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**Testimony in Support of House Concurrent Resolution 5022  
Proposing a constitutional amendment requiring that a sheriff be elected in each county**

**Presented to the Senate Committee on the Judiciary  
By Kansas Attorney General Derek Schmidt**

**March 10, 2022**

Chair Warren and Members of the Committee:

Thank you for the opportunity to submit this testimony in support of House Concurrent Resolution 5022. This resolution, if adopted by the Legislature, would place before the voters of Kansas a proposed amendment to our state constitution that would preserve the ability of citizens in each county that currently has an elected sheriff to continue electing their sheriff.

The office of sheriff has a long and storied history, and since prior to statehood, Kansas law has provided for sheriffs to be selected by popular election. This unique selection method provides sheriffs with direct accountability to the voters and independence from other elected officials.

Continuing this long-established practice remains good public policy today. I support the efforts of the Kansas Sheriffs' Association to ask the voters of Kansas to enshrine this method of selection in the Kansas Constitution.

The amendment also contains a provision that a sheriff may only be involuntarily removed from office by recall election or by a *writ of quo warranto* initiated by the attorney general. I believe this is an appropriate provision to ensure the independence of the sheriff from other elected officials in the county. Our office regularly handles public misconduct cases involving local elected officials and would be capable of handling the rare case when a sheriff's conduct in office would warrant involuntary removal.

Thank you for your consideration, and I urge the Committee to recommend HCR 5022 favorably for passage.

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