

HOUSE BILL No. 2642

By Representative Toplikar

2-8

1 AN ACT concerning courts; relating to judges; nonpartisan selection of
2 judges of the district court; allowing a proposition related to the method
3 of selecting judges to be submitted to the voters more than once every
4 eight years; amending K.S.A. 20-2901 and repealing the existing
5 section.

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

8 Section 1. K.S.A. 20-2901 is hereby amended to read as follows: 20-
9 2901. (a) (1) The proposition of the method of selecting judges of the
10 district court shall be submitted to the qualified electors in each judicial
11 district, as authorized by section 6 of article 3 of the Kansas constitution,
12 when a petition therefor is submitted to the secretary of state in accordance
13 with this section.

14 (2) In the case of a petition for the adoption of the nonpartisan
15 method of selection, the following shall appear on the petition:

16 "We request an election to determine whether judges of the district
17 court in this district shall continue to be elected or shall be appointed by
18 the governor upon nominations by a district nominating commission and
19 subject to retention in office by a vote of the voters."

20 (3) In the case of a petition for the rejection of the nonpartisan
21 method of selection, the following shall appear on the petition:

22 "We request an election to determine whether judges of the district
23 court in this district shall continue to be appointed by the governor upon
24 nominations by a district nominating commission and subject to retention
25 in office by a vote of the voters or shall be elected."

26 (b) The proposition of the method of selecting judges of the district
27 court shall be submitted to the qualified electors in:

28 (1) Any newly established judicial district ~~which that~~ consists of all
29 or parts of two or more previously established districts ~~which that~~ used
30 different methods of selecting judges of the district court; and

31 (2) any judicial district to which new territory is attached if any
32 portion of such territory was transferred from a district ~~which that~~ used a
33 method of selecting its judges ~~which that~~ is different from the method used
34 in any other district from which any portion of the territory was transferred
35 or the district to which the territory is attached.

36 (c) The proposition on the ballot at an election held pursuant to this

1 section for the adoption of nonpartisan selection shall be as follows:

2 "The present method of electing judges of the district court in this
3 judicial district shall be discontinued and there is hereby adopted in this
4 judicial district the nonpartisan method of selection of judges by the
5 governor upon nominations by a district nominating commission and
6 subject to retention in office by a vote of the voters." Provision shall be
7 made for marking the question "Yes" or "No."

8 (d) The proposition on the ballot at an election held pursuant to this
9 section for the repeal of nonpartisan selection shall be as follows:

10 "The present method of nonpartisan selection of judges of the district
11 court in this judicial district by the governor upon nominations by a district
12 nominating commission and subject to retention in office by a vote of the
13 voters shall be discontinued and there is hereby adopted in this judicial
14 district the election of judges of the district court by the voters." Provision
15 shall be made for marking the question "Yes" or "No."

16 (e) The proposition on the ballot at any election held pursuant to
17 subsection (b) shall be as follows:

18 "Judges of the district court in this judicial district shall be selected:
19 (vote for only one of the following methods)

20 (1) By election by the voters.

21 (2) By nonpartisan appointment by the governor from among
22 nominations by a district nominating commission and subject to election
23 on retention in office by a vote of the voters."

24 (f) If a majority of the votes cast and counted on the proposition is in
25 favor of the nonpartisan method of selection or against election of judges
26 of the district court, the provisions of this act shall govern the selection
27 and retention of judges of the district court in the judicial district,
28 notwithstanding any other law providing for the election of judges of the
29 district court, until such time as the proposition of the method of selection
30 of the judges of the district court is resubmitted to the voters of the judicial
31 district and a different method of selection is approved by the voters as
32 provided by this section. If a majority of the votes cast and counted is in
33 favor of election of judges of the district court or against the nonpartisan
34 method of selection, vacancies in the office of judge of the district court in
35 the judicial district shall be filled in the manner provided by law for the
36 filling of such vacancies in judicial districts in which judges of the district
37 court are elected, until such time as the proposition of the method of
38 selection of the judges of the district court is resubmitted to the voters of
39 the judicial district and a different method of selection is approved by the
40 voters as provided by this section.

41 (g) Except as provided in subsection (b), when the proposition of the
42 method of selecting judges of the district court is submitted to the electors
43 in a judicial district ~~in 1984 or in any subsequent year~~, such proposition

1 may be resubmitted to the electors in the judicial district ~~not more often~~
2 ~~than once every eight years thereafter~~, whenever there shall be submitted
3 to the secretary of state a petition signed by qualified electors of the
4 judicial district, equal in number to not less than 5% of the electors of the
5 judicial district who voted for the office of secretary of state at the last
6 preceding general election. In such event, the secretary of state shall cause
7 the appropriate proposition as stated in subsection (c) or (d) to be placed
8 on the ballot at the next succeeding general election in an even-numbered
9 year ~~which~~ *that* occurs more than 90 days after the date such petition is
10 filed with the secretary of state.

11 (h) It shall be the duty of the state board of canvassers to canvass the
12 votes in each judicial district voting on the proposition of the method of
13 selection of judges of the district court in the manner prescribed by K.S.A.
14 25-3206, and amendments thereto. Upon completion of the final canvass
15 and certification of the results, the secretary of state shall transmit a copy
16 of the results for each such judicial district to the chief justice of the
17 supreme court. Upon receipt thereof, the chief justice shall notify the clerk
18 of the supreme court and the board of county commissioners of each
19 county in a judicial district ~~which~~ *that* voted in favor of the nonpartisan
20 method of selection of their respective duties under this act, and the chief
21 justice shall designate a chairperson of the commission for each such
22 judicial district, as provided in K.S.A. 20-2903, and amendments thereto.

23 Sec. 2. K.S.A. 20-2901 is hereby repealed.

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