

House Committee on Judiciary

Testimony in Support of SCR 1611- Election of Supreme Court Justices

Presented by Eric Stafford, VP of Government Affairs, Kansas Chamber

Thursday, March 13, 2025

Madam Chair and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large businesses of all industry segments across the state. We appreciate the opportunity to provide testimony in support of SCR 1611, which would call for the election of the state's Supreme Court Justices.

The controversy surrounding judicial selection is not new. One of the grievances listed in the Declaration of Independence was the unilateral control the Crown exercised over colonial judges. Kansas is unique in many positive ways, but allowing the bar to control the selection of appellate judges is not one of them. The idea that only lawyers possess the skills to select justices is elitist and unfounded. Doctors do not select the Board of Healing Arts, nor do accountants select the Board of Accountancy.

Many crucial state boards require Senate confirmation, including the Agricultural Remediation Board, State Banking Board, and the Human Rights Commission. Yet, judicial selection remains controlled by a small group of lawyers. Politics is undeniably part of this process. I am currently serving my third term as a member of the District Court Nominating Commission here in Shawnee County as one of the "non-attorney" members. I can tell you this process is political. We are contacted about candidates to discuss their qualifications. But as a layman, I am trusted to select high quality judges based on the information provided in an application and through a formal interview process.

The argument that the merit system prevents another "Triple Play" is misleading. The triple-play occurred because the Governor could unilaterally select a Supreme Court justice without legislative oversight. No one is proposing a return to that system, making such claims dishonest. The so-called "merit system" gives disproportionate power to Kansas lawyers, who act as gatekeepers to the judiciary. Judges must align with the political expectations of the bar to be considered. Our founders created checks and balances to prevent such power concentration, ensuring accountability to the people. Judicial selection should reflect democratic principles, not the interests of an elite group.

Having qualified judges serve on our Supreme Court is critical to businesses in our state. Legal decisions can dramatically improve or hurt the legal climate in the state, which has a direct impact on insurance costs for businesses and individuals, protects the regulatory environment of the state against unelected bureaucrats, and has an impact on the state budget.

The proposed system under SCR 1611—directly electing members of the Kansas Supreme Court- is utilized by 14 states today. 10 others use the “Federal model” where the Governor-appointed nominees face Senate confirmation. In either case, allowing a say of the citizens of the state, versus a select group of professionals, is an improvement.

Thank you for the opportunity to speak today in support of SCR 1611. We would respectfully ask for the committee’s support and I’d be happy to answer questions at the appropriate time.