

SPECIAL SESSION OF 2005

**SUPPLEMENTAL NOTE ON
HOUSE CONCURRENT RESOLUTION NO. 5001**

As Introduced

Brief*

HCR 5001 would amend the Judicial Article of the *Kansas Constitution* to provide for the nonpartisan election of the Kansas Supreme Court Justices. The proposed constitutional amendment provides for nonpartisan elections at large for the entire state. The three candidates receiving the greatest number of votes at a primary election would be placed on the ballot at the general election with the candidate receiving the greatest number of votes at the general election succeeding to any vacant position on the Supreme Court. The election of the justice would be for a term of six years, who would then be subject to reelection.

The successful candidate would be installed in January of the year following the general election the same as other candidates elected from the state at large.

Background

The Supreme Court is Kansas' highest court. It consists of seven justices, each of whom is selected by the Governor. The Governor appoints from a list of three qualified individuals submitted by the Supreme Court Nominating Commission. After the first year in office, a justice is subject to a retention vote in the next general election. If a majority of electors votes to retain the justice, he or she remains in office for a term of six years. Justices are subject to a similar retention vote at the conclusion of each term.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Supreme Court Nominating Commission is an independent constitutional body created by the *Kansas Constitution*, Article 3, §5(g) and governed by KSA 20-119 *et seq.*

The Commission is a nine-member board responsible for recommending qualified individuals for appointment to the Kansas Supreme Court and the Kansas Court of Appeals. Four of the Commission's members are non-attorneys appointed by the Governor; four others are attorneys selected by attorneys in each of the State's four Congressional Districts. The Chair of the Commission is an attorney elected by attorneys in a statewide vote.

The Commission sends the names of three qualified individuals to the Governor for each vacancy. The Governor interviews the candidates and makes the appointment. The justices and judges then stand for retention, six years for a Supreme Court justice and four years for a Court of Appeals judge.