

SENATE BILL NO. 1746

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

7359S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.353, 115.355, 115.357, 115.365, 115.507, 115.511, 115.515, 115.517, 115.531, 115.555, 115.575, 115.603, 115.619, 115.620, 115.621, 476.680, 478.010, 478.320, and 478.330, RSMo, and to enact in lieu thereof eighteen new sections relating to the election of judges, with an effective date.

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

Section A. Sections 115.353, 115.355, 115.357, 115.365, 2 115.507, 115.511, 115.515, 115.517, 115.531, 115.555, 115.575, 3 115.603, 115.619, 115.620, 115.621, 476.680, 478.010, 478.320, 4 478.330, RSMo, are repealed and eighteen new sections 5 enacted in lieu thereof, to be known as sections 115.353, 6 115.355, 115.357, 115.365, 115.507, 115.511, 115.515, 115.517, 7 115.531, 115.555, 115.575, 115.603, 115.619, 115.620, 115.621, 8 478.010, 478.320, and 478.330, to read as follows:

115.353. All declarations of candidacy shall be filed 2 as follows:

(1) For presidential elector, United States senator, 3 representative in Congress, statewide office, **judge of the 4 supreme court, judge of the court of appeals**, circuit judge 5 [not subject to the provisions of Article V, Section 25 of 6 the Missouri Constitution], state senator and state 7 representative, in the office of the secretary of state; 8

(2) For all county offices which for the purpose of 9 election procedures shall include associate circuit judges 10

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

11 [not subject to the provisions of Article V, Section 25 of
12 the Missouri Constitution], in the office of the county
13 election authority;

14 (3) For all county offices, in the office of the
15 county election authority. In any county in which there are
16 two boards of election commissioners, the county clerk shall
17 be deemed to be the election authority for purposes of this
18 section.

115.355. 1. Except as provided in subsections 2 and 5
2 of this section and in section 115.377, each declaration of
3 candidacy for nomination in a primary election shall be
4 filed by the candidate in person in the office of the
5 appropriate election official.

6 2. A candidate may file his declaration of candidacy
7 by certified mail if he is:

8 (1) Unable to appear in person because of physical
9 disability, and the declaration is accompanied by a sworn
10 statement of a licensed physician so stating; or

11 (2) A member of the Armed Forces of the United States
12 on active duty, and the declaration is accompanied by a
13 sworn statement of the candidate's commanding officer so
14 stating.

15 3. Except as provided in section 115.377, no election
16 official shall accept for filing any declaration of
17 candidacy for nomination in a primary election not presented
18 to him by the candidate in person or which, if sent by
19 certified mail pursuant to subsection 2 of this section, is
20 not accompanied by the statement required in the same
21 subsection.

22 4. Election officials shall require proof of identity
23 of persons when filing declarations of candidacy in person

24 and when filing by mail as provided in subsection 2 or 5 of
25 this section.

26 [5. Any judge seeking retention under Sections 25(a)
27 to 25(g) of Article V of the Missouri Constitution may file
28 his declaration of candidacy for election to succeed himself
29 by certified mail.]

115.357. 1. Except as provided in subsections 3 and 4
2 of this section, each candidate for federal, state or county
3 office shall, before filing his or her declaration of
4 candidacy, pay to the treasurer of the state or county
5 committee of the political party upon whose ticket he or she
6 seeks nomination a certain sum of money as follows:

7 (1) To the treasurer of the state central committee,
8 five hundred dollars if he or she is a candidate for
9 statewide office or for United States senator, three hundred
10 dollars if he or she is a candidate for representative in
11 Congress, **judge of the supreme court, judge of the court of**
12 **appeals**, circuit judge or state senator, and one hundred
13 fifty dollars if he or she is a candidate for state
14 representative;

15 (2) To the treasurer of the county central committee,
16 one hundred dollars if he or she is a candidate for county
17 office.

18 2. The required sum may be submitted by the candidate
19 to the official accepting his or her declaration of
20 candidacy, except that a candidate required to file his or
21 her declaration of candidacy with the secretary of state
22 shall pay the required sum directly to the treasurer of the
23 appropriate party committee. All sums submitted to the
24 official accepting the candidate's declaration of candidacy
25 shall be forwarded promptly by the official to the treasurer
26 of the appropriate party committee.

