



**KANSAS BAR
ASSOCIATION**

TESTIMONY

TO: **The Honorable Vicki Schmidt**
 And Members of the Senate Ethics and Elections Committee

FROM: **Joseph N. Molina**
 On behalf of the Kansas Bar Association

RE: **SB 563 – campaign finance act and coverage of certain retention elections**

DATE: **March 10, 2010**

Good morning Chairman Schmidt and Members of the Senate Ethics and Elections Committee. I am Joseph N. Molina and I appear on behalf of the Kansas Bar Association in support of SB 563. This legislation would extend campaign finance laws and rules to cover questions of retention for Supreme Court justices, court of appeal judges and certain district court and district magistrate judge positions.

SB 563 would correct what appears to be an oversight in the Kansas Campaign Finance Act, specifically requiring that campaign finance laws apply to questions of retention. The Kansas Governmental Ethics Commission recently opined that since the position of Supreme Court Justice is not included in the definition of state officer, the Campaign Finance Act does not govern questions of judicial retention. The legislation before you will correct this serious defect and allow Kansans to feel secure that our campaign finance laws apply consistently to all state officers who are faced with an election or a question of retention. SB 563 will require any group, organization, or individual to follow the same rules when espousing their views in a retention election as they would be required under any other election in Kansas.

In addition to providing uniformity to the Kansas Campaign Finance Act, SB 563 will require questions of retention to be as transparent as all other Kansas campaigns and elections. As former U.S. Supreme Court Justice Louis Brandeis once stated “sunlight is the best disinfectant”. This quote has been used hundreds of times to illustrate that openness is a fundamental democratic characteristic. To ignore the words of Justice Brandeis and conduct a retention election without the highest level of accountability and transparency would be a great disservice to citizens of Kansas. SB 563 should be the catalyst to openness in this area.

Moreover, SB 563 will require any group or individual who wishes to inject themselves into the Kansas judicial retention process to provide certain specific information. These rules are non-partisan, straightforward, and designed to ensure the highest level of transparency. Kansans have an interest in knowing who supports or opposes a particular judge and the means by which they express their point of view. SB 563 will allow the sunlight to shine upon these groups by requiring their information be made public.

On behalf of the Kansas Bar Association, I thank you for your time this morning and would be available to respond to questions at the appropriate time.

Respectfully

Joseph N. Molina
KBA Director of Government and Legal Affairs

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 6,900 members, including lawyers, judges, law students, and paralegals. www.ksbar.org