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**House Judiciary Committee**

**Opponent, HB 2020**

**January 28, 2019**

Chairman Patton and Members of the committee,

I am Jeanne Gawdun, Senior Lobbyist with Kansans for Life. KFL has testified many times before this committee as an advocate of judicial selection reform. It is with that perspective that I am testifying today in opposition to House Bill 2020.

Courts play a unique controlling role with respect to legislation governing abortion and the delivery of life-sustaining medical care. Our members have increasingly insisted that our state's method of choosing our highest judges needs reform.

Kansas is currently the only state in the nation to utilize a Supreme Court Nomination Commission with the majority control in the hands of Kansas attorneys. Of the nine Commission members, five are attorneys and four are appointed by the governor.

KFL opposes the current Commission because it wrongly allows attorneys a disproportionate influence in the process, while denying citizens their rightful vote.

While we continue to advocate for an overhaul of the Commission, KFL was encouraged to see progress in making the Commission more transparent, through the enactment of H Sub SB 128 in 2016. We specifically point to the improvements which:

1. Made Judicial Nomination Commission meetings subject to both Kansas Open Records (KORA); and
2. Gave the Kansas Secretary of State's Office oversight of the process in which attorneys are selected to the commission.

It is disturbing that HB 2020 (like its predecessor, HB 2245, which we opposed in 2017) has arisen to destroy these accountability measures enacted by a bi-partisan coalition of lawmakers. Governor-appointed Commission members Bob Hayworth and Felita Kahrs have testified how disappointed they were to see, first hand, how these judicial candidate evaluations (which were closed to the public) were actually conducted. *(see excerpts on next page)*

HB 2020's reversal of transparency and accountability in the judicial selection process is more than just a wrong step, it is an indefensible attempt to return the process back to the control of a few individuals behind closed doors.

Mr. Chairman and members of the committee, we respectfully, and strongly, urge you to reject HB 2020. Thank you.

**Excerpts from testimony to Kansas Judiciary Committees in 2013 (emphasis by KFL):**

Non-attorney judicial selection commissioner, Bob Hayworth, revealed that,

*"[We] had good information...coupled with the statutory requirements...from which to measure each candidate ...throughout the process as a focal point for deliberations. That was not the case... Politics is already in this process... [in] deliberations and voting, the **qualities of a good judge quickly morphed into areas that were suspect** to me. They included political philosophy, gender, locale, ABA engagement and age...if my company were not to hire employees based on some of the traits considered, we would likely end up in appellate court."*

[http://kslegislature.org/li\\_2014/b2013\\_14/committees/misc/ctte\\_h\\_jud\\_1\\_20130122\\_03\\_other.pdf](http://kslegislature.org/li_2014/b2013_14/committees/misc/ctte_h_jud_1_20130122_03_other.pdf)

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Another non-attorney judicial selection commissioner, Felita Kahrs, had an equally shocking experience.

*"[All] Commissioners were given a set of criteria...[but] when it came time to discuss candidates who were **known for their conservative political views, all of a sudden everything changed**. Even though the qualifications and traits of these candidates exceeded and in some cases far surpassed **candidates preferred by the majority of the Commission**," the conservative candidates were dismissed; "hence, the selection process was **not based on merit**...[D]uring our deliberations regarding the two conservative candidates our discussion became extremely heated and sometimes hostile. I actually **witnessed disdain** towards these candidates from some of the Commissioners... [including that] 'this candidate was openly pro-life while serving in the legislature.' For **those who say this process was not political, they are either ignorant of the truth or dishonest.**"*

[http://kslegislature.org/li\\_2013s/b2013\\_14/committees/misc/ctte\\_s\\_jud\\_1\\_20130903\\_05\\_other.pdf](http://kslegislature.org/li_2013s/b2013_14/committees/misc/ctte_s_jud_1_20130903_05_other.pdf)