

**WE WANT OUR JUDGES ELECTED...NOT SELECTED!
LET THE VOTERS DECIDE! VOTE YES ON AUGUST 4TH!
How Are Kansas Supreme Court Justices Selected Today?**

Reprint of Senator Mike Thompson's June 4 Newsletter

Hey folks!

On your ballot in August is a very important constitutional amendment to restore Kansans' right to elect justices to the Kansas Supreme Court. This right existed until the late 1950s, when it was replaced with the current method, which is the most undemocratic method in the country and is essentially controlled by a special interest group.

The Current System

For nearly 70 years, Kansans have been kept in the dark about the highest court in our state. Some Kansans believe we currently have a system similar to the federal model, but that is incorrect. Here is how the current system operates:

- The heart of the current system is a 9-member nominating commission. Four members are appointed by the governor, but five are attorneys elected solely by other attorneys in Kansas.
- The commission reviews candidates and then nominates three names to the governor, who must pick from the three. If the governor refuses, the pick goes to the chief justice. There is NO confirmation by the Senate.
- While Supreme Court justices are subject to retention elections, no justice has ever NOT been retained, and even if they were, the vacancy would be filled via the same system.

Kansas is the only state with this system. While other states have a nominating commission, Kansas stands alone as the only commission in which the bar controlled the commission.. *That means attorneys in Kansas are essentially "super voters" with the ability to control who sits on our highest court.*

Of course, many of those same attorneys defend the current system...after all, who would want to give up their power to control an entire branch of government? *Five people in Kansas - who have no accountability to the electorate or even an elected official - get to shape the entire Kansas Judiciary!*

Amendment Restores Elections

The amendment on your August 4th ballot is very simple! It would replace the current system with direct elections. In doing so, it would align Kansas with 22 other states (a plurality) by electing our highest court. It is not a radical experiment! Kansas elected our justices for our first 100 years! This amendment returns the process to the way it was originally intended at the founding of our state!

What are the Objections?

You've, no doubt, seen mailers and ads trying to confuse or scare you into thinking that electing our supreme court is a bad idea. I want to address those objections so you have a clear understanding of the situation, and why we need to return to elections.

Radical shifts due to elections. Fears about elections radically shifting the court in one election are unfounded - there would be staggered six-year terms, allowing for gradual shifts in the philosophical makeup of the court rather than a sudden wholesale turnover. Unlike the United States Supreme Court, where the philosophical balance shifts over time, the current Kansas Supreme Court is rigged to be permanently progressive. By moving to elections, our highest court will have justices that reflect the people it serves.

Politicizing the judiciary. Critics contend that elections would “politicize” the judiciary. I understand the heartburn, especially given how ugly politics can be these days! I know this myself, having been the recipient of childish, cartoonish attacks from the Democrats in both 2020 and 2024! There is no question elections are messy.

However, let's dispense with the fantasy that the current system isn't political - it's just the politics are exclusively in the hands of the left and largely in darkness. Elections simply move that influence into the sunlight where voters can see it and respond to it.

Candidates would have to campaign across the state, hold town halls, answer questions about their judicial philosophy, and earn the public's confidence. Every six years, they would face accountability at the ballot box. That is healthy for any institution wielding significant power.

Trusting the experts. Some content that the attorneys are the experts, that we should trust them to select an entire branch of government. I disagree. In fact, these so called "experts" have seated a supreme court that has been overturned by the U.S. Supreme court more than any other in the United States. Clearly they are picking justices that tend to rule on cases based on their ideology, and not the constitution. I trust Kansans to do a better job choosing who will make those crucial court decisions!

Kansans already elect governors, legislators, and district and county attorneys -. we are perfectly capable of evaluating judicial candidates on the same common-sense standards: fidelity to the Constitution, respect for the separation of powers, and objective decision-making.

Closing Argument

Issues that reach the Supreme Court (education funding, property rights, tax policy, criminal justice, and personal freedom) touch every corner of our state. The people who live with the consequences of those decisions deserve a direct voice in choosing who makes them. This amendment restores the potential for philosophical balance, eliminates gatekeeping by a special interest group, and restores authority where it belongs: with the people.

I urge you to talk to your friends about this critical amendment and make sure you all get out to vote to support it. This is a once-in-a-lifetime opportunity to make a positive change for generations of Kansans to come.