

KANSAS STATEHOOD

History & Statehood*Territory

United States Senator Stephen Douglas, a politician who engaged in some famous, heated debates with Abraham Lincoln, introduced the Kansas-Nebraska Act, which allowed Kansas and Nebraska to become territories. (Douglas County was named for him.) Andrew Reeder was appointed as the first governor of the Kansas territory by President Franklin Pierce in 1854.

The original Kansas territory, organized on May 30, 1854, spanned over 600 miles west of Missouri. Kansas' western border stretched as far as the summit of the Rocky Mountains. In fact, Colorado's capital city was named after Kansas Governor James W. Denver, since it was located within the boundaries of the Kansas territory. The eastern, northern and southern boundaries were the same as they are today.

The Kansas territory was a moral testing ground in America. People living in the territory fought about the morality of chattel slavery and whether it should be allowed in the trans-Missouri West. Another conflict arose between white settlers and the Native Americans who had been living in the Kansas territory for countless years before the whites arrived. The result was a complex array of policies that enforced the transfer of Indian land rights to the white settlers, pushing the Indian tribes onto small reservations.

Once Kansas became a territory in 1854, settlers began to discuss the creation of a state constitution. Four different state constitutions were proposed. The Topeka constitution (1855), the Lecompton constitution (1857), and the Leavenworth constitution (1858) were all similar in their objectives.

However, the Wyandotte constitution (1859) was the only version calling for more restricted state boundaries that came to be known as "Little Kansas." The other three constitutions supported the inclusion of the land stretching to the Rockies in modern-day Colorado and the annexation of southern Nebraska as far as the Platte River. This set of boundaries was referred to as "Big Kansas." When Kansas officially became a state in 1861, the proposed boundaries of the Wyandotte constitution's "Little Kansas" were adopted.

History & Statehood*Statehood

Kansas officially became a state when it entered the Union on January 29, 1861. The Civil War began in April of that same year. Two-thirds of all Kansas men who were of age enlisted in the Union Army, and 8,500 of them were killed or wounded. Kansas suffered the most casualties in proportion to population of any other state in the Union.

Fighting between the white settlers and the native Indian tribes in Kansas ensued until the Indians signed a peace treaty in 1867 and agreed to relinquish their land rights in exchange for land in Oklahoma.

State Motto

The motto "Ad Astra per aspera" means "to the stars through difficulties." This represents the struggles Kansas faced with issues such as slavery, Indian attacks, and the inevitable war.

State Seal

When Kansas entered the Union, the Kansas legislature designed the great seal of the state of Kansas described in the statute as follows: "The east is represented by a rising sun, in the right-hand corner of the seal; to the left of it, commerce is represented by a river and a steamboat; in the foreground, agriculture is represented as the basis of the future prosperity of the state, by a settler's cabin and a man plowing with a pair of horses; beyond this is a train of ox-wagons, going west; in the background is seen a herd of buffalo, retreating, pursued by two Indians, on horseback; around the top is the motto, 'Ad Astra per aspera,' and beneath a cluster of thirty-four stars. The circle is surrounded by the words, 'Great seal of the state of Kansas. January 29, 1861.'

State Flag

On May 21, 1927, the Kansas State Legislature adopted the official flag of Kansas. It was flown for the first time over Fort Riley, in honor of the troops there and for the Kansas National Guard. At the top of the flag is the state crest: the sunflower sitting on the twisted blue and gold bar. This bar represents the Louisiana Purchase of 1803, when the land that would become Kansas was acquired by the U.S. from France. The sunflower, which is the state flower, is pictured without its stalk to represent the hardships that Kansas endured and overcame. The state seal is pictured below the crest in the center of the blue flag, and the gold letters of the word "KANSAS" stand below the seal.

Topeka was chosen as the capital of Kansas by our first Governor, Dr. Charles Robinson. In 1862, Cyrus Holliday donated land to the State of Kansas for construction of the state capitol. Construction began in 1866. Construction on the Capitol took 37 years; the building was officially completed March 24, 1903 at a cost of \$3,200,588.

History & Statehood*Counties

A county is "the largest territorial division for local government within a state of the United States." Each of Kansas' 105 counties acts as a local government for the residents living in its boundaries. However, all county authority is granted by the state, as a county is considered a subdivision of the state.

County boundaries were determined by the Legislature. The counties established before Kansas was admitted as a state in 1861 were determined by the Territorial Legislature, and those established after Kansas officially became a state were set by the Kansas State Legislature.

The boundary lines of counties can be changed. This process is initiated by either a county's board of commissioners or by the people through a petition. If a county's board of commissioners initiates the process, the terms must be agreed on by at least two of the counties involved. These counties must adopt a resolution describing the desired revisions, but the resolution will not be effective until a majority of the voters in both counties approve it through an election. If the people form a petition, at least 5 percent of the counties' registered voters must sign it so the board of commissioners could adopt the resolution. Again, this resolution will not be effective until an election is held and the majority of the counties' voters approve it. Furthermore, at least three public hearings must be conducted (at least one hearing located in each affected county) on the issue, and the counties' newspapers must publicize information about the hearings at least three times before the date of the hearings.

CONSTITUTIONS

Writing Process

The Kansas Constitution was originally known as the Wyandotte Constitution and was the fourth constitution proposed by the Territorial Legislature. First, the Topeka Constitution was created by free-staters as an attempt to separate from the pro-slavery Legislature, but Congress would not accept it because the federal government did not recognize the convention. Second, the Leecompton Constitution, a pro-slavery document, failed ratification because members of the U.S. Congress were divided on the issue of slavery and unsure that it represented the will of the people. Third, the Leavenworth Constitution was a radical anti-slavery document that also granted voting rights to African Americans and, although ratified by Kansas voters, failed approval at the national level by a pro-slavery controlled Congress.

