

HOUSE BILL No. 2726

By Committee on Judiciary

Requested by Mark Hermes

2-5

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

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

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

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

"Shall _____

(Here insert name of judge.)

_____ (Here insert the title of the court.)
be retained in office?"

(c) If ~~a majority~~ 40% of those voting on the question vote against retaining the person in office, the position or office which the person holds shall be vacant upon the expiration of the person's term of office. Otherwise, unless removed for cause, the person shall remain in office for 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.