

Senate Concurrent Resolution No. 1621

By Committee on Federal and State Affairs

3-1

1 A PROPOSITION to amend sections 5 and 15 of article 3 of the
2 constitution of the state of Kansas; relating to the selection of supreme
3 court justices; providing for senate confirmation; abolishing the
4 supreme court nominating commission.
5

6 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
7 *members elected (or appointed) and qualified to the Senate and two-*
8 *thirds of the members elected (or appointed) and qualified to the*
9 *House of Representatives concurring therein:*

10 Section 1. The following proposition to amend the constitution of
11 the state of Kansas shall be submitted to the qualified electors of the state
12 for their approval or rejection: Sections 5 and 15 of article 3 of the
13 constitution of the state of Kansas are hereby amended to read as follows:

14 "**§ 5. Selection of justices of the supreme court.** (a) (1) Any
15 vacancy occurring in the office of any justice of the supreme court
16 and any position to be open ~~thereon~~ *on the supreme court* as a
17 result of enlargement of the court, or the retirement or failure of an
18 incumbent to file ~~his~~ *such justice's* declaration of candidacy to
19 ~~succeed himself~~ *be retained in office* as hereinafter required, or
20 failure of a justice to be elected to ~~succeed himself~~ *be retained in*
21 *office*, shall be filled by appointment by the governor ~~of one of~~
22 ~~three persons possessing the qualifications of office who shall be~~
23 ~~nominated and whose names shall be submitted to the governor by~~
24 ~~the supreme court nominating commission established as~~
25 ~~hereinafter provided,~~ *with the consent of the senate, of a person*
26 *possessing the qualifications of office.*

27 (2) *Whenever a vacancy occurs, will occur or a position*
28 *opens on the supreme court, the clerk of the supreme court shall*
29 *promptly give notice to the governor.*

30 ~~(b)(3)~~ (3) *In the event of the failure of the governor to make the*
31 *appointment within sixty days from the* ~~time the names of the~~
32 ~~nominees are submitted to him~~ *date such vacancy occurred or such*
33 *position became open*, the chief justice of the supreme court shall
34 make the appointment ~~from such nominees~~, *with the consent of the*
35 *senate, of a person possessing the qualifications of office.*

36 (4) *Whenever a vacancy in the office of justice of the supreme*

1 Sec. 3. This resolution, if approved by two-thirds of the members
2 elected (or appointed) and qualified to the Senate and two-thirds of the
3 members elected (or appointed) and qualified to the House of
4 Representatives, shall be entered on the journals, together with the yeas
5 and nays. The secretary of state shall cause this resolution to be published
6 as provided by law and shall cause the proposed amendment to be
7 submitted to the electors of the state at a special election, which is hereby
8 ~~called on August 2, 2022, pursuant to section 1 of article 14 of the~~
9 ~~constitution of the state of Kansas, to be held in conjunction with the~~
10 ~~primary election held on such date.~~

the general election in November in the year 2022