In 1859, when Kansas was still a territory, a delegation of 35 Republicans and 17 Democrats were elected and assembled at the Wyandotte Constitutional Convention in Wyandotte County to decide how the controversial issues of the time were to be addressed. One such issue was slavery. The Wyandotte Constitution prohibited slavery in the Kansas Territory but women, African Americans and Native Americans were excluded from the privilege of voting. The constitution specified that "every white male person, of twenty-one years and upward" was eligible to vote.

Women's suffrage was a hot topic. Although there was some support within the delegation for women to possess equal voting rights, the idea was trumped by the majority who found the notion to be too "radical." However, a woman named Clarina Nichols persuasively campaigned for women's rights and influenced the delegation to approve a woman's right to own property, to be involved in school district elections and to have equal rights to her children.

Another issue was the future state's boundaries. Some of the previous constitutions mandated that the land stretching to the Rocky Mountains and encompassing a portion of southern Nebraska should be included in the new state. However, the Wyandotte Constitution provided a smaller, more manageable state, which gave Kansas its rectangular shape.

Adoption Process

The Kansas Constitution was adopted by the Legislature on July 29, 1859. However, the decision to adopt the Wyandotte version proved to be a battle of the parties. All 17 Democrats protested the document by refusing to sign it.

Ultimately the supporters of the constitution won with a landslide victory on October 14, 1859 (almost doubling the number of those opposed) 10,421 votes to 5,530 votes.

After the new constitution had been ratified, it was sent to the president of the United States, the speaker of the U.S. House of Representatives and the president of the U.S. Senate. The Kansas bill had to be voted on by the House and Senate and signed by the president before it could be officially implemented.

Abraham Lincoln had just been elected, which caused a domino effect of Southern states, 11 in all, to secede from the Union. Subsequently, the Southern Democrats in the Senate fled to the South, providing a much friendlier atmosphere for the Kansas bill to be passed. The House voted to pass the bill

in April 1860, and the Senate passed the bill during the next session. Now all that stood between the Kansas Territory and statehood was the current president.

Although Lincoln was the president-elect, he didn't take office until March 4, 1861. Ironically, it was President James Buchanan whose signature was required to pass the bill into law. Northerners referred to Buchanan as a "doughface," a term applied to those who were from the North but sympathized with the South. Nonetheless, Buchanan signed the bill on January 29, 1861, making Kansas the 34th state to enter the Union.

Amendment Process

Of the 15 Articles of the Kansas Constitution, Article 14 is the section outlining the amendment process.

There are two basic methods of amending the state constitution. However, both methods require that a two-thirds majority in the Kansas House of Representatives and the Senate are in favor of revising or amending the constitution. Also, both methods mandate that a statewide ballot be given in order to determine whether the amendment is adopted.

The first method is by proposals of the Legislature. In this process either house of the Kansas Legislature can propose an amendment to the state's constitution. Two-thirds of the members of each chamber must approve the resolution. If they do, the proposed amendment goes on either the next statewide ballot during which members of the state Legislature are elected, or on a special election ballot if the Legislature agrees to have a special election for this purpose. If a simple majority of the electors of the state who vote on the proposition agree with it, it becomes part of the constitution.

The second method is by constitutional convention. In this system, if two-thirds of the members of each house of the Kansas Legislature vote in favor, the question, "Shall there be a convention to amend or revise the constitution of the state of Kansas?" or, "Shall there be a convention limited to revision of article(s) _____ of the constitution of the state of Kansas?" shall be placed on a statewide ballot. If a simple majority of those voting on that question say "yes," there shall be a convention. Any amendments or revisions that come out of the convention must go before the state's voters.

Up to five amendments are allowed per election. An entire article can be amended in the constitution, and all articles can be amended except for the article on "general provisions."

Amendments have been approved by Kansas voters, such as women's suffrage. Kansas was the eighth state to grant women the right to vote at the state level in 1912. An amendment was passed to create a state lottery—voted in by 64 percent of Kansans in 1986 and established in 1987 by the "Kansas Lottery Act." In 2010, more than 88 percent of Kansans voted in favor of an amendment to acknowledge a person's "right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose."

Although amendments to the Kansas Constitution and even the United States Constitution can be made, the bedrock principles they establish—are meant to be upheld. The amendment process is long and difficult for a reason. This kind of change should not be taken lightly, as every citizen in the United States is affected by an amendment to the nation's constitution just as every resident of the state is affected by an amendment to the state constitution.

EXECUTIVE BRANCH

The Executive Branch

The executive branch offices exist to enforce or carry out the laws enacted by the legislative branch. The leadership of six elected statewide officers carries out the duties of the Kansas executive branch. Four of the executive officers are established by the Kansas Constitution. The Kansas governor is the highest elected official, and the other three constitutional executive officers are the lieutenant governor (elected as a pair with the governor), the secretary of state and the attorney general. The state treasurer and the commissioner of insurance are elected statewide as established by state statutes.

All offices in the executive branch are either directly or indirectly controlled by one of the statewide elected officials, or are special agencies created by the Legislature to function independently within state government. Major state agencies are headed by cabinet-level secretaries, who are appointed by and serve at the pleasure of the governor.

The structure of the executive branch has evolved over the years to its present form. Governors and legislators have made changes as necessary through executive reorganization orders, constitutional amendments and legislation. In recent years, the efficiency of state government has been increased by combining similar agencies and abolishing antiquated, unnecessary ones.

