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**Written-Only Testimony in Opposition to SCR 1611- Rocky Nichols, Executive Director –
Disability Rights Center of Kansas**

Senate Concurrent Resolution No. 1611

Senate Committee on Federal and State Affairs

Committee Chair: Sen. Mike Thompson

Committee Vice Chair: Sen. Tori Marie Blew

Ranking Minority Member: Oletha Faust-Goudeau
and Committee Members

My name is Rocky Nichols, Executive Director of Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is officially designated by the State of Kansas as Kansas' protection and advocacy system. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose focus is the protection and enhancement of the rights of Kansans with disabilities.

Chair Thompson, Vice Chair Blew, Ranking Member Faust-Goudeau, and members of the committee, thank you for the opportunity to provide written testimony regarding the proposed Senate Concurrent Resolution No. 1611 (SCR 1611), which would amend the Kansas Constitution to abolish the Supreme Court Nominating Commission and provide instead for the direct election of Supreme Court judges and allow judges to contribute to and hold office in political parties or organizations.

The Disability Rights Center of Kansas is strongly opposed to SCR 1611. Such change would not only undermine the integrity of our judicial system but would also have serious consequences for the individuals we serve. DRC Kansas is the state's designated Protection and Advocacy (P&A) agency for Kansans with disabilities. As the designated P&A, we provide legal services to a known vulnerable population, including people with disabilities and seniors/people with disabilities those who have been victims of crimes and those who are discriminated against or otherwise denied their legal rights. Therefore, our interest in keeping the judiciary free of undue political influence and focused on the law rather than on campaigning for their jobs is more than academic.

Keeping Politics Out of Courts

Justice should be determined by the law, not by political influence or campaign contributions. The current merit-based selection process ensures that Kansas judges are highly qualified, impartial, and committed to upholding the rule of law rather than serving political interests. Further, the retention question on ballots already provides Kansans with a voice in the process and a way to hold judges accountable.

Sadly, introducing campaigning and fund-raising into the judicial selection process will rob Kansans of highly qualified judges. Not every attorney who would make an outstanding judge is going to be willing to go through the rigors of trying to garner support for their candidacy and win votes. Further, not every attorney who knows how to run a successful campaign or who has enough charisma and name recognition to get elected would make a good judge. The skillsets needed to skillfully campaign and to skillfully adjudicate legal matters are entirely different.

Allowing judges to campaign, raise funds, and openly affiliate with political parties also risks eroding public trust in our courts. It would introduce partisan pressures that could unfairly influence judicial decision making—especially in cases affecting the rights of vulnerable individuals and including people with disabilities. The necessity of fundraising to gain or maintain a judicial seat will, by its very nature, create conflicts of interest, infer bias, and risk corruption. Imagine for a moment a landlord/tenant case makes its way before an elected judge. The landlord is accused of violating the Fair Housing Act by refusing a reasonable accommodation request from a tenant who uses a wheelchair to put in a ramp so that the tenant can access their apartment. A judge who receives significant campaign financing from real estate developers, landlord associations, or other groups that oppose tenant protections would be at risk of deciding the case—consciously or unconsciously—according to the interests of their financial backers rather than according to the letter of the law. And even if the judge attempts to act impartially, the mere fact that he is backed by these deep pockets would give an appearance of impropriety or bias to the average citizen. Whether true or untrue, the mere appearance of impropriety erodes the public’s trust in the judicial system. How many Kansans with disabilities will choose to forego the stress of trying to enforce their critical rights in a court of law and suffer in silence if the courts no longer appear impartial?

Protecting Access to Justice for Crime Victims and Vulnerable Kansans

The individuals whom the attorneys at DRC Kansas represent rely on the courts to fairly and impartially enforce their legal rights. If judicial candidates must fundraise and campaign to secure a seat on the bench, those with more financial and political backing may gain an advantage, regardless of their qualifications. This shift could create barriers to justice for Kansans who do not have political influence or financial resources—particularly crime victims with disabilities, who often face additional challenges in navigating the legal system.

Moreover, Kansas courts oversee critical community programs, such as drug diversion programs, child in need of care services, veterans’ courts, and mental health initiatives. Infusing politics into the judiciary could lead to instability and gridlock, ultimately jeopardizing these essential services.

The Dangers of Judicial Elections – Lessons from Other States

Other states that elect judges have seen firsthand the dangers of politicizing the judiciary. In Wisconsin, for example, over \$51 million was spent on a single Supreme Court election, with \$45 million coming from dark money outside of the state. The result has been increased partisanship, not better justice. Texas and Illinois have also faced significant issues with special-interest spending in judicial races, leading to concerns about fairness in the courtroom.

Kansas has long stood apart by maintaining a selection process that prioritizes legal expertise and impartiality over political connections and campaign financing. Moving to a system of judicial elections would open the door to these same problems, eroding the stability and fairness of our courts.

Conclusion

Kansas courts should be accountable to the Constitution, the rule of law, and the people of Kansas—not to political donors, special interest groups, or partisan agendas. The current process of nomination and selection followed by retention questions at elections strike a balance that allows for both judicial independence *and* democratic accountability. The Supreme Court Nominating Commission ensures that judicial appointments are based on merit, preserving the integrity of our legal system, and protecting the rights of all Kansans.

For these reasons, DRC Kansas urges you to vote against SCR 1611 and uphold Kansas’s tradition of an independent, impartial judiciary.

Thank you for the opportunity to present testimony on this matter and for giving it the serious consideration that it requires. We would be happy to answer any questions or provide further information at your request.