

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 63

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

3202S.011

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 15, 16, 25(a), 25(b), 25(c)(1), 25(c)(2), and 25(d) of article V of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to the election of circuit and associate circuit judges.

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

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2026, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article V of the
7 Constitution of the state of Missouri:

Section A. Sections 15, 16, 25(a), 25(b), 25(c)(1),
2 25(c)(2), and 25(d), article V, Constitution of Missouri, are
3 repealed and six new sections adopted in lieu thereof, to be
4 known as sections 15, 16, 25(a), 25(c)(1), 25(c)(2), and 25(d),
5 to read as follows:

Section 15. 1. The state shall be divided into
2 convenient circuits of contiguous counties. In each circuit
3 there shall be at least one circuit judge. The circuits may
4 be changed or abolished by law as public convenience and the
5 administration of justice may require, but no judge shall be
6 removed from office during his term by reason of alteration
7 of the geographical boundaries of a circuit. Any circuit or

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

8 associate circuit judge may temporarily sit in any other
9 circuit at the request of a judge thereof. In circuits
10 having more than one judge, the court may sit in general
11 term or in divisions. The circuit judges of the circuit may
12 make rules for the circuit not inconsistent with the rules
13 of the supreme court.

14 2. Each circuit shall have such number of circuit
15 judges as provided by law.

16 3. The circuit and associate circuit judges in each
17 circuit shall select by secret ballot a circuit judge from
18 their number to serve as presiding judge. The presiding
19 judge shall have general administrative authority over the
20 court and its divisions.

21 4. Personnel to aid in the business of the circuit
22 court shall be selected as provided by law or in accordance
23 with a governmental charter of a political subdivision of
24 this state. Where there is a separate probate division of
25 the circuit court, the judge of the probate division shall,
26 until otherwise provided by law, appoint a clerk and other
27 nonjudicial personnel for the probate division.

28 **5. Any person serving as a circuit or associate**
29 **circuit judge subject to the provisions of sections 25(a)-**
30 **(g) of this article on the effective date of this amendment**
31 **may continue to serve until the expiration of his or her**
32 **term. At the general election immediately prior to the**
33 **expiration of the term, a successor judge shall be elected**
34 **in accordance with the provisions of this article and the**
35 **general laws of this state governing elections.**

Section 16. Each county shall have such number of
2 associate circuit judges as provided by law. There shall be
3 at least one resident associate circuit judge in each
4 county. [Associate circuit judges shall be selected or

5 elected in each county. In those circuits where the circuit
6 judge is selected under section 25 of article 5 of the
7 constitution the associate circuit judge shall be selected
8 in the same manner. All other] Associate circuit judges
9 shall be elected in the county in which they are to serve.

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

Section 25(c)(1). Each judge appointed pursuant to the
2 provisions of sections 25(a)-(g) shall hold office for a
3 term ending December thirty-first following the next general
4 election after the expiration of twelve months in the
5 office. [Any judge holding office, or elected thereto, at
6 the time of the election by which the provisions of sections
7 25(a)-(g) become applicable to his office, shall, unless
8 removed for cause, remain in office for the term to which he
9 would have been entitled had the provisions of sections
10 25(a)-(g) not become applicable to his office.] Not less
11 than sixty days prior to the holding of the general election
12 next preceding the expiration of his term of office, any
13 judge whose office is subject to the provisions of sections

14 25(a)-(g) may file in the office of the secretary of state a
 15 declaration of candidacy for election to succeed himself.
 16 If a declaration is not so filed by any judge, the vacancy
 17 resulting from the expiration of his term of office shall be
 18 filled by appointment as herein provided. If such
 19 declaration is filed, his name shall be submitted at said
 20 next general election to the voters eligible to vote within
 21 the state if his office is that of judge of the supreme
 22 court, or within the geographic jurisdiction limit of the
 23 district where he serves if his office is that of a judge of
 24 the court of appeals, [or within the circuit if his office
 25 is that of circuit judge, or within the county if his office
 26 is that of associate circuit judge on a separate judicial
 27 ballot,] without party designation, reading:

28 "Shall _____
 29 Judge

30 (Here the name of the judge shall be
 31 inserted)

32
 33 of the _____

34 (Here the title of the court shall be
 35 inserted)

36
 37 be retained in Yes No
 38 office?

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

40 If a majority of those voting on the question vote against
 41 retaining him in office, upon the expiration of his term of
 42 office, a vacancy shall exist which shall be filled by
 43 appointment as provided in section 25(a); otherwise, said

44 judge shall, unless removed for cause, remain in office for
45 the number of years after December thirty-first following
46 such election as is provided for the full term of such
47 office, and at the expiration of each such term shall be
48 eligible for retention in office by election in the manner
49 here prescribed.

Section 25(c)(2). Whenever a declaration of candidacy
2 for election to succeed himself is filed by any judge [or
3 associate circuit judge] under the provisions of this
4 section, the secretary of state shall not less than thirty
5 days before the election certify the name of said judge [or
6 associate circuit judge] and the official title of his
7 office to the clerks of the county courts, and to the boards
8 of election commissioners in counties or cities having such
9 boards, or to such other officials as may hereafter be
10 provided by law, of all counties and cities wherein the
11 question of retention of such judge in office is to be
12 submitted to the voters, and, until legislation shall be
13 expressly provided otherwise therefor, the judicial ballots
14 required by this section shall be prepared, printed,
15 published and distributed, and the election upon the
16 question of retention of such judge in office shall be
17 conducted and the votes counted, canvassed, returned,
18 certified and proclaimed by such public officials in such
19 manner as is now provided by the statutory law governing
20 voting upon measures proposed by the initiative.