Governor/Lieutenant Governor

The executive branch of Kansas state government is headed by the governor, who acts as the chief administrator responsible for carrying out state laws and administering the executive budget. The lieutenant governor is the second-ranking member of the executive branch and is first in line to succeed to the governorship in the event of a vacancy.

Under provisions of the original Kansas Constitution, the lieutenant governor also served as the president of the Senate but voted only when the Senate was equally divided. A 1972 amendment to the Kansas Constitution severed the lieutenant governor's duties from the legislative branch. Beginning with the general election in 1974, the governor and lieutenant governor now run for office as a team, elected by Kansas citizens by popular vote. The statewide election takes place every four years during the November general midterm election (non-presidential election years).

The governor and lieutenant governor serve a four-year term, which begins on the second Monday of January following their election. The Kansas Constitution restricts the governor and lieutenant governor to two consecutive terms in office, after which they must wait one term before being eligible to run again. There are no qualifications to run for governor or lieutenant governor.

Duties of the Governor

The Kansas Constitution vests supreme executive power in the governor and, therefore, the governor is considered the preeminent figure in Kansas politics. As the state's chief executive, the governor represents all Kansans and is responsible for safeguarding the public interest, for establishing goals for the state, and for providing state government and the people with leadership, direction and vision.

The governor is responsible for relating information from the executive department to the Kansas Legislature and for setting the agenda and issues for the state legislators to address during a legislative session. The governor annually presents a special message to the Legislature on the condition of the state (the State of the State address) and submits the state budget. The governor has the power to

enact laws with his or her signature or letting bills become law without a signature by letting the bill signing deadline pass and may veto all or part of bills to return to legislators. Further, the governor has the power to close regular legislative sessions to encourage lawmakers to make progress, as well as the authority to call special sessions of the Legislature.

In certain emergencies the governor may assume special, comprehensive powers. These powers involve greater police power and near absolute control over state, county, and local agencies and resources. However, in normal times, the governor may not enact legislation, though he or she may issue executive orders (when empowered to do so by the Legislature), which are binding throughout the state. Such executive orders do not have the force of law and may only be issued when related directly to the governor's duties. However, if the Legislature is controlled by the governor's political party, the governor may strongly suggest the adoption of certain legislation or request other executive officers to take such actions as the governor sees fit.

The governor also may issue executive reorganization orders (EROs) for the purpose of transferring, abolishing, consolidating or coordinating part or all of a state agency or its functions within the executive branch. EROs are transmitted to the Legislature and automatically become effective and have the force of law on July 1 following their transmittal unless within 60 days and before adjournment of the legislative session either the Senate or House of Representatives adopts by a majority vote a resolution disapproving it.

Though the governor shares power with other executive officers, in the event of a vacancy anywhere in the executive branch the governor appoints the successor. The governor also is required to fill vacancies in many other elected offices, including legislative, judicial and county-level positions.

Over the years, legislative enactments have authorized gubernatorial appointment of the members of various boards, commissions and authorities, as well as the executive heads of specific state agencies and departments, although many of the appointments require Senate approval. Some appointees serve at the pleasure of the governor, while others serve fixed terms.

By statute, the governor serves as chair of the State Finance Council and is a member of the State Board of Canvassers, the Education Commission of the States and the Governor's Committee on Interstate Cooperation. Other duties and privileges of the office include:

- Calling the Kansas National Guard to duty to defend the state during invasion or to assist during national disasters.
- Granting pardons to convicted criminals.
- Keeping and officially using the Great Seal of Kansas.

RESEARCH ON YOUR OWN THE CURRENT GOVERNOR OF KANSAS.

Duties of the Lieutenant Governor

The role the lieutenant governor performs in the executive branch is determined by the governor. Since the 1972 constitutional amendment removing the lieutenant governor from the legislative branch, the lieutenant governor has been active in other areas of state government by working with state agencies and on issues most important to the governor. If the governor is absent or becomes incapacitated, the lieutenant governor assumes all powers and duties of the governor. If both offices become vacant, the line of succession is determined by the Legislature. Under present law, the president of the Senate would be next in line to assume the governorship, followed by the speaker of the House. By statute, the lieutenant governor is a member of the State Election Board and the State Objections Board.

RESEARCH ON YOUR OWN THE CURRENT LT. GOVERNOR OF KANSAS.

LEGISLATIVE BRANCH

The Kansas Legislature

The Kansas Legislature is composed of two bodies like the United States Congress; the House of Representatives and the Senate. The Kansas Legislature is referred to as a bicameral body because it is made up of two chambers. The Latin roots of the word bicameral, “bi” and “cameral,” mean two houses or rooms. The Legislature has the responsibility to create, amend or repeal state laws; appropriate money to be spent by state government; review rules and regulations of state agencies and departments; propose amendments to the Kansas Constitution; and approve or disapprove proposed amendments to the U.S. Constitution.

Members of the Kansas Senate and House of Representatives are elected by the voters of Kansas. Each state representative and state senator represents a specific area, or district, of the state. A legislator or candidate for nomination or election to the Legislature must be a qualified elector (U.S. citizen, Kansas resident and 18 years of age) and reside in his or her district.

The Kansas Constitution requires that House and Senate districts be redrawn every 10 years (in the year ending in 2) to equalize district population. Districts are based upon the most recent federal census, adjusted to exclude nonresident students and military and to include resident students and military at the place of their permanent residence. By statute, the census adjustment is conducted by the secretary of state, which is part of the executive branch of government. The Kansas Constitution requires that the Kansas Supreme Court determine the validity of legislative redistricting laws before they become effective.

