such judge is a candidate for election to a position on an appellate court. Finally, Section 15 of Article 3 would be amended to remove a reference to the Commission.

If SCR 1611 is adopted by a $\frac{2}{3}$ vote in each chamber, it would then be submitted to the electors of the state at a special election on August 4, 2026, to be held in conjunction with the primary election held on such date.