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kasb.org

Written Opponent Testimony before the
Senate Judiciary Committee

on

SCR 1621 - Proposing a constitutional amendment to provide that the governor will appoint supreme court justices subject to senate confirmation and to eliminate the supreme court nominating commission

And

SCR 1622 - Proposing a constitutional amendment to provide for partisan, statewide election of justices of the supreme court and abolish the supreme court nominating commission

by

Mark Tallman, Associate Executive Director, Kansas Association of School Boards

March 4, 2022

Madam Chair, Members of the Committee:

Thank you for allowing us to testify on these proposed constitutional amendments. KASB is opposition to these amendments based on a long-standing position adopted by our member school boards as follows:

KASB supports the role of an independent judiciary in enforcing constitutional provisions. We oppose either changing the selection process for judges or limiting the ability of the courts to enforce those provisions, which would weaken the traditional separation of powers in Kansas.

Our members have expressed this position in the context of constitutional funding and governance of education under Article 6 of the Kansas Constitution. We believe the current process has allowed the courts to define and support both adequate and equitable funding for each Kansas student, and to help define the balance of responsibilities between the State Board of Education, local boards of education and the Legislature.

Thank you for your consideration.