Kansas Senate

The Kansas Senate is the upper chamber of the Kansas Legislature. It is composed of 40 senators each representing one district with a population of approximately 70,986 (adjusted every ten years based on the most recent federal census). Members of the Senate are elected to a four-year term. There is no limit to the number of terms that a senator may serve.

Like other upper chambers of state and territorial legislatures and the U.S. Senate, the Kansas Senate has special functions such as confirming or rejecting gubernatorial appointments to executive departments, the state cabinet, commissions and boards and Kansas Court of Appeals.

Kansas House of Representatives

The Kansas House of Representatives is the lower chamber of the Kansas Legislature. It is composed of 125 state representatives from districts with roughly equal populations of 22,716 (adjusted every ten years based on the most recent federal census). Representatives are elected to a two-year term, and there is no limit to the number of terms that a state representative may serve.

Publication of Laws

All acts of the Legislature must be deposited in the Office of the Secretary of State. An act of the Legislature is not in force until the enacting bill has been published so that the public has proper notice that it is law. State law requires all acts passed at each session of the Legislature to be published as soon as practicable after the close of the session at which the same are passed, and not later than July 1. The laws passed at each session of the Legislature are printed in an indexed volume known as the Session Laws.

Laws take effect upon publication in the Session Laws unless otherwise specified in the act. Such volume or volumes also include an index, the veto messages of the governor, if any, all certificates that a bill or item or items of a bill have been approved notwithstanding the governor's veto, if any, and all concurrent resolutions adopted by the Legislature, except such resolutions extending congratulations or making a memorial for any decedent.

When there is reason for an act to take effect earlier than July 1, the act will state that it shall take effect and be in force from and after its publication in the *Kansas Register*, the official state newspaper, which is published weekly. Both publications are prepared under direction of the secretary of state.

The Sessions Laws serves as a temporary publication of the enacting bills. Each year after the close of the regular Legislative session, all general laws passed by the Legislature at the session are integrated into the body of existing law and become a part of the Kansas Statutes Annotated. New sections are assigned appropriate numbers and all such materials, both new and amendatory, are prepared and published by the Office of the Revisor of Statutes either in revised and republished volumes of the Kansas Statutes Annotated or in the annual supplement to existing volumes of the Kansas Statutes Annotated.

JUDICIAL BRANCH

History of the Kansas Judiciary

The first organized government in the territory that is now Kansas was created by an act of Congress on May 30, 1854, which act created a supreme court, composed of a chief justice and two justices, appointed to four-year terms by the president. The territory was divided into three judicial districts, and each justice of the Territorial Supreme Court also served as judge of a district court. Final judgments of the district courts were reviewable in the Territorial Supreme Court and, with some cases, appeal to the U.S. Supreme Court was available.

Kansas became a state on January 29, 1861, and the Kansas Constitution vested judicial power of the state in a supreme court, district courts, probate courts, justices of the peace and other such courts, all inferior to the supreme court, as provided by law. The Kansas Supreme Court consisted of one chief justice and two associate justices elected to six-year terms from the state at large. The state was divided into five judicial districts, each headed by a district judge elected district-wide to a four-year term. Probate judges and justices of the peace were elected in their local jurisdictions to a two-year term.

Kansas' population at the time of statehood was slightly more than 100,000. By 1885 its population had grown to more than 1.2 million, and the three-justice Kansas Supreme Court had become inadequate. The Kansas Legislature proposed amending the Kansas Constitution to increase the number of justices to five immediately and to seven at a later date, but voters did not pass the amendment.

In 1887 the Legislature authorized the governor (with the Senate's consent) to appoint three supreme court commissioners to provide temporary help with the vast number of pending cases. The commissioners were appointed to three-year terms with no provision for reappointment. In 1889, the Legislature again proposed a constitutional amendment to provide seven justices, but the proposal was defeated in the 1890 election. The Legislature then extended the terms of the commissioners until 1893, but even with the assistance of the commissioners the delays in cases were great. In 1895 the Legislature again temporarily addressed the problem by creating the Kansas Courts of Appeal, to expire in 1901.

In 1900 Kansas voters finally approved a constitutional amendment to increase the number of justices to seven – the same number as today – elected to six-year terms. The justice with the most seniority serves as the chief justice.

In 1958 another constitutional amendment changed the selection of supreme court justices from partisan election to an appointment process. Under the plan, which is still used today, candidates are initially screened by a nonpartisan Supreme Court Nominating Commission, which nominates three persons for appointment by the governor. The governor then makes the appointment and the justice appointed stands for retention election every six years.

In 1965 the Kansas Legislature enacted the Judicial Department Reform Act, which grouped existing district courts into six judicial districts, each supervised by an associate justice of the Supreme Court. The act also established the Office of Judicial Administrator to assist with this work and help manage caseloads in each judicial district.

In 1972 a new judicial article of the Kansas Constitution was adopted that created a unified Kansas court system, which provides there will be one court of justice divided into a supreme court, district courts and other courts as provided by law.

In 1973 the Judiciary Study Advisory Committee was appointed by the chief justice pursuant to legislative authority to offer recommendations for improvement of the court system. Most of the committee's suggestions were eventually implemented by the Legislature.

Statutory provisions, which took effect in January 1977, reestablished a court of appeals as a seven-member intermediate appellate court. Other major aspects of the court system overhaul included establishing a nonpartisan method for selection of district court judges and transferring the financing of the entire personnel cost for the judicial system from the counties to the state. Other court system reforms enacted were the adoption of a Code of Judicial Conduct and the establishment of uniform procedures for district courts.