53 115.355, the declaration of inability to pay shall be
54 subscribed and sworn to by the candidate before the notary
55 or other officer who witnesses the candidate's declaration
56 of candidacy. With his declaration of inability to pay, the
57 candidate shall submit a petition endorsing his candidacy.
58 Except for the number of signatures required, each such
59 petition shall, insofar as practicable, be in the form
60 provided in sections 115.321 and 115.325. If the person
61 filing declaration of indigence is to be a candidate for
62 statewide office, his petition shall be signed by the number
63 of registered voters in the state equal to at least one-half
64 of one percent of the total number of votes cast in the
65 state for the office at the last election in which a
66 candidate ran for the office. If the person filing a
67 declaration of indigence is to be a candidate for any other
68 office, the petition shall be signed by the number of
69 registered voters in the district or political subdivision
70 which is equal to at least one percent of the total number
71 of votes cast for the office at the last election in which a
72 candidate ran for the office. The candidate's declaration
73 of inability to pay and the petition shall be filed at the
74 same time and in the same manner as his declaration of
75 candidacy is filed. The petition shall be checked and its
76 sufficiency determined in the same manner as new party and
77 independent candidate petitions.

78 4. No filing fee shall be required of any person who
79 proposes to be an independent candidate, the candidate of a
80 new party or a candidate for presidential elector.

81 5. Except as provided in subsections 3 and 4 of this
82 section, no candidate's name shall be printed on any
83 official ballot until the required fee has been paid.

115.365. 1. The nominating committee authorized to
2 select a candidate for nomination or election to office
3 pursuant to section 115.363 shall be one of the following:

4 (1) To select a candidate for county office, the
5 nominating committee shall be the county committee of the
6 party;

7 (2) To select a candidate for state representative,
8 the nominating committee shall be the legislative district
9 committee of the party;

10 (3) To select a candidate for state senator, the
11 nominating committee shall be the senatorial district
12 committee of the party;

13 (4) To select a candidate for circuit court judge [not
14 subject to the provisions of Article V, Section 25 of the
15 State Constitution], the nominating committee shall be the
16 judicial district committee of the party;

17 (5) **To select a candidate for judge of the court of
18 appeals, the nominating committee shall be the judicial
19 appellate district committee;**

20 (6) To select a candidate for representative in
21 Congress, the nominating committee shall be the
22 congressional district committee of the party;

23 [(6)] (7) To select a candidate for statewide office,
24 **including judge of the supreme court,** the nominating
25 committee shall be the state committee of the party.

26 2. After any decennial redistricting, the nominating
27 committee shall be composed from the new districts, and the
28 new district lines shall be used in the selection of a
29 candidate; provided, however, that members of nominating
30 committees for candidates for special elections to fill
31 vacancies conducted pursuant to section 21.130 shall be from
32 the old districts.

115.507. 1. Not later than the second Tuesday after
2 the election, the verification board shall issue a statement
3 announcing the results of each election held within its
4 jurisdiction and shall certify the returns to each political
5 subdivision and special district submitting a candidate or
6 question at the election. The statement shall include a
7 categorization of the number of regular and absentee votes
8 cast in the election, and how those votes were cast;
9 provided however, that absentee votes shall not be reported
10 separately where such reporting would disclose how any
11 single voter cast his or her vote. When absentee votes are
12 not reported separately the statement shall include the
13 reason why such reporting did not occur. Nothing in this
14 section shall be construed to require the election authority
15 to tabulate absentee ballots by precinct on election night.

16 2. The verification board shall prepare the returns by
17 drawing an abstract of the votes cast for each candidate and
18 on each question submitted to a vote of people in its
19 jurisdiction by the state and by each political subdivision
20 and special district at the election. The abstract of votes
21 drawn by the verification board shall be the official
22 returns of the election.

23 3. Any home rule city with more than four hundred
24 thousand inhabitants and located in more than one county may
25 by ordinance designate one of the election authorities
26 situated partially or wholly within that home rule city to
27 be the verification board that shall certify the returns of
28 such city submitting a candidate or question at any election
29 and shall notify each verification board within the city of
30 that designation by providing each with a copy of such duly
31 adopted ordinance. Not later than the second Tuesday after
32 any election in any city making such a designation, each

33 verification board within the city shall certify the returns
34 of such city submitting a candidate or question at the
35 election to the election authority so designated by the city
36 to be its verification board, and such election authority
37 shall announce the results of the election and certify the
38 cumulative returns to the city in conformance with
39 subsections 1 and 2 of this section not later than ten days
40 thereafter.

