

HOUSE BILL No. 2344

By Committee on Judiciary

2-13

1 AN ACT concerning judges; relating to the court of appeals; retention in
2 office; amending K.S.A. 2014 Supp. 20-3006 and 20-3010 and
3 repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 20-3006 is hereby amended to read as
7 follows: 20-3006.(a) Not less than 60 days prior to the holding of the
8 general election next preceding the expiration of the term of any judge of
9 the court of appeals, the judge may file in the office of the secretary of
10 state a declaration of candidacy for retention in office. If a declaration is
11 not filed as provided in this section, the position held by the judge shall be
12 vacant upon the expiration of the judge's term of office. If such declaration
13 is filed, the judge's name shall be submitted at the next general election to
14 the electors of the state on a separate judicial ballot, without party
15 designation, reading substantially as follows:

16 "Shall (Here insert name of judge.), Judge of the Court of Appeals, be
17 retained in office?"

18 (b) ~~If a majority~~ 30% of those voting on the question ~~votes~~ *vote*
19 against retaining the judge in office, the position which the judge holds
20 shall be vacant upon the expiration of the judge's term of office.
21 Otherwise, unless the judge is removed for cause, the judge shall remain in
22 office for a term of four years from the second Monday in January
23 following the election. At the expiration of each term, unless by law the
24 judge is compelled to retire, the judge shall be eligible for retention in
25 office by election in the manner prescribed in this section.

26 (c) ~~If a majority~~ 30% of those voting on the question ~~votes~~ *vote*
27 against the judge's retention, the secretary of state, following the final
28 canvass of votes on the question, shall certify the results to the clerk of the
29 supreme court. Any such judge who has not been retained in office
30 pursuant to this section shall not be eligible for nomination or appointment
31 to the office of judge of the court of appeals prior to the expiration of four
32 years after the expiration of the judge's term of office.

33 (d) Election laws applicable to the general election of other state
34 officers shall apply to elections upon the question of retention of judges of
35 the court of appeals pursuant to this section, to the extent that they are not
36 in conflict with and are consistent with the provisions of this section.

1 Sec. 2. K.S.A. 2014 Supp. 20-3010 is hereby amended to read as
2 follows: 20-3010. (a) Any person appointed to the office of judge of the
3 court of appeals to fill a vacancy or appointed by reason of the expiration
4 of a term of office, shall serve until the second Monday in January
5 following the next general election which occurs after one year in office
6 and shall be eligible to be retained in office for a full term of four years as
7 provided in K.S.A. 20-3006, and amendments thereto, for the retention of
8 judges first appointed to the court of appeals.

9 (b) If ~~a majority~~ 70% of the votes cast and counted at such election is
10 in favor of retaining such judge in office, the judge shall remain in office
11 for a regular term of four years from the second Monday in January next
12 following such election. Thereafter, such judge shall be subject to retention
13 in office as provided in K.S.A. 20-3006, and amendments thereto. If ~~a~~
14 ~~majority~~ 30% of the votes cast and counted at such election is against
15 retaining such judge in office, such judge's position on the court of appeals
16 shall become vacant on the second Monday in January next following the
17 election, and a successor shall be appointed pursuant to K.S.A. 2014 Supp.
18 20-3020, and amendments thereto. If such judge does not declare such
19 judge's candidacy for election to be retained in office, such judge's position
20 on the court of appeals shall be vacant on the second Monday in January
21 next following such election.

22 Sec. 3. K.S.A. 2014 Supp. 20-3006 and 20-3010 are hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.