Thus, three courts – the Kansas Supreme Court, the Kansas Court of Appeals and the Kansas district courts – currently constitute the unified state judicial system.

District Courts

District courts are the trial courts of Kansas, with general original jurisdiction over all civil and criminal cases, including divorce and domestic relations, damage suits, probate and administration of estates, guardianships, conservatorships, care of the mentally ill, juvenile matters and small claims. It is here that the criminal and civil jury trials are held.

Organization and Administration

District courts are created by the Kansas Constitution, which provides that the state be divided into judicial districts and that each judicial district have at least one district judge. Currently there are 31 judicial districts, which vary in size from one to many counties and vary in the number of judges within each district. Kansas statutes require that each county have a district court with at least one judge who is a resident of and has his or her principal office in that county. Each district court also is required to have an office of the clerk of the court where cases may be filed.

The state also is divided into six judicial departments, each of which includes several judicial districts. One justice of the Kansas Supreme Court serves as departmental justice over each department. The departmental justice may assign district judges from one judicial district to another.

Each judicial district has a chief judge who, in addition to his or her judicial responsibilities, has general control over the assignment of cases within the district and general supervisory authority over the clerical and administrative functions of the court. Prior to legislation passed in 2014, the Kansas Supreme Court designated the chief judge. Effective July 1, 2016, each district court elects its own chief judge, such procedures for election to be determined by the district court judges.

Judges of the District Court

There are two types of judges of the district court – district judges and district magistrate judges. District judges exercise the full power and authority of the court. District magistrate judges have limited jurisdiction and preside over probate and juvenile matters, misdemeanor trials, preliminary examinations in felony and misdemeanor cases, certain civil actions and uncontested actions of divorce.

Any person who is elected, retained in office or appointed as a district judge or district magistrate judge must meet the following statutory requirements:

- A district judge must be a lawyer admitted to practice law in Kansas; must be a resident of the judicial district for which elected or appointed to serve at the time of taking the oath of office and maintain residency in the judicial district while holding office; and, for a period of at least five years, must have engaged in the active practice of law as a lawyer, judge of a court of record or any court in this state, full-time teacher of law in an accredited law school, or any combination thereof. In addition, the Kansas Constitution requires a district court judge to be at least 30 years old.
- A district magistrate judge must be a graduate of a high school or secondary school or equivalent; must be a resident of the county for which elected or appointed to serve at the time of taking the oath of office and maintain residency in the county while holding office; and, if not a lawyer admitted to practice law in Kansas, be certified by the Kansas Supreme Court as qualified to serve as a district magistrate judge.

The decisions of a district magistrate judge who is not a licensed attorney may be appealed within the district court to a district judge. Decisions from a district magistrate judge who is an attorney licensed in Kansas are appealed to the Kansas Court of Appeals or, in some instances, to the Kansas Supreme Court. The district court has appellate jurisdiction over municipal courts and some administrative agencies. Appeals from the district court may be taken to the Kansas Court of Appeals or, in some cases, to the Kansas Supreme Court.

Selection of Judges

Before the court system overhaul in the 1970s, district judges were selected by partisan election by the voters within their respective judicial district. The new judicial article of the Kansas Constitution adopted in 1972 created a nonpartisan method for selection of district court judges, and the majority of districts now use this method. However, the method was adopted by voters on a local option basis, and several districts have chosen, by popular vote, to continue to elect their judges by a partisan election process. Judges serve four-year terms regardless of the method of selection.

With the merit selection method, when there is a vacancy in a district judgeship a judicial nominating commission – made up of lawyers and nonlawyers who live in the district – interviews candidates and nominates two or three candidates to the governor, who appoints one to fill the vacancy. When there is a vacancy in a district magistrate judgeship, the district judicial nominating commission selects a candidate to fill the vacancy. An appointed judge must stand for retention election within the district after one year in office. If the majority of votes cast favor retention, the judge then serves a full four-year term and is subject to a retention vote just before the conclusion of each four-year term.

Support Services

To help manage the court's clerical and administrative functions, the district's chief judge appoints a court clerk in each county to be the official custodian of court records. The clerk's other duties include case filing; processing subpoenas, summonses and warrants; collecting various fees; and issuing post-judgment orders.

Each judicial district also has a court services division in which court services officers supervise the probation of adult and juvenile offenders, work with children in need of care, conduct home studies or mediations for divorce and child custody issues, and research and write pre-sentence investigation reports.

The chief judge may appoint either a chief clerk or a court administrator to help with administrative functions of the court, like jury management, personnel administration and budget preparation. The chief judge also is authorized to appoint bailiffs, court reporters, secretaries, and other clerical and nonjudicial personnel as needed.

ELECTIONS

Registering to Vote

Kansas voters must meet certain criteria to be qualified to vote in their jurisdictions and must take steps to register to vote ahead of time.

Qualifications

Under the Kansas Constitution, each person must meet the following qualifications to register to vote: (a) be 18 years of age on election day; (b) be a resident of the state of Kansas; (c) be a citizen of the United States; (d) if convicted of a felony, have civil rights restored upon completion of all the terms of the felony sentence.

Individuals must provide proof that they reside at the location listed on their registration application. This allows election offices to ensure that the individual is assigned to the correct polling place and is subsequently given the appropriate ballot.

Individuals who are found guilty of committing a felony are not eligible to vote until they have completed all terms of their sentence. After full completion, they are eligible to re-register, but are not automatically put back on active registration status.

