

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 101

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (85).

6757H.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 25(a), 25(b), and 25(c)(1), of article V of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the selection of judges.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2018, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article V of the Constitution of the state of
5 Missouri:

Section A. Sections 25(a), 25(b), and 25(c)(1), article V, Constitution of Missouri, are
2 repealed and three new sections adopted in lieu thereof, to be known as sections 25(a), 25(b), and
3 25(c)(1), to read as follows:

Section 25(a). Whenever a vacancy shall occur in the office of judge of any of the
2 following courts of this state, to wit: The supreme court, the court of appeals, or in the office of
3 circuit or associate circuit judge within ~~the city of St. Louis and~~ Jackson county, the governor
4 shall fill such vacancy by appointing one of three persons possessing the qualifications for such
5 office, who shall be nominated and whose names shall be submitted to the governor by a
6 nonpartisan judicial commission established and organized as hereinafter provided. If the
7 governor fails to appoint any of the nominees within sixty days after the list of nominees is

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 submitted, the nonpartisan judicial commission making the nomination shall appoint one of the
9 nominees to fill the vacancy.

Section 25(b). At any general election the qualified voters of any judicial circuit outside
2 of ~~[the city of St. Louis and]~~ Jackson county, may by a majority of those voting on the question
3 elect to have the circuit and associate circuit judges appointed by the governor in the manner
4 provided for the appointment of judges to the courts designated in section 25(a), or, outside ~~[the~~
5 ~~city of St. Louis and]~~ Jackson county, to discontinue any such plan. The question of whether the
6 circuit and associate circuit judges of any such circuit shall be so appointed shall be submitted
7 to the voters of each county **or the voters in the city of St. Louis** in any circuit at the next
8 general election whenever petitions therefor signed by ten percent of the legal voters of each
9 county **or the city of St. Louis** in the circuit voting for the office of governor at the last election
10 thereof are filed in the office of secretary of state at least 90 days before such election. The
11 question shall be presented as follows: "Shall the circuit and associate circuit judges of the
12 _____ judicial circuit be selected as provided in Section 25 of Article V of the Missouri
13 Constitution? Yes No (Mark One)". The provisions of law with respect to initiative
14 petitions shall apply insofar as applicable relative to the certification of the petitions to local
15 officials by the secretary of state, the preparation, printing, publishing and distribution of the
16 judicial ballots required by this section, the holding and conduct of the election, and the
17 counting, canvassing, return, certification, and proclamation of the votes. If a majority of the
18 votes upon the question are cast in favor of the adoption in each county **or in the city of St.**
19 **Louis** comprising the circuit, the nonpartisan selection of the circuit and associate judges shall
20 be adopted in the circuit. The question of selection of circuit and associate circuit judges in the
21 manner provided in section 25(a) shall not be submitted more often than once every four years.
22 If any judicial circuit adopts the nonpartisan selection of the circuit and associate circuit judges
23 under the provisions of this section, the question of its discontinuance shall not be submitted
24 more often than once every four years and may be submitted at any general election and shall be
25 proceeded upon insofar as may be applicable in like manner as prescribed in this section for the
26 original adoption of the plan.

27 The petition shall be in substantially the following form:

28 To the Honorable Officials in general charge of elections for the county/**city** of _____
29 for the state of Missouri:

30 We, the undersigned, legal voters of the state of Missouri, and of the county/**city** of
31 _____, respectfully demand that the question of the discontinuance of the nonpartisan selection
32 of the circuit and associate circuit judges be submitted to the legal voters of the _____ judicial
33 circuit, for their approval or rejection, at the general election to be held on the _____ day of
34 _____, A.D. [49] **20** _____.

35

36 The ballot shall provide as follows:

37 "Shall the nonpartisan appointment by the governor of the circuit and associate circuit
38 judges be discontinued in the _____ judicial circuit?

39 Yes

40 No

41 (Place an "X" in one square.)"

42 If a majority of the votes upon the question are cast in favor of such discontinuance in
43 each county comprising the circuit, the nonpartisan selection of the circuit and associate circuit
44 judges shall be discontinued in such judicial circuit.

45 If the nonpartisan selection of the judges be discontinued in any such judicial circuit,
46 other than [~~the city of St. Louis and~~] Jackson county, the selection of such judges therein shall
47 be made as otherwise prescribed by law. This section shall be self-enforcing.

Section 25(c)(1). Each judge appointed pursuant to the provisions of sections 25(a)-(g)
2 shall hold office for a term ending December thirty-first following the next general election after
3 the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the
4 time of the election by which the provisions of sections 25(a)-(g) become applicable to his office,
5 shall, unless removed for cause, remain in office for the term to which he would have been
6 entitled had the provisions of sections 25(a)-(g) not become applicable to his office. Not less
7 than sixty days prior to the holding of the general election next preceding the expiration of his
8 term of office, any judge whose office is subject to the provisions of sections 25(a)-(g) may file
9 in the office of the secretary of state a declaration of candidacy for election to succeed himself.
10 If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term
11 of office shall be filled by appointment as herein provided. If such declaration is filed, his name
12 shall be submitted at said next general election to the voters eligible to vote within the state if
13 his office is that of judge of the supreme court, or within the geographic jurisdiction limit of the
14 district where he serves if his office is that of a judge of the court of appeals, or within the circuit
15 if his office is that of circuit judge, or within the county **or city** if his office is that of associate
16 circuit judge on a separate judicial ballot, without party designation, reading:

17 "Shall Judge _____

18 (Here the name of the judge shall be inserted)

19

20 of the _____

21 (Here the title of the court shall be inserted)

22

23 be retained in office? Yes No

24 (Mark an "X" in the box you prefer.)"

25

26 If a majority of those voting on the question vote against retaining him in office, upon the
27 expiration of his term of office, a vacancy shall exist which shall be filled by appointment as
28 provided in section 25(a); otherwise, said judge shall, unless removed for cause, remain in office
29 for the number of years after December thirty-first following such election as is provided for the
30 full term of such office, and at the expiration of each such term shall be eligible for retention in
31 office by election in the manner here prescribed.

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