



February 25, 2025

Regarding SCR 1611 (Opponent)

Testimony of Taylor Morton, Kansas Lobbyist and Policy Analyst

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Chairman Thompson and Members of the Committee,

Planned Parenthood Great Plains Votes (“PPGPV”) submits this testimony in opposition to SCR 1611. PPGPV is the advocacy and political arm of Comprehensive Health of Planned Parenthood Great Plains and Planned Parenthood Great Plains (“PPGP”), which offer compassionate sexual and reproductive health care to patients with four health center locations in Kansas. The processes for electing policymakers and participating in democracy have direct consequences on reproductive rights and justice. PPGPV supports policies that empower voters and strengthen democracy and opposes policies that restrict democracy and erode the constitutional rights of Kansans.

PPGPV is opposed to SCR 1611, which would change the Kansas Constitution to subject judicial candidates to partisan elections. There is no place for politics in the courts, and justices and judges must be free to rule based on the law. The judicial selection process should be outside the political arena to ensure the Court can rule fairly to uphold the Kansas Constitution regardless of political leanings.

The current process allows the Supreme Court Nominating Commission to select the three most qualified candidates for a Supreme Court vacancy and send these candidates to the governor for final nomination.¹ The Nominating Commission is a non-partisan group of citizens who select nominees based on qualifications and experience. After a new justice serves one year on the court, they must stand for a retention vote in the next general election to remain in the position. If retained, a justice serves a six-year term.² This process ensures that well-qualified candidates are nominated for the Court and allows Kansans to vote directly on judicial selection during retention votes. The current system protects judicial independence and upholds the separation of powers inherent to democracy in Kansas.

Kansas is one of 14 states that currently follows merit selection, and only seven states use partisan elections for judicial selection.³ SCR 1611 would overturn the current merit process for judicial selection and instead use partisan elections to determine who shall serve on the Kansas Supreme Court. The Court has a constitutional obligation to consider cases in the interest of all Kansans who appear before them. The judicial branch is different from the legislative and executive branches and must be insulated from political influence. The basic rights and privileges in the Constitution are free from the effects of politics, and the current judicial selection process allows the courts to rule impartially. The judicial system operates as a neutral check on the legislative and executive branches. Maintaining the nonpartisan

¹ <https://kscourts.gov/KSCourts/media/KsCourts/Judges/Nominating-Commissions/Filling-a-vacancy-on-the-Kansas-Supreme-Court.pdf>

² *Id*

³ <https://www.brennancenter.org/judicial-selection-map>



independence of the judicial branch is of the utmost importance in maintaining the separation of powers inherent in the Kansas democratic system.

SCR 1611 would also strip language from the Kansas Constitution barring Supreme Court justices from contributing to or holding office in a political party. This resolution would allow for politics to be inserted into the nonpartisan Kansas Court system. Other states that elect Supreme Court justices have seen record-high spending in state judicial elections, including money from outside interest groups and political parties.⁴ In 2023, at least \$22 million was spent by Pennsylvania Supreme Court candidates and special interest groups.⁵ In the same year, candidates and special interest groups spent more than \$51 million in the Wisconsin Supreme Court race.⁶ The current merit process and the Supreme Court Nominating Commission in Kansas prevent dark money and out-of-state shadow organizations from influencing the selection of Supreme Court justices.

The political election of justices would risk that decisions are made based on partisan politics, rather than the law. To ensure independent and nonpartisan Courts, the current merit system for judicial selection must be maintained. SCR 1611 goes against the will of Kansans and erodes the foundation of our democratic system, which is designed to protect the best interests of all Kansans regardless of political affiliation. SCR 1611 threatens to erode a judicial system that upholds the will of Kansans through impartial interpretation of the Constitution.

PPGPV strongly urges the Committee to oppose SCR 1611.

⁴ <https://www.brennancenter.org/our-work/research-reports/politics-judicial-elections-2021-2022>

⁵ <https://www.spotlightpa.org/news/2023/11/pennsylvania-election-results-abortion-supreme-court-spending>

⁶ <https://www.wisdc.org/news/press-releases/139-press-release-2023/7390-wisconsin-supreme-court-race-cost-record-51m#:~:text=Candidates%20and%20special%20interest%20groups,in%20the%20April%204%20contest.>