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Committee on Federal & State Affairs
Proponent Testimony on SCR 1611

Chairman Thompson and Members of the Federal & State Affairs Committee,

A couple of weeks ago, Vice President JD Vance spoke eloquently about the importance of not placing firewalls between politicians and the people, of not promoting systems where those in power are insulated from the voices of their own constituencies.

In my view, the same should also be true as it pertains to justices who preside over us. Much like the legislature passes laws that shape the lives of our constituents, rulings that can toss those very laws can and will impact their daily lives for generations. Yet, here in Kansas, the people have almost no recourse nor any meaningful input as to who sits on the Kansas Supreme Court.

During my time in Topeka, it's no secret that I have consistently advocated in favor of fundamental reform to how we select our justices. Presently, Kansas has an opaque system dominated by gatekeepers, the majority of whom are lawyers selected by other lawyers. It has guaranteed the vast majority of the justices on the court will hold the same judicial philosophy held by those lawyers.

The nominating commission essentially operates in a black box – unlike with other models, the applicants are vetted privately and are not required to justify why or how they arrived on the three names. Of course, governors are shackled to the three nominees – he or she could have universal support among the electorate, but that wouldn't matter when it comes to who sits on the court.

Moreover, the retention election process is so weak that the margins are rarely even close – perhaps because even if one justice was ousted, the replacement would be chosen by the same secret, undemocratic system. There is essentially no check to the commission's power. Even among the so-called "merit" system states, we stand alone in having the thickest firewall between the people and the justices of our highest court.

So, it is no surprise to me that the special interest groups who thrive on that unchecked authority don't want it altered – I suppose I wouldn't either, if I was in their position. In my view, we should not have a Supreme Court chosen by a clique of elites that operates like a secret society. We need change, and SCR 1611 provides that change..

I believe it's time to give the people the opportunity to assume that power and tear down the firewalls and shine the light of democracy we all claim to support.

In just a few weeks, we'll see Wisconsin voters fill a vacancy on its court. Of course, there is tremendous interest in that election, as there should be. It's expected to be quite close, and it will decide the ideological balance on the court. While some fear this result, I do not. The candidates are subject to scrutiny of the people they will preside over, and the people will decide.

Critics of elections warn of politics but **every** system is political. In fact, Kansas's current system isn't apolitical at all —it's just politics veiled by a commission, and we should stop pretending. Direct elections make the political dynamic explicit, not hidden in backrooms by bar members who think they're better than the rest of us. The current system's promise of impartiality rings hollow when its rulings run afoul of the public and leave them no recourse to fight.

Electing judges will sometimes be messy and yes, involve money and all the other things that go along with elections. But, let's let the people decide if they want the power; if they want trade an elitist relic for a democratic system where they will hold the reins. I strongly urge you to support SCR 1611.