

## **Proposed Constitutional Amendment—Direct Election of Supreme Court Judges; SCR 1611**

**SCR 1611** proposes amendments to Sections 5, 8, and 15 of Article 3 of the *Kansas Constitution* for consideration at a special election on August 4, 2026, to be held in conjunction with the primary election to occur on that date. The amendment, if approved by voters, would abolish the current method of appointing justices to the Kansas Supreme Court and replace it with direct election of such justices.

Section 5 of Article 3 of the *Kansas Constitution* currently provides that Kansas Supreme Court justices are nominated by the Supreme Court Nominating Commission (Commission), consisting of nine members, including one lawyer and one non-lawyer from each of the state's four congressional districts, plus one lawyer who serves as the chairperson. In the event of a vacancy on the Supreme Court, the Commission is required to submit the names of three qualified persons to the Governor, who makes the appointment. Current law also provides for the Chief Justice of the Supreme Court to make the appointment in the event the Governor fails to do so within 60 days of the submission of nominees and for justices to be subject to retention elections after their first year in office and every 6 years thereafter.

Section 8 of Article 3 of the *Kansas Constitution* currently prohibits justices of the Supreme Court who are appointed or retained and district court judges from directly or indirectly making contributions to or holding any office in a political party or organization or taking part in any political campaign.

### ***Constitutional Amendments***

#### *Election of Supreme Court Justices*

The resolution proposes abolishing the current process used to select and appoint Kansas Supreme Court justices in favor of direct election. The resolution provides for the rules of such elections and the designation of justice position numbers to be provided by law. Justice positions 1, 2, and 3 would be elected at the general election in November 2028; positions 4 and 5 would be elected at the general election in November 2030; and positions 6 and 7 would be elected at the general election in November 2032, and every six years thereafter, respectively. Vacancies for unexpired terms would be filled by election as provided by law.

The resolution also proposes abolishing the Commission.

#### *Political Activity*

The resolution proposes removing the prohibition against Kansas Supreme Court justices directly or indirectly making contributions to or holding any office in a political party or organization or taking part in political campaigns.

The resolution also proposes an amendment to the prohibition on political activity to allow district court judges holding office under a nonpartisan method to directly or indirectly

make contributions to or hold any office in a political party or organization or take part in any political campaign when such judge is a candidate for election to a position on an appellate court.

### ***Ballot Language***

The resolution will place the following language on the ballot for the August 4, 2026, special election along with the text of the amendment itself:

Explanatory statement. This amendment gives the voters the right to elect the justices of the Kansas Supreme Court. The justices shall serve terms of six years, with the elections of justice positions 1, 2, and 3 to occur in 2028, positions 4 and 5 to occur in 2030, and positions 6 and 7 to occur in 2032, and every six years thereafter. The rules applicable for such elections and the designation of position numbers shall be provided by law. Any vacancy on the court for an unexpired term shall be filled at an election as provided by law.

A vote for this proposition would give Kansas citizens the right to elect Kansas Supreme Court justices as provided by law. Justices will hold office for terms of six years. The Kansas Supreme Court Nominating Commission, whose membership consists of a majority of lawyers, would be abolished.

A vote against this proposition would continue the current system in which the Kansas Supreme Court Nominating Commission, whose membership consists of a majority of lawyers, provides the governor a list of three individuals to choose from for vacancies on the Kansas Supreme Court. Justices hold office for a term of six years and retain their offices if they win a retention election in which they do not face an opponent.