

HOUSE BILL No. 2618

AN ACT concerning the court of appeals; relating to the judge's term of office; amending K.S.A. 20-3010 and K.S.A. 2003 Supp. 20-3006 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2003 Supp. 20-3006 is hereby amended to read as follows: 20-3006. (a) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005 and amendments thereto shall commence the duties of office upon appointment, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. The initial term of office for the person serving as judge of the court of appeals in position 11 ~~and position 12~~ shall expire January 8, 2007. *The initial term of office for the person serving as judge of the court of appeals in position 12 shall expire January 12, 2009.* The initial term of office for the person serving as judge of the court of appeals in position 13 and position 14 shall expire January ~~12, 2009~~ *10, 2011.*

(b) (1) 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?"

(2) If a majority of those voting on the question votes 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 a term of ~~four~~ six 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.

(3) If a majority of those voting on the question votes 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 nomination or appointment to the office of judge of the court of appeals prior to the expiration of ~~four~~ six years after the expiration of the judge's term of office.

(4) Election laws applicable to the general election of other state officers shall apply to elections upon the question of retention of judges of the court of appeals pursuant to this section, to the extent that they are not in conflict with and are consistent with the provisions of ~~this act~~ *article 30 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.*

(c) *Any judge of the court of appeals in office on July 1, 2004, shall have such judge's term of office extended two years from the date of expiration of the current term of office of such judge, except those judges who are scheduled to be on the retention ballot in the November 2004 election shall run for a six-year term. Thereafter, the term of office of all judges of the court of appeals shall be six years.*

Sec. 2. K.S.A. 20-3010 is hereby amended to read as follows: 20-3010. (a) Any person appointed to the office of judge of the court of appeals pursuant to K.S.A. 20-3009, *and amendments thereto*, shall commence upon the duties of ~~his or her~~ *such judge's* office on the date such appointment takes effect, ~~and~~. Any person so appointed shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. Any such judge who is so appointed to fill a vacancy or appointed by reason of the expiration of a term of office, shall serve until the second Monday in January following the next general election which occurs after one year in office and shall be eligible to succeed ~~himself or herself~~ in office for a full term of ~~four~~ *(4) six* years as

provided in K.S.A. 20-3006, *and amendments thereto*, for the retention of judges first appointed to the court of appeals.

(b) If a majority of the votes cast and counted at such election is in favor of retaining such judge in office, ~~he or she~~ *such judge* shall remain in office for a regular term of ~~four~~ six years from the second Monday in January next following such election. Thereafter, such judge shall be subject to retention in office as provided in K.S.A. 20-3006, *and amendments thereto*. If a majority of the votes cast and counted at such election is against retaining such judge in office, such judge's position on the court of appeals shall become vacant on the second Monday in January next following the election, and a successor shall be appointed pursuant to K.S.A. 20-3007, 20-3008 and 20-3009, *and amendments thereto*. If such judge does not declare ~~his or her~~ *such judge's* candidacy for election to succeed ~~himself or herself~~ in office, such judge's position on the court of appeals shall be vacant on the second Monday in January next following such election.

Sec. 3. K.S.A. 20-3010 and K.S.A. 2003 Supp. 20-3006 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.