

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Susan Humphries at 3:30 pm on Thursday, March 13, 2025, in room 582-N of the Capitol.

All members were present

### Committee staff present:

Jason Thompson, Office of Revisor of Statutes  
Jordan Milholland, Legislative Research Department  
Lynette Hosek, Kansas Legislative Committee Assistant  
Natalie Nelson, Legislative Research Department

### Conferees appearing before the Committee:

Kris Kobach, Attorney General  
Josh Ney, Kriegshauser Ney Law Group  
Professor Chris W. Bonneau, University of Pittsburgh  
Anthony Powell, Solicitor General, Attorney General's Office  
Honorable Clark V. Owens, Retired Court District Judge, 18th Judicial District  
Justice Robert Edmunds, former NC Supreme Court Justice  
Honorable Kevin M. Smith, Kansas Court District Judge, 18th Judicial District  
Elizabeth Patton, Americans for Prosperity-Kansas  
Dave Morantz, Kansas Trial Lawyers Association  
Fred Logan, Kansas Bar Association  
Anne Kindling, Kansas Association of Defense Counsel  
Leah Fliter, Kansas Association of School Boards  
Rashane Hamby, American Civil Liberties Union (ALCU) of Kansas  
Gina Spade, Kansas Women Attorneys for Freedom  
Erin Woods, Game On for Kansas Schools  
Ellen Johnson, Private Citizen  
Dodie Wellshear, Ad Astra Government Relations

### Others in attendance:

No list available

### **Possible action on bills previously heard**

Chair Humphries reopened discussion and final action on **SB30**, which was paused yesterday.

*As stated yesterday, Representative Humphries moved, Representative Williams seconded, to adopt the amendment. Motion passed.*

*Representative Williams moved, Representative Ward seconded, to pass out **SB30** as amended*

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*favorably for passage. Motion passed.*

Representative Carmichael requested his affirmative vote be recorded.

**Hearing on: SCR1611 — Proposing a constitutional amendment to provide for direct election of supreme court justices and abolish the supreme court nominating commission.**

Chair Humphries opened the hearing on **SB1611** at 3:43pm.

Jason Thompson, Office of the Revisor of Statutes presented the bill brief. ([Attachment 1](#))

PROPONENTS:

Proponent Kris Kobach, Attorney General, testified that the system for choosing Kansas Supreme Court judges has been a failure, leaving judges making up the majority. At this time, the Kansas Supreme Court is accountable to no one and it is time to make them accountable to the people. ([Attachment 2](#))

Proponent Josh Ney, Kriegshauser Ney Law Group, testified that he has been the beneficiary of every type of "selection" process in Kansas. He said that the public would use a more rigorous system of electing judges than the current system used by the attorneys on the nominating committee. ([Attachment 3](#))

Proponent Professor Chris W. Bonneau, University of Pittsburgh, testified that the bulk of his scholarly work has been about the election of judges, having co-authored books and published numerous articles on the topic of judicial elections. He presented certain facts regarding the election of judges, based on his research. ([Attachment 4](#))

Proponent Anthony Powell, Solicitor General, Attorney General's Office, testified that the quality of judges and confidence of the public are enhanced when judges are elected. ([Attachment 5](#))

Proponent Honorable Clark V. Owens, Retired Court District Judge, 18th Judicial District, testified that the election system holds judges accountable to the public. As of today, appointment to the Kansas Supreme Court seems to be a lifetime appointment. There are no cases of dismissal. ([Attachment 6](#))

Proponent Justice Robert Edmunds, former North Carolina Supreme Court Justice, testified that he is in favor of public election of state Supreme Court Justices. He believes the election process allows judges to participate in the civic duty of staying in touch with voters. ([Attachment 7](#))

Proponent Honorable Kevin M. Smith testified on his own behalf, not that of the 18th Judicial District. He noted that the people of Kansas have the right to choose their Governor, representatives and

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senators, and district court and appeals court judges. They should also be empowered to elect Supreme Court justices, who's decisions impact many state policies. ([Attachment 8](#))

Proponent Elizabeth Patton, Americans for Prosperity-Kansas, testified that the Supreme Court of our state should represent the people of this state. Currently, some lawyers in the state have a voice in the appointment of judges, but the common citizens need to have a voice in this process. ([Attachment 9](#))

Chair Humphries called attention to the Proponent Written Only testimony:

Honorable Charles M. Hart, Kansas District Judge, 13th Judicial District ([Attachment 10](#))

Eric Stafford, Kansas Chamber ([Attachment 11](#))

Chris McGowne, McGowne Law Offices, P.A. ([Attachment 12](#))

Steven Brunk, City Elders of Kansas ([Attachment 13](#))