How to Register

A person may register to vote: (a) in person at a county election office; (b) in person at the Department of Motor Vehicles when obtaining or updating a driver's license; (c) by mailing in a completed voter registration application; (d) by completing a form online with a current Kansas driver's license; (e) at various locations in each community, such as libraries, banks and post offices; (f) at any voter registration drive or private or public event where voter registration applications are available.

The Secretary of State's Office worked with the Department of Revenue to establish an online voter registration system. Any individual with a valid Kansas driver's license or nondriver identification card can use the online system to register without needing to submit any paperwork. The program then affixes the signature from the driver's license or ID to the electronic registration and sends the information to the applicant's local county election office.

Individuals without a Kansas driver's license or nondriver ID may fill out a voter registration application that can be found at the Secretary of State's Office, the local county election offices, and various locations throughout the community.

Secretary of State Kris W. Kobach proposed the Secure and Fair Elections Act of 2011, and three months later it was passed by the Kansas Legislature and signed by Governor Sam Brownback. Starting January 1, 2013, each person registering to vote in Kansas for the first time will be required to submit proof of citizenship with the application. The most common types of proof are a copy of a birth certificate, a passport, a naturalization document or a military record.

When to Register

The deadline to register to vote, or to make changes in registration information, is 21 days before an election. Updates to a voter registration record include change of name, change of address, or change of party affiliation.

Election Day

Election day in Kansas is an opportunity for all registered voters to cast a ballot for various local, state and national offices. Months of preparation by county and state officials, as well as efforts put forth by candidates, come together on election day to determine the future leaders of our government. As citizens of the United States, individuals have the opportunity to voice their opinion of the status quo and choose candidates that they feel will best represent them in the policy-making process.

Even-numbered Years

In even-numbered years, election day is the first Tuesday following the first Monday in November for National, State and County General Elections. Historically, this time was chosen because it fell after harvest time and allowed people in rural areas to travel to their election location to cast their ballots. Polling places are open generally from 7:00 a.m. to 7:00 p.m. local time.

Odd-numbered Years

On the first Tuesday in April of odd-numbered years, elections for city and school board offices are held. Some cities may adopt ordinances that allow them to set an alternative schedule for their elections. Offices in these elections differ by the type of government each city has adopted and the class of the city.

Unlike national or state elections, candidates for local elections are listed with no party designation on the ballot. These local elections generally have fewer voters participate than national elections. Oftentimes, local offices have greater impact on the day-to-day lives of citizens and have fewer constituents to report to than national or state offices.

Election Results

Elections are administered by county election offices with oversight by the Kansas Secretary of State's Office. Upon the closing of the polls, election boards and county election offices count all ballots and report initial unofficial counts of votes cast for each candidate on the ballot. Results for offices at the national and state level are subsequently reported to the Secretary of State's Office. These numbers are then recorded and released online and to various media sources for availability to the public.

After election day, each county reviews provisional ballots that were set aside on election day to determine if the votes are valid. Each county then certifies the official election results the week after the election. These numbers determine the official winner of each election and are reported to the Secretary of State's Office.

The Kansas Board of Regents would like to thank the Kansas Secretary of States' Office for allowing us to use their CyberCivics Test and information for the developmental of the High School Equivalency Civics Test.

UNITED STATES CIVICS TEST

Principles of American Democracy

What is the supreme Law of the land?

The Founding Fathers of the United States wrote the Constitution in 1787. The Constitution is the “supreme law of the land.” The U.S. Constitution has lasted longer than any other country’s constitution. It establishes the basic principles of the United States government. The Constitution establishes a system of government called “representative democracy.” In a representative democracy, citizens choose representatives to make the laws. U.S. citizens also choose a president to lead the executive branch of government. The Constitution lists fundamental rights for all citizens and other people living in the United States. Laws made in the United States must follow the Constitution.

How many amendments does the Constitution have?

The first 10 amendments to the Constitution are called the Bill of Rights. They were added in 1791. Since then, 17 more amendments have been added. The Constitution currently has 27 amendments. The 27th Amendment was added in 1992. It explains how senators and representatives are paid. Interestingly, Congress first discussed this amendment back in 1789 as one of the original amendments considered for the Bill of Rights.

Branches and parts of government.

The Constitution establishes three branches of government: legislative, executive, and judicial. Article I of the Constitution establishes the legislative branch. Article I explains that Congress makes laws. Congress (the Senate and the House of Representatives) is the legislative branch of the U.S. government. Article II of the Constitution establishes the executive branch.

The executive branch enforces the laws that Congress passes. The executive branch makes sure all of the people follow the laws of the United States. The president is the head of the executive branch. The vice president and members of the president’s cabinet are also part of the executive branch. Article III of the Constitution establishes the judicial branch. The judicial branch places the highest judicial power in the Supreme Court. One responsibility of the judicial branch is to decide if government laws and actions follow the Constitution. This is a very important responsibility.

Who makes federal laws?

Congress makes federal laws. A federal law usually applies to all states and all people in the United States. Either side of Congress-the Senate or the House of Representatives-can propose a bill to address an issue. When the Senate proposes a bill, it sends the bill to a Senate committee. The Senate committee studies the issue and the bill. When the House of Representatives proposes a bill, it sends the bill to a House of Representatives committee. The committee studies the bill and sometimes makes changes to it. Then the full bill goes to the full House or Senate for consideration. When each chamber passes its own version of the bill, it often goes to a “conference committee.” The conference committee has members from both the House and the Senate. This committee discusses the bill, tries to resolve the differences, and writes a report with the final version of the bill back to both houses for approval. If both houses approve the bill, it is considered “enrolled.” An enrolled bill goes to the president to be signed into law. If the president signs the bill, it becomes a federal law.

