

## HOUSE BILL No. 2726

By Committee on Judiciary

Requested by Mark Hermes

2-5

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1 AN ACT concerning courts; relating to nonpartisan selection of judges of  
2 the district court and retention in office thereof; decreasing the number  
3 of votes required from a majority to 40% to not retain a judge in office;  
4 amending K.S.A. 20-2908 and repealing the existing section.  
5

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

7 Section 1. K.S.A. 20-2908 is hereby amended to read as follows: 20-  
8 2908. (a) Following the approval of nonpartisan selection of judges of the  
9 district court in a judicial district as provided in K.S.A. 20-2901, and  
10 amendments thereto, there shall not be an election or reelection of a judge  
11 of the district court at any succeeding general election, but any judge of  
12 the district court in the judicial district whose term of office expires on the  
13 second Monday in January next following any such succeeding general  
14 election shall be eligible for retention in office as provided in this section.

15 (b) No later than 12:00 noon on the Monday preceding the first  
16 Tuesday of August preceding the expiration of the judge's term of office,  
17 the judge may file in the office of the secretary of state a declaration of  
18 candidacy for retention in office. Such declaration shall be prescribed by  
19 the secretary of state. If a declaration is not so filed, the position held by  
20 the judge shall be vacant upon the expiration of the judge's term of office.  
21 If a declaration is filed, the judge's name shall be submitted at the next  
22 general election to the electors of the judicial district, if the judge is a  
23 district judge, or to the electors of the county, if the judge is a district  
24 magistrate judge. The name shall be submitted on a separate judicial  
25 ballot, without party designation, reading substantially as follows:

26 "Shall \_\_\_\_\_  
27 (Here insert name of judge.)  
28

29 \_\_\_\_\_ (Here insert the title of the court.)  
30 be retained in office?"

31 (c) If a majority 40% of those voting on the question vote against  
32 retaining the person in office, the position or office which the person holds  
33 shall be vacant upon the expiration of the person's term of office;  
34 Otherwise, unless removed for cause, the person shall remain in office for  
35 the regular term of four years from the second Monday in January

1 following the election. At the expiration of each term, unless by law the  
2 person is compelled to retire, the person shall be eligible for retention in  
3 office by election in the manner prescribed in this section.

4       (d) *Wherever a majority* If 40% of those voting on the question of  
5 retaining any judge in office vote against retention, the secretary of state,  
6 following the final canvass of votes on the question, shall certify the  
7 results to the chief justice of the supreme court. Any judge who has not  
8 been retained in office pursuant to this section shall not be eligible for  
9 nomination or appointment to the office of judge of the district court in the  
10 judicial district prior to the expiration of four years after the expiration of  
11 the judge's term of office.

12       (e) Election laws applicable to the general elections of other state  
13 officers shall apply to elections upon the question of retention of judges of  
14 the district court pursuant to this section, to the extent that they are  
15 consistent with the provisions of this act.

16       Sec. 2. K.S.A. 20-2908 is hereby repealed.

17       Sec. 3. This act shall take effect and be in force from and after its  
18 publication in the statute book.