

FIRST REGULAR SESSION

SENATE BILL NO. 225

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time February 8, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0828S.03I

AN ACT

To repeal sections 478.010 and 478.320, RSMo, and to enact in lieu thereof three new sections relating to nonpartisan judicial elections, with an effective date for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 478.010 and 478.320, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 478.010, 478.011,
3 and 478.320, to read as follows:

478.010. 1. Except as provided in section 25 of article V of the
2 Constitution of Missouri, the circuit judges of the various judicial circuits shall
3 be elected at the general elections as herein provided and at the general election
4 every six years thereafter, and shall enter upon the duties of their office on the
5 first day in January next following their election[; provided, however, that any
6 terms commencing in 1981 and 1983 shall commence on the first Monday in
7 January].

8 2. The circuit judge of judicial circuit number one shall be elected in 1980.

9 3. The circuit judge of judicial circuit number thirty-six shall be elected
10 in 1984.

11 4. The circuit judges of the remaining judicial circuits, except those
12 covered by sections 478.370 through 478.715, shall be elected in 1982.

13 5. **Beginning January 1, 2012, the circuit judges of the various**
14 **judicial circuits shall be elected in the manner described by section**
15 **478.011.**

16 6. **The provisions of subsection 5 of this section shall not apply:**

17 **(1) In any circuit where judges are selected under the provisions**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 of sections 25(a) to (g) of article V of the Constitution of Missouri; and
19 (2) In any election in which one of the candidates is the
20 incumbent judge who was elected to that position prior to January 1,
21 2012.

22 7. In any election for circuit judge in which one of the
23 candidates is the incumbent judge who was elected to that position
24 prior to January 1, 2012, the judge shall be selected in a partisan
25 election in the same manner described by subsection 1 of this section.

478.011. 1. (1) Elections for circuit and associate circuit judges
2 shall be held on the primary election date, and the names of the
3 candidates shall be included on all ballots and shall be designated as
4 "nonpartisan". No person shall be elected without receiving a majority
5 of the votes cast for that office.

6 (2) If no person receives a majority of the votes cast, the two
7 candidates receiving the highest number of votes shall be certified to
8 a runoff election, which shall be held on the next general election
9 date. Each judicial candidate shall be designated on the ballot as
10 "nonpartisan".

11 2. The filing period for nonpartisan judicial candidates shall
12 begin at 8:00 a.m. on the last Tuesday in February of the election year,
13 and shall end at 5:00 p.m. on the last Tuesday in March of such year.

14 3. Circuit and associate circuit judges elected pursuant to this
15 section and appointed as provided in sections 25(a) to (g) of article V
16 of the Constitution of Missouri are hereby declared to be nonpartisan,
17 and no such judge or candidate for such office shall be identified by
18 political party or shall publicly affiliate with any political party, except
19 as provided in this section. Nonpartisan judges and judicial candidates
20 shall not:

21 (1) Campaign as a member of any political party;

22 (2) Publicly designate or advertise himself or herself as a
23 member of a political party, except that judges and judicial candidates
24 may be members of political parties and may so declare for purposes
25 of voting in the partisan primary of the judge's choice;

26 (3) Endorse any other candidate;

27 (4) Make political speeches other than those on the candidate's
28 own behalf;

29 (5) Accept or retain a place on any political party committee or

30 **organization or solicit contributions to party funds;**

31 **(6) Make contributions to any political candidates other than**
32 **himself or herself;**

33 **(7) Agree to pay the cost of any or part of any advertisement or**
34 **political activity with any other candidate.**

35 **4. Notwithstanding the prohibitions on partisan activity**
36 **contained in this section, elected judges and judicial candidates may**
37 **attend meetings of one or more political parties, pay any fee necessary**
38 **to attend the meetings and speak on his or her own behalf at political**
39 **meetings.**

40 **5. The provisions of this section shall become effective on**
41 **January 1, 2012.**

478.320. 1. In counties having a population of thirty thousand or less,
2 there shall be one associate circuit judge. In counties having a population of
3 more than thirty thousand and less than one hundred thousand, there shall be
4 two associate circuit judges. In counties having a population of one hundred
5 thousand or more, there shall be three associate circuit judges and one additional
6 associate circuit judge for each additional one hundred thousand inhabitants.

7 2. For purposes of this section, notwithstanding the provisions of section
8 1.100, population of a county shall be determined on the basis of the last previous
9 decennial census of the United States; and, beginning after certification of the
10 year 2000 decennial census, on the basis of annual population estimates prepared
11 by the United States Bureau of the Census, provided that the number of associate
12 circuit judge positions in a county shall be adjusted only after population
13 estimates for three consecutive years indicate population change in the county to
14 a level provided by subsection 1 of this section.

15 3. Except in circuits where associate circuit judges are selected under the
16 provisions of sections 25(a) to (g) of article V of the constitution, the election of
17 associate circuit judges shall in all respects be conducted as other elections and
18 the returns made as for other officers.

19 **4. Beginning January 1, 2012, the associate circuit judges of the**
20 **various judicial circuits shall be elected in the manner described by**
21 **section 478.011.**

22 **5. The provisions of subsection 4 of this section shall not apply:**

23 **(1) In any circuit where judges are selected under the provisions**
24 **of sections 25(a) to (g) of article V of the Constitution of Missouri; and**

25 **(2) In any election in which one of the candidates is the**
26 **incumbent judge who was elected to that position prior to January 1,**
27 **2012.**

28 **6. In any election for associate circuit judge in which one of the**
29 **candidates is the incumbent judge who was elected to that position**
30 **prior to January 1, 2012, the judge shall be selected in a partisan**
31 **election in the same manner described by subsection 3 of this section.**

32 **7.** In counties not subject to sections 25(a) to (g) of article V of the
33 constitution, associate circuit judges shall be elected by the county at large.

34 **[5.] 8.** No associate circuit judge shall practice law, or do a law business,
35 nor shall he accept, during his term of office, any public appointment for which
36 he receives compensation for his services.

37 **[6.] 9.** No person shall be elected as an associate circuit judge unless he
38 has resided in the county for which he is to be elected at least one year prior to
39 the date of his election; provided that, a person who is appointed by the governor
40 to fill a vacancy may file for election and be elected notwithstanding the
41 provisions of this subsection.

Bill ✓

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