

House Committee on Judiciary
SCR 1611
March 12, 2025

Chair Humphries, Vice-Chair Williams, Ranking Member Osman, and Members of the House committee on Judiciary:

Thank you for the opportunity to provide testimony in opposition to SCR 1611, which proposes a constitutional amendment for the direct election of Kansas Supreme Court Justices and abolishing the Supreme Court Nominating Commission.

My name is Gina Spade and I'm appearing today on behalf of the Kansas Women Attorneys for Freedom, whose mission is to advance, promote, empower, and protect women, both in and out of the state of Kansas. Our organization opposes the election of judges and the abolishment of the Supreme Court Nominating Commission. Our members include attorneys representing corporations, plaintiffs, and defendants on a broad range of legal matters from criminal prosecution to tax advice. We all agree that maintaining the independence of the judiciary, free from political influence, is best for our clients and for the State of Kansas. It is important to our clients that the judge in their case be focused on the facts and the law before them and not on the opinions of political contributors.

As elected officials, you know first-hand the impact of outside-dark money and the inability to control who is contributing. The Supreme Court Justices are often the final arbitrator-decision maker for the citizens, both individuals and businesses, of Kansas. These litigants trust the Justices to be free from the influence of foreign entities and special interest groups. Citizens will question the validity and reliability of a system that allows the lawyers to donate to a Justice's campaign and later ask that same Justice to provide fair and impartial rulings.

States who have shifted to the election of Supreme Court Justices have not fared well. In a recent Wisconsin's Supreme Court election, \$45 million of the \$51 million spent on the election came in dark money from outside the state. Arkansas currently faces judicial gridlock due to elected Supreme Court Justices.

The public has a voice when they vote on retention of Supreme Court Justices every six years. All justices appointed under the merit selection process system have been retained, demonstrating its effectiveness in selecting qualified applicants for the court. The governor, being a partisan elected by the people, has the ability to choose among the candidates for appointment. This is a balanced, merit-based system with partisan and nonpartisan components. The proponents of the amendment are frustrated by specific case decisions they disagree with, and they believe the election of justices would resolve it. During the retention voting, these issues were raised in opposition to the retention of justices and the public chose to retain all the justices.

The merit-based system has served Kansans well and prevented scandals involving partisan politics controlling the system. By adopting this merit system, the citizens of Kansas firmly committed to a nonpartisan nomination process for its Supreme Court Justices. The merit system ensures the judges to the highest courts in our state have the experience and skills to interpret the law which serves the best interest of all Kansans. The current merit-based selection process transparently conducts public interviews with candidates. Like any other job interview, this process is designed to select the most qualified person for the job, including one that will be fair and impartial to all Kansans. The system works and should be retained.