

Written Proponent Testimony in Support of SCR 1611
House Judiciary Committee
March 13, 2025

Chair and Members of the Committee,

My name is Chris McGowne, and I am an attorney who lives Hays Kansas. My practice is focused on oil and gas, administrative, corporate and constitutional law. I also represent the Kansas State Rife Association and the Kansas GOP. I appreciate your time and consideration of this important piece of legislation.

Before you today is one of the most important issues that Kansas has faced in some time. The direct election of Supreme Court justices by the citizens of Kansas is a much-needed reform that allows for the voters to have a direct say in ensuring the courts are representative of the population as a whole.

Currently our Supreme Court is chosen by a small group of Kansas lawyers who nominate an even smaller group of lawyers, from which the nominee is then ultimately chosen by the Governor. This has led to a court that is made of mostly justices who have been chosen by Democrat Governors due to the timed resignations and retirements of justices that is clearly based on electoral outcomes. The result being a Court that is not representative of the Kansas citizenry.

The law is not political. The purpose of the Supreme Court is simple. The Court's role is intended to merely interpret the will of the legislature or ensure that common law is carried out in an impartial fashion that respects established precedent. However, unfortunately this Court has strayed from this important mission and instead placed its own interests above those of the broader electorate. Specifically, the Court has taken on the role of a policy-making branch that inserts its own political or personal beliefs in decisions that have wide reaching impacts, often times upending the will of the people as expressed through legislative action.

It is time to change this, and ensure the Supreme Court is representative of the very people it answers too. Direct election of the members of the Supreme Court would ensure the justices are required to explain their beliefs and approach to the law to the broader population and ensure that the Court's makeup reflects the underlying beliefs of the people it services. To put it another way, instead of political appointees making decisions based on their own ideological stances without any broader appropriate vetting or, more importantly, any checks or balances, instead justices would held accountable for the decisions they make by the very people for whom those decisions impact. In other words, justices would be held answer to the people for the decisions they make, as opposed to currently being accountable to nobody.

While there are very likely to be concerns raised about the political nature of direct elections, it should be noted that this legislation does not provide for partisan elections. Rather it simply says that the process for appointing judges to the highest court in Kansas will be removed from a small cabal of lawyers who pick their friends and colleagues, and instead the process will be vested with the

people of the state of Kansas, allowing those voters to make their choices based on the judge's own beliefs and track record. Simply put, it is time to return the power to the people.

Finally, it should be noted that this is neither a new nor a novel concept. elections are held to select most or all judges in 17 States and for some judges in an additional 3 States. One-half of the States hold elections for State Supreme Court judges. Seventeen States have intermediate appellate courts elect judges to these courts. We already elect judges here in Kansas, specifically district judges who must run for their appointment every four years. Thus, there is ample precedent for the direct election of Supreme Court justices, and more importantly this proposal is approved of by nearly three quarters of Kansas voters, which includes Republicans, Democrats and independents.

The proposal before you is not only supported by a wide swath of Kansas residents, but also multiple groups who have a vested interest in ensuring the Supreme Court renders decisions that are in line and reflective of the broader values of Kansans. Again, this legislation does nothing more than change the appointment process. It does not make it a political process, rather it provides an opportunity for a larger swath of Kansas lawyers who would otherwise not have the opportunity to participate in the judicial process, Specifically, it would provide lawyers from areas of the state that are traditionally neglected or prohibited, such as the rural areas, the opportunity to rise to the highest court in the state and bring a much-needed perspective to the Court's decision-making process.

In sum, this is a crucial piece of legislation that will have the opportunity to permanently change the Kansas judicial system for the better. This is a generational issue for Kansas and is a once in a lifetime opportunity to afford equal opportunity to lawyers across the state to rise to the Supreme Court and impact the everyday lives of Kansans in a beneficial manner. Further it will ensure that the court is reflective of Kansas and its people, and that it no longer is a branch of government that is made up of unaccountable individuals who make decisions based on their own beliefs and prejudices.

Please do what is best for Kansas and support judicial reform for the betterment of Kansas.

I am happy to answer any questions at any time.

s/Chris McGowne

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