How many U.S. Senators are there?

There are 100 senators in Congress, two from each state. All states have equal power in the Senate because each state has the same number of senators. States with a very small population have the same number of senators as states with very large populations. The Framers of the Constitution made sure that the Senate would be small. This would keep it more orderly than the larger House of Representatives. As James Madison wrote in Federalist Paper #63, the Senate should be a “temperate and respectable body of citizens” that operates in a “cool and deliberate” way.

We select a U.S. Senator for how many years?

The Framers of the Constitution wanted senators to be independent from public opinion. They thought a long, six-year term would give them this protection. They also wanted longer Senate terms to balance the shorter two-year terms of the members of the House, who would more closely follow public opinion. The Constitution puts no limit on the number of terms a senator may serve. Elections for U.S. senators take place on even-numbered years. Every two years, one-third of the senators are up for election.

The House of Representatives has how many voting members?

The House of Representatives is the largest chamber of Congress. Since 1912, the House of Representatives has had 435 voting members. However, the distribution of members among the states has changed over the years. Each state must have at least one representative in the House. Beyond that, the number of representatives from each state depends on the population of the state. The Constitution says that the government will conduct a census of the population every 10 years to count the number of people in each state. The results of the census are used to recalculate the number of representatives each state should have. For example, if one state gains many residents that state could get one or more new representatives. If another state loses residents, that state could lose one or more. But the total number of voting U.S. representatives does not change.

We elect a President for how many years?

Early American leaders thought that the head of the British government, the king, had too much power. Because of this, they limited the powers of the head of the new U.S. government. They decided that the people would elect the president every four years. The president is the only official elected by the entire country through the Electoral College. The Electoral College is a process that was designated by the writers of the Constitution to select presidents. It came from a compromise between the president being elected directly by the people and the president being chosen by Congress. Citizens vote for electors, who then choose the president. Before 1951, there was no limit on the number of terms a president could serve. With the 22nd Amendment to the Constitution, the president can only be elected to two terms (four years each) for a total of eight years.

In what month do we vote for President?

The Constitution did not set a national election day. In the past, elections for federal office took place on different days in different states. In 1845, Congress passed legislation to designate a single day for all Americans to vote. It made Election Day the Tuesday after the first Monday in November. Congress chose November because the United States was mostly rural. By November, farmers had completed their harvests and were available to vote. Another reason for this date was the weather. People were able to travel because it was not yet winter. They chose Tuesday for Election Day so that voters had a full day after Sunday to travel to the polls.

President of the United States?

RESEARCH ON YOUR OWN THE CURRENT PRESIDENT OF THE UNITED STATES.

Vice President of the United States?

RESEARCH ON YOUR OWN THE CURRENT VICE PRESIDENT OF THE UNITED STATES.

Cabinet-level positions.

- Secretary of Agriculture
- Secretary of Commerce
- Secretary of Defense
- Secretary of Education
- Secretary of Energy
- Secretary of Health and Human Services
- Secretary of Homeland Security
- Secretary of Housing and Urban Development
- Secretary of the Interior
- Secretary of Labor
- Secretary of State
- Secretary of Transportation
- Secretary of the Treasury
- Secretary of Veteran Affairs
- Attorney General
- Vice President

The people of the president's cabinet are the vice president and the heads of the 15 executive departments. The president may appoint other government officials to the cabinet, but no elected official may serve on the cabinet while in office. When George Washington was president, there were only four cabinet members: the secretary of state, secretary of the treasury, secretary of war, and attorney general. The government established the other executive departments later.

What is the highest court in the United States?

The U.S. Supreme Court has complete authority over all federal courts. Its rulings have a significant effect. A Supreme Court ruling can affect the outcome of many cases in the lower courts. The Supreme Court's interpretations of federal laws and of the Constitution are final. The Supreme Court is limited in its power over the states. It cannot make decisions about state law or state constitutions. The Court can decide that a state law or action conflicts with federal law or with the U.S. Constitution. If this happens, the state law becomes invalid. The Supreme Court case ruling *Marbury v. Madison* established this power, known as "judicial review." The Supreme Court also rules on cases about significant social and public policy issues that affect all Americans. The Supreme Court ruled on the court case *Brown v. Board of Education of Topeka*, which ended racial segregation in schools.

Under our Constitution some powers belong to the states.

- Provide schooling and education
- Provide protection (police)
- Provide safety (fire departments)
- Give a driver's license
- Approve zoning and land use

In the United States, the federal and state governments both hold power. Before the Constitution, the 13 colonies governed themselves individually much like state governments. It was not until the Articles of Confederation and then the Constitution that a national or federal government was established. Today, although each state has its own constitution, these state constitutions cannot conflict with the U.S. Constitution. The U.S. Constitution is the supreme law of the land. The state governments hold powers not given to the federal government in the U.S. Constitution. Some powers of the state government are the power to create traffic regulations and marriage requirements, and to issue driver's licenses. The Constitution also provides a list of powers that the states do not have. For example, states cannot coin (create) money. The state and federal governments also share some powers, such as the ability to tax people.

When is the last day you can send in federal income tax forms?

The last day to send in your federal income tax to the Internal Revenue Service is April 15 of each year. The Constitution gave the federal government the power to collect taxes. The federal government needs money to pay the nation's debts and to defend and provide for the needs of the country. When the country was young, it was difficult to raise money from the 13 original states. The government began collecting income tax for the first time through the Revenue Act of 1861. This was only temporary. In 1894, a flat-rate federal income tax was enacted, but the Supreme Court said this was unconstitutional. Finally, in 1913, the 16th Amendment was ratified. It gave Congress the power to collect income taxes. Today, "taxable income" is money that is earned from wages, self-employment, tips and the sale of property. The government uses these taxes to keep our country safe and secure. It also tries to cure and prevent diseases through research. In addition, the government protects our money in banks by insuring it, educates children and adults, and builds and repairs our roads and highways. Taxes are used to do these things and many more.