Section 25(d). Nonpartisan judicial commissions whose
2 duty it shall be to nominate and submit to the governor
3 names of persons for appointment as provided by sections
4 25(a)-(g) are hereby established and shall be organized on
5 the following basis: For vacancies in the office of judge of
6 the supreme court or of the court of appeals, there shall be

7 one such commission, to be known as "The Appellate Judicial
8 Commission"; [for vacancies in the office of circuit judge
9 or associate circuit judge of any circuit court subject to
10 the provisions of sections 25(a)-(g) there shall be one such
11 commission, to be known as "The _____ Circuit Judicial
12 Commission", for each judicial circuit which shall be
13 subject to the provisions of sections 25(a)-(g);] the
14 appellate judicial commission shall consist of a judge of
15 the supreme court selected by the members of the supreme
16 court, and the remaining members shall be chosen in the
17 following manner: The members of the bar of this state
18 residing in each court of appeals district shall elect one
19 of their number to serve as a member of said commission, and
20 the governor shall appoint one citizen, not a member of the
21 bar, from among the residents of each court of appeals
22 district, to serve as a member of said commission, and the
23 members of the commission shall select one of their number
24 to serve as chairman. [Each circuit judicial commission
25 shall consist of five members, one of whom shall be the
26 chief judge of the district of the court of appeals within
27 which the judicial circuit of such commission, or the major
28 portion of the population of said circuit is situated and
29 the remaining four members shall be chosen in the following
30 manner: The members of the bar of this state residing in the
31 judicial circuit of such commission shall elect two of their
32 number to serve as members of said commission, and the
33 governor shall appoint two citizens, not members of the bar,
34 from among the residents of said judicial circuit to serve
35 as members of said commission, the members of the commission
36 shall select one of their number to serve as chairman; and
37 the terms of office of the members of such commission shall
38 be fixed by law, but no law shall increase or diminish the

39 term of any member then in office.] No member of any such
40 commission other than a judge shall hold any public office,
41 and no member shall hold any official position in a
42 political party. Every such commission may act only by the
43 concurrence of a majority of its members. The members of
44 such commission shall receive no salary or other
45 compensation for their services but they shall receive their
46 necessary traveling and other expenses incurred while
47 actually engaged in the discharge of their official duties.
48 All such commissions shall be administered, and all
49 elections provided for under this section shall be held and
50 regulated, under such rules as the supreme court shall
51 promulgate.

2 [Section 25(b). At any general election
3 the qualified voters of any judicial circuit
4 outside of the city of St. Louis and Jackson
5 county, may by a majority of those voting on the
6 question elect to have the circuit and associate
7 circuit judges appointed by the governor in the
8 manner provided for the appointment of judges to
9 the courts designated in section 25(a), or,
10 outside the city of St. Louis and Jackson
11 county, to discontinue any such plan. The
12 question of whether the circuit and associate
13 circuit judges of any such circuit shall be so
14 appointed shall be submitted to the voters of
15 each county in any circuit at the next general
16 election whenever petitions therefor signed by
17 ten percent of the legal voters of each county
18 in the circuit voting for the office of governor
19 at the last election thereof are filed in the
20 office of secretary of state at least 90 days
21 before such election. The question shall be
22 presented as follows: "Shall the circuit and
23 associate circuit judges of the _____ judicial
24 circuit be selected as provided in Section 25 of
25 Article V of the Missouri Constitution? Yes
26 No (Mark One)". The provisions of law with
respect to initiative petitions shall apply

27 insofar as applicable relative to the
28 certification of the petitions to local
29 officials by the secretary of state, the
30 preparation, printing, publishing and
31 distribution of the judicial ballots required by
32 this section, the holding and conduct of the
33 election, and the counting, canvassing, return,
34 certification, and proclamation of the votes.
35 If a majority of the votes upon the question are
36 cast in favor of the adoption in each county
37 comprising the circuit, the nonpartisan
38 selection of the circuit and associate judges
39 shall be adopted in the circuit. The question
40 of selection of circuit and associate circuit
41 judges in the manner provided in section 25(a)
42 shall not be submitted more often than once
43 every four years. If any judicial circuit
44 adopts the nonpartisan selection of the circuit
45 and associate circuit judges under the
46 provisions of this section, the question of its
47 discontinuance shall not be submitted more often
48 than once every four years and may be submitted
49 at any general election and shall be proceeded
50 upon insofar as may be applicable in like manner
51 as prescribed in this section for the original
52 adoption of the plan.

53 The petition shall be in
54 substantially the following form:

55 To the Honorable Officials in general
56 charge of elections for the county of
57 _____ for the state of Missouri:
58 We, the undersigned, legal voters of the
59 state of Missouri, and of the county of
60 _____, respectfully demand that the
61 question of the discontinuance of the
62 nonpartisan selection of the circuit and
63 associate circuit judges be submitted to
64 the legal voters of the _____ judicial
65 circuit, for their approval or rejection,
66 at the general election to be held on the
67 _____ day of _____, A.D. 19_____.

68 The ballot shall provide as
69 follows:

70 "Shall the nonpartisan appointment by the
71 governor of the circuit and associate
72 circuit judges be discontinued in the _____
73 judicial circuit?

74 Yes

75 No

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

77 If a majority of the votes upon
78 the question are cast in favor of such
79 discontinuance in each county
80 comprising the circuit, the nonpartisan
81 selection of the circuit and associate
82 circuit judges shall be discontinued in
83 such judicial circuit.

84 If the nonpartisan selection of
85 the judges be discontinued in any such
86 judicial circuit, other than the city
87 of St. Louis and Jackson county, the
88 selection of such judges therein shall
89 be made as otherwise prescribed by law.
90 This section shall be self-enforcing.]

