



PO Box 654
Lawrence, KS 66044
Rabbi Moti Rieber, Executive Director
Rev. Dr. Annie Ricker, Board Chair

<https://kansasinterfaithaction.org>
mrieber@kansasinterfaithaction.org
(913) 232-2336

Written-only Testimony in Opposition to SCR 1611, Direct election of supreme court justices

Rabbi Moti Rieber, Executive Director

Senate Committee on Federal and State Affairs, Sen. Mike Thompson, Chair

February 25, 2025

Mr. Chair, Members of the Committee:

I am Rabbi Moti Rieber, and I serve as executive director of Kansas Interfaith Action, a statewide, multifaith issue-advocacy organization that “puts faith into action” by educating, engaging and advocating on behalf of people of faith and the public regarding critical racial, economic and climate justice issues. I submit testimony in opposition to SCR 1611.

This measure, if enacted, would increase partisanship and politicize the judiciary. The Nominating Commission guarantees that justices and judges will be free to rule based on the law, and not subject to partisanship. Because of our Nominating Commission, Kansans can have confidence that our state Supreme Court does just that. In other states with elected Supreme Courts, the entire political and legal system often hedges on the election of a single justice, and that leads to uncertainty, increased partisanship, and even hostility toward our legal system. Elections are expensive and we run the risk of justices deciding based on political considerations or even the influence of donors, rather than the law.

Although this proposal has been talked about for some years, clearly there hasn’t been enough of a need for it to move it forward earlier. As Kansas Appleseed noted in a 2022 article, “The reality is that the Kansas population has not been upset enough with any particular judges other than a few over the years to not retain them” which “is actually an indication of the court ruling in an impartial way.”¹

The Kansas Bar Association also opposes SCR 1611. We agree with their position that “the merit selection of judges based on qualifications for office rather than political or fiscal abilities to win partisan elections not only is the more desirable system of selecting judges but will result in a better cross-section of judges from our ethnic and gender communities.”²

This bill is a reaction to decisions that the supermajority in this legislature does not like, particularly the *Gannon* school funding decision and the *Hodes* reproductive healthcare decision. Almost certainly there will be future cases like these. Anyone can disagree with a certain decision. There was a recent decision on voting rights not being a fundamental right that a number of groups vehemently disagreed with – but they didn’t run to the legislature to change how justices are selected. An independent judiciary is essential.

A supermajority (from either side) is likely to overstep - it’s human nature. The courts are there to rein that in, and that’s a necessary role – it’s why we have separation of powers. Freedom of speech and religion, bodily autonomy, public education, and human rights are of great concern to the faith community, and our impartial judiciary helps make sure cases involving those remain outside the reach of partisan politics.

The Supreme Court Nominating Commission is the best system to protect judicial freedom, the separation of powers, and the law. Members of the committee, this bill is unnecessary and misguided. Please vote against SCR 1611.

¹ Kansas Reflector, Overhaul of Kansas Supreme Court justice selection pits will of the people vs. nonpartisan board <https://kansasreflector.com/2022/03/04/overhaul-of-kansas-supreme-court-justice-selection-pits-will-of-the-people-vs-nonpartisan-board>, March 4, 2022

² Kansas Bar Association, Kansas Senate Targets Merit Selection: Proposal Would End Nonpartisan Judicial Appointment, <https://ksbar.org/?pg=You-Heard-It-Here&blAction=showEntry&blogEntry=120334>, Feb. 12, 2025