Dale Enyart, Private Citizen ([Attachment 14](#))

Kari Sue Vosburgh, Private Citizen ([Attachment 15](#))

OPPONENTS:

Opponent David Morantz, Kansas Trial Lawyers Association, testified that while no selection process is perfect, the merit selection process has worked well in Kansas. It has proven to be the best system for assuring that justices are well qualified and experienced and are free to make decisions regardless of politics. ([Attachment 16](#))

Opponent Fred Logan, on behalf of the Kansas Bar Association, testified that the merit selection process ensures that individuals will be appointed to the Supreme Court because they have shown the legal skill and temperament to honorably serve Kansans. This has been a good process for 67 years. This Resolution would undo that system and leave decisions only to the political skill and fundraising prowess that a lawyer could bring to the statewide campaign. ([Attachment 17](#))

Opponent Anne Kindling, on behalf of Samantha Woods, Kansas Association of Defense Counsel, testified that the merit system for selecting Kansas Supreme Court Justices is an efficient, effective, and

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fair system of ensuring that Kansas' civil litigants have impartial Justices to resolve their disputes. [\(Attachment 18\)](#)

Opponent Leah Fliter, Kansas Association of School Boards, testified that their testimony is directed by their member-approved legislative policy, reaffirmed in November 2024: Role of the Courts. KASB supports the role of an independent judiciary in enforcing constitutional provisions. We oppose either changing the selection process for judges or limiting the ability of the courts to enforce those provisions which would weaken the traditional separation of powers in Kansas. [\(Attachment 19\)](#)

Opponent Rashane Hamby, American Civil Liberties Union (ACLU) of Kansas donated her time to other conferees. The ACLU supports the merit-based system of appointing justices and feels it ensures that justices are accountable to the law -- not to political parties, special interests, or campaign donors. The Union feels this proposal threatens to corrupt Kansas' highest court, inject partisan influence into judicial decisions, and dismantle constitutional safeguards that protect fundamental rights. [\(Attachment 20\)](#)

Opponent Gina Spade, Kansas Women Attorneys for Freedom, testified that the merit system we have now has served Kansans well. The people of Kansas do have a voice, in the fact that they have a vote on the retention of the court members every 6 years. It is important to their clients that the judge in their case be focused on the facts and the law before them, not on the opinions of political contributors. [\(Attachment 21\)](#)

Opponent Erin Woods, on behalf of Judith Deedy, Game On for Kansas Schools, testified that the current merit-based system is an effective and time-tested process that has helped insulate judicial selection in the state from financial and political pressures that endanger fair and impartial courts. [\(Attachment 22\)](#)

Opponent Ellen Johnson, private citizen, shared her personal experience and believes that Kansas residents from small farm communities could be unjustly represented by the process of electing Supreme Court Judges. [\(Attachment 23\)](#)

Opponent Dodie Wellshear, Ad Astra Government Relations, spoke for Sue Bond, Former Nominating Commission Member. Ms. Bond was disappointed that she could not join the meeting today, but Ms. Wellshear encouraged the Committee to read her testimony, which speaks of her experience with the nominating commission. [\(Attachment 24\)](#)

Chair Humphries called attention to the Opponent Written Only testimony:

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Linda Weis Olson, Member Supreme Court Nominating Commission 2014-2022 ([Attachment 25](#))

Mandi Hunter, Johnson County Bar Association ([Attachment 26](#))

Michelle Moe Witte, Wichita Bar Association ([Attachment 27](#))

Sarah Lafrenz, Kansas Organization of State Employees ([Attachment 28](#))

Kelson Bohnet, Clayton Perkins and others, BIDS Legislative Committee ([Attachment 29](#))

Mike Fonkert, Kansas Appleseed Center for Law and Justice ([Attachment 30](#))

Rocky Nichols, Disability Rights Center of Kansas ([Attachment 31](#))

Taylor Morton, Planned Parenthood Great Plains Votes ([Attachment 32](#))

Ashley Billam, Kansas Women Attorneys Association ([Attachment 33](#))

Rabbi Moti Rieber, Kansas Interfaith Action ([Attachment 34](#))

Blake Shuart, Hutton & Hutton, Wichita ([Attachment 35](#))

Denise Sultz, Kansas Parent Teacher Association ([Attachment 36](#))

Private Citizens, Last Names A - C ([Attachment 37](#))

Private Citizens, Last Names D - H ([Attachment 38](#))

Private Citizens, Last Names J - M ([Attachment 39](#))

Private Citizens, Last Names N - S ([Attachment 40](#))

Private Citizens, Last Names T - Z ([Attachment 41](#))

No Neutral testimony was submitted.

Chair Humphries closed the hearing on SCR1611 and adjourned the meeting at 5:28pm.

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