41 4. Not later than the second Tuesday after each
42 election at which the name of a candidate for nomination or
43 election to the office of president of the United States,
44 United States senator, representative in Congress, governor,
45 lieutenant governor, state senator, state representative,
46 **judge of the supreme court, judge of the court of appeals,**
47 judge of the circuit court, secretary of state, attorney
48 general, state treasurer, or state auditor, or at which an
49 initiative, referendum, constitutional amendment [or
50 question of retaining a judge subject to the provisions of
51 Article V, Sections 25(a) to 25(g) of the State
52 Constitution], appears on the ballot in a jurisdiction, the
53 election authority of the jurisdiction shall mail or deliver
54 to the secretary of state the abstract of the votes given in
55 its jurisdiction, by polling place or precinct, for each
56 such office and on each such question. If mailed, the
57 abstract shall be enclosed in a strong, sealed envelope or
58 envelopes. On the outside of each envelope shall be
59 printed: "Returns of election held in the county of _____
60 (City of St. Louis, Kansas City) on the _____ day of
61 _____, _____," etc.

115.511. 1. The secretary of state shall convene the
2 board of state canvassers to total the abstracts of each
3 primary election and the board shall, not later than two

4 weeks after receiving all required abstracts from the
5 primary election, issue a statement announcing the results
6 of the primary election for federal officers, governor,
7 lieutenant governor, state senators and representatives,
8 **judges of the supreme court, judges of the court of appeals,**
9 circuit judges, secretary of state, attorney general, state
10 treasurer and state auditor.

11 2. The secretary of state shall convene the board of
12 state canvassers to total the abstracts of each general
13 election and the board shall, not later than the second
14 Tuesday in December following the general election, issue a
15 statement announcing the results of the general election for
16 federal officers, governor, lieutenant governor, state
17 senators and representatives, **judges of the supreme court,**
18 **judges of the court of appeals,** circuit judges, [appellate
19 and circuit judges subject to the provisions of Article V,
20 Section 25 of the State Constitution,] secretary of state,
21 attorney general, state treasurer and state auditor.

22 3. The secretary of state shall convene the board of
23 state canvassers to total the abstracts of each special
24 election at which the name of a candidate for nomination or
25 election to the office of United States senator,
26 representative in Congress, governor, lieutenant governor,
27 state senator, state representative, **judge of the supreme**
28 **court, judge of the court of appeals,** circuit judge [not
29 subject to the provisions of Article V, Section 25 of the
30 State Constitution], secretary of state, attorney general,
31 state treasurer or state auditor, or at which an initiative,
32 referendum or constitutional amendment appears on the
33 ballot, and the board shall, not later than two weeks after
34 receiving all required abstracts from the election, issue a

35 statement announcing the results of the election for such
36 office or on such question.

115.515. 1. If two or more persons receive an equal
2 number of votes for nomination as a party's candidate for
3 any federal office, governor, lieutenant governor, secretary
4 of state, attorney general, state treasurer, state auditor,
5 **judge of the supreme court, judge of the court of appeals,**
6 circuit judge[not subject to the provisions of Article V,
7 Sections 25(a) to 25(g) of the State Constitution], state
8 senator or state representative, and a higher number of
9 votes than any other candidate for the same office on the
10 same party ballot, the governor shall, immediately after the
11 results of the election have been announced, issue a
12 proclamation stating the fact and ordering a special primary
13 election to determine the party's nominee for the office.
14 The proclamation shall set the date of the election, which
15 shall be not less than fourteen or more than thirty days
16 after the proclamation is issued, and shall be sent by the
17 governor to each election authority responsible for
18 conducting the special primary election. In the
19 proclamation, the governor shall specify the name of each
20 candidate for the office to be voted on at the election, and
21 the special primary election shall be conducted and the
22 votes counted as in other primary elections.

23 2. If two or more persons receive an equal number of
24 votes for nomination as a party's candidate for any other
25 office, except party committeeman or committeewoman, and a
26 higher number of votes than any other candidate for the same
27 office on the same party ballot, the officer with whom such
28 candidates filed their declarations of candidacy shall,
29 immediately after the results of the election have been
30 certified, issue a proclamation stating the fact and

31 ordering a special primary election to determine the party's
32 nominee for the office. The proclamation shall set the date
33 of the election, which shall be not less than fourteen or
34 more than thirty days after the proclamation is issued, and
35 shall be sent by the officer to each election authority
36 responsible for conducting the special primary election. In
37 the proclamation, the officer shall specify the name of each
38 candidate for the office to be voted on at the election, and
39 the special primary election shall be conducted and the
40 votes counted as in other primary elections.

41 3. As an alternative to the procedure prescribed in
42 subsections 1 and 2 of this section, if the candidates who
43 received an equal number of votes in such election agree to
44 the procedure prescribed in this subsection, the officer
45 with whom such candidates filed their declarations of
46 candidacy may, after notification of the time and place of
47 such drawing given to each such candidate at least five days
48 before such drawing, determine the winner of such election