A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

"Article 3.—JUDICIAL

§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

§ 2. Supreme court. The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus,
§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices for two years, and whose duties shall be prescribed by law.

§ 5. Selection of justices of the supreme court. (a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement, resignation or removal of a justice, shall be filled by election at the next general election. Such election shall be partisan and from the state as a whole. Except as otherwise provided in this section, election laws applicable to other state officers elected from the state as a whole shall apply to the nomination and election of justices of the supreme court. Each justice of the supreme court elected as provided by law shall hold office for a term of six years which term shall commence on the second Monday in January following the general election. Justices of the supreme court may seek reelection.

(b) Each justice in office at the time this amendment takes effect shall hold office for the term for which such justice was retained in office by election, or hold office for the initial term for which such justice was appointed, and until a successor is elected and qualified. The office which such justice holds shall be open upon the expiration of such justice's term of office, or upon the retirement, resignation or removal of such justice, whichever occurs first. Such justice shall be eligible for election to such office in the manner prescribed in this section, unless by law such justice is compelled to retire or such justice retired, resigned or was removed from such office.

§ 6. Court of appeals. (a) (1) The court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the
pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below, until the decision of the court of appeals.

(2) Any vacancy occurring in the office of any judge of the court of appeals and any position to be open thereon as a result of enlargement of the court, or the retirement, resignation or removal of a judge, shall be filled by election at the next general election. Such election shall be partisan and from the state as a whole. Except as otherwise provided in this section, election laws applicable to other state officers elected from the state as a whole shall apply to the nomination and election of judges of the court of appeals. Each judge of the court of appeals elected as provided by law shall hold office for a term of six years which term shall commence on the second Monday in January following the general election. Judges of the court of appeals may seek reelection.

(b) Each judge in office at the time this amendment takes effect shall hold office for the term for which such judge was retained in office by election, or hold office for the initial term for which such judge was appointed, and until a successor is elected and qualified. The office which such judge holds shall be open upon the expiration of such judge's term of office, or upon the retirement, resignation or removal of such judge, whichever occurs first. Such judge shall be eligible for election to such office in the manner prescribed in this section, unless by law such judge is compelled to retire or such judge retired, resigned or was removed from such office.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 7. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of nonpartisan selection of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district
voting on the question at an election in which the proposition is submitted. Whenever a vacancy occurs in the office of district judge, it shall be filled by appointment by the governor until the next general election that occurs more than 30 days after such vacancy, or as may be provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their respective districts as may be provided by law.

c) The legislature shall provide for clerks of the district courts.

d) Provision may be made by law for judges pro tem of the district court.

e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.

(f) The supreme court may assign a district judge to serve temporarily on the supreme court.

g) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the supreme court, judges of the court of appeals and judges of the district courts shall be at least 30 years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law.

"§ 9. Prohibition of political activity by certain judges. No judge of the district court holding office under a nonpartisan method authorized in subsection (a) of section 7 of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

"§ 10. Extension of terms until successor qualified. All judicial officers shall hold their offices until their successors shall have qualified.

"§ 11. Compensation of justices and judges; certain limitation. The justices of the supreme court, judges of the court of appeals and judges of the district courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their terms of office, unless by general law applicable to all salaried officers of the state. Such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States except as may be provided by law, or practice law
during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the supreme court that such justice is so incapacitated as to be unable to perform adequately such justice's duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the court of appeals, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in subsection (a) of section 7 of this article, and all such justices and judges shall hold their respective offices for the terms for which elected or appointed unless sooner removed in the manner provided by law; (b) repeal any statute of this state relating to the supreme court, the supreme court nominating commission, the court of appeals, district courts, or any other court, or relating to the justices or judges of such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to place the law concerning the court of appeals into the constitution, to do away with the supreme court nominating commission and to provide for election of justices of the supreme court and judges of the court of appeals. Future justices and judges would be elected in partisan, statewide elections. Each justice and judge elected would hold office for a term of six years and would be allowed to seek reelection.

"A vote for this proposition would cause justices of the supreme court and judges of the court of appeals to be elected in partisan, statewide elections for terms of six years.

"A vote against this proposition would continue the current system in which justices of the supreme court are appointed
by the governor from a list of three individuals submitted by
the supreme court nominating commission and judges of the
court of appeals are appointed by the governor, with the
consent of the senate."

Sec. 3. This resolution, if approved by two-thirds of the members
elected (or appointed) and qualified to the House of Representatives, and
two-thirds of the members elected (or appointed) and qualified to the
Senate shall be entered on the journals, together with the yeas and nays.
The secretary of state shall cause this resolution to be published as
provided by law and shall cause the proposed amendment to be submitted
to the electors of the state at the election in August in the year 2016
unless a special election is called at a sooner date by concurrent
resolution of the legislature, in which case it shall be submitted to the
electors of the state at the special election.