There were 13 original states.

- New Hampshire
- Massachusetts
- Rhode Island
- Connecticut
- New York
- New Jersey
- Pennsylvania
- Delaware
- Maryland
- Virginia
- North Carolina
- South Carolina
- Georgia

The 13 original states were all former British colonies. Representatives from these colonies came together and declared independence from Great Britain in 1776. After the Revolutionary War, the colonies became free and independent states. When the 13 colonies became states, each state set up its own government. They wrote state constitutions. Eventually, the people in these states created a new form of national government that would unite all the states into a single nation under the U.S. Constitution. The first three colonies to become states were Delaware, Pennsylvania and New Jersey. This happened in 1787. Eight colonies became states in 1788. These were Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, and New York. North Carolina became a state in 1789. Rhode Island became a state in 1790. Although the colonies were recognized

as states after the Declaration of Independence, the date of statehood is based on when they ratified (accepted) the U.S. Constitution. Today, the United States has 50 states.

Who is the “Father of Our Country”?

George Washington is called the Father of Our Country. He was the first American president. Before that, he was a brave general who led the Continental Army to victory over Great Britain during the American Revolutionary War. After his victory over the British Army, Washington retired to his farm in Virginia named Mount Vernon. He left retirement to help create the new Country’s system of government. He presided over the Constitutional Convention in Philadelphia in 1787.

The war between the North and the South.

The American Civil War is also known as the War between the States. It was a war between the people in the northern states and those in the southern states. The Civil War was fought in many places across the United States, but most battles were fought in the southern states. The first battle was at Fort Sumter, South Carolina. The first major battle between the northern (Union) army and the southern (Confederate) army took place at Bull Run, in Manassas, Virginia, in July 1861. The Union expected the war to end quickly. After its defeat at Battle of Bull Run, The Union realized that the war would be long and difficult. In 1865, The Civil War ended with the capture of the Confederate capital in Richmond, Virginia. Confederate General Robert E. Lee surrendered to Lt. General Ulysses S. Grant of the Union Army at Appomattox Courthouse in central Virginia. Over the four-year period, more than 3 million Americans fought in the Civil War and more than 600,000 people died.

The U.S. and World War II.

The Japanese bombed U.S. Naval bases in a surprise attack on Pearl Harbor, Hawaii, on December 7, 1941. The next day, President Franklin D. Roosevelt, as commander in chief of the military, obtained an official declaration of war from Congress. Japan’s partners in the Axis, Italy and Germany, then declared war on the United States. The allies fought against the German Nazis, the Italian Fascists, and Japan’s military empire. This was truly a world war, with battles fought in Europe, Africa, Asia and the Pacific Ocean.

States that border Mexico.

- California
- Arizona
- New Mexico
- Texas

The border between the United States and Mexico is about 1,900 miles long and spans four U.S. states- Arizona, California, New Mexico, and Texas. The United States established the border with Mexico after the Mexican-American War and the Gadsden Purchase in 1853. The Gadsden Purchase helped the United States get the land it needed to expand the southern railroad. The United States bought this land for \$10 million. The land bought through the Gadsden Purchase is now part of the states of Arizona and New Mexico. The U.S. border with Mexico is one of the busiest international borders in the world.

Capital of the United States.

When the Constitution established our nation in 1789, the capital of the United States was in New York City. Congress soon began discussing the location of a permanent capital city. In Congress, representatives of northern states argued with representatives of southern states. Each side wanted the capital to be in its own region. As part of the Compromise of 1790, the capital would be located in

the South. In return, the North did not have to pay the debt it owed from the Revolutionary War. George Washington chose a location for the capital along the Potomac River between Maryland and Virginia. As part of the compromise, Philadelphia, Pennsylvania, became the temporary new location for the capital. In 1800, after 10 years, the capital was moved to its current location of Washington, D.C.

The United States flag and the 13 stripes.

There are 13 stripes on the flag because there were 13 original colonies. We call the American flag “the Stars and Stripes.” For 18 years after the United States became an independent country, the flag had only 13 stripes. In 1794, Kentucky and Vermont joined the United States, and two stripes were added to the flag. In 1818, Congress decided that the number of stripes on the flag should always be 13. This would honor the original states that were colonies of Great Britain before America’s independence.

Why does the flag have 50 stars?

Each star on the flag represents a state. The number of stars has changed over the years from 13 to 50. The number of stars reached 50 in 1959, when Hawaii joined the United States as the 50th state. In 1777, the Second Continental passed the first Flag Act, stating, “Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation.

When do we celebrate Independence Day in the United States?

In the United States, we celebrate Independence Day on July 4 to mark the anniversary of the adoption of the Declaration of Independence. After signing the Declaration of Independence, John Adams wrote to his wife, “I am apt to believe that it will be celebrated, by succeeding Generations, as the great anniversary Festival.” The Declaration of Independence, written by Thomas Jefferson, explained why the colonies had decided to separate from Great Britain. Americans celebrate the Fourth of July as the birthday of America, with parades, fireworks, patriotic songs, and readings of the Declaration of Independence.

The Kansas Board of Regents would like to thank the United States Government for the use of Learn About the United States Quick Civics Lessons for the Naturalization Test and the Kansas Secretary of State’s Office for the use of CyberCivics.