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,
and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.

"§ 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) (1) Any vacancy occurring in the office of any justice of the supreme court and any position to be open on the supreme court as a result of enlargement of such court, or the retirement or failure of an incumbent to file such justice's declaration of candidacy to be retained in office as hereinafter required, or failure of a justice to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

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

(3) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(4) Whenever a vacancy in the office of justice of the supreme court exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of justice of the supreme court until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor,
within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each justice of the supreme court appointed pursuant to subsection (a) and consented to pursuant to subsection (b) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any justice of the supreme court, the justice may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the justice shall be vacant upon the expiration of the justice's term of office. If such declaration is filed, the justice's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows: "Shall (Here insert name of justice.), Justice of the Supreme Court, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the justice in office, the position which the justice holds shall be vacant upon the expiration of the justice's term of office. Otherwise, unless the justice is removed for cause, the justice shall remain in office for the regular term of six years from the second Monday in January following the election. At the expiration of each term, unless by law the justice is compelled to retire, the justice shall be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the justice's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such justice who has not been retained in office pursuant to this section shall not be eligible for appointment to the office of justice of the supreme court prior to the expiration of six years after the expiration of the justice's term
"§ 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 on the court of appeals as a result of enlargement of such court, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office as hereinafter required, or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(3) Whenever a vacancy occurs, will occur or position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(4) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(5) Whenever a vacancy in the office of judge of the court of appeals exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not
be in session within the 60-day time limitation, the senate shall
vote to consent to any such appointment not later than 20 days after
the senate begins its next session. In the event a majority of the
senate does not vote to consent to the appointment, the governor,
within 60 days after the senate vote on the previous appointee,
shall appoint another person possessing the qualifications of office
and such subsequent appointment shall be considered by the senate
in the same procedure as provided in this article. The same
appointment and consent procedure shall be followed until a valid
appointment has been made. No person who has been previously
appointed but did not receive the consent of the senate shall be
appointed again for the same vacancy. If the senate fails to vote on
an appointment within the time limitation imposed by this
subsection, the senate shall be deemed to have given consent to
such appointment.

(c) (1) Each judge of the court of appeals appointed pursuant
to subsection (a) and consented to pursuant to subsection (b) shall
hold office for an initial term ending on the second Monday in
January following the first general election that occurs after the
expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general
election next preceding the expiration of the term of any judge of
the court of appeals, the judge may file in the office of the
secretary of state a declaration of candidacy for retention in office.
If a declaration is not filed as provided in this section, the position
held by the judge shall be vacant upon the expiration of the judge's
term of office. If such declaration is filed, the judge's name shall be
submitted at the next general election to the electors of the state on
a separate judicial ballot, without party designation, reading
substantially as follows: "Shall (Here insert name of judge.), Judge
of the Court of Appeals, be retained in office?"

(3) If a majority of those voting on the question vote against
retaining the judge in office, the position which the judge holds
shall be vacant upon the expiration of the judge's term of office.
Otherwise, unless the judge is removed for cause, the judge shall
remain in office for the regular term of four years from the second
Monday in January following the election. At the expiration of
each term, unless by law the judge is compelled to retire, the judge
shall be eligible for retention in office by election in the manner
prescribed in this section.

(4) If a majority of those voting on the question vote against
the judge's retention, the secretary of state, following the final
canvass of votes on the question, shall certify the results to the
clerk of the supreme court. Any such judge who has not been 
retained in office pursuant to this section shall not be eligible for 
appointment to the office of judge of the court of appeals prior to 
the expiration of four years after the expiration of the judge's term 
of office.

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

"§ 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 justices and
certain judges. No justice of the supreme court who is appointed
or retained under the procedure of section 5 of this article, nor any
judge of the court of appeals who is appointed or retained under the
procedure of section 6 of this article, nor any 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 and to do away with the supreme court
nominating commission. The governor will appoint a
qualified person, or if the governor fails to act, the chief
justice of the supreme court would appoint a qualified
person, and such person's appointment would be required to
be confirmed by the senate. A procedure is established
whereby senate confirmation would occur within 60 days of
receiving the appointment. If the senate does not confirm the
appointment by a majority vote, the governor would then
appoint another qualified person, and such person's
appointment would again go to the senate for confirmation.
The same appointment and confirmation procedure would be
followed until a valid appointment is made. If the senate
fails to vote on an appointment within 60 days, it will be
considered that the senate has confirmed the appointment.

"A vote for this proposition would provide a procedure whereby
the governor or chief justice would appoint a person to be a
supreme court justice or court of appeals judge and the
senate, by majority vote, would confirm the appointment of
the supreme court justice or court of appeals judge.

"A vote against this proposition would continue in effect the
current provision whereby the supreme court nominating
commission nominates three persons for the office of the
supreme court or court of appeals and the governor appoints
one of such persons."

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 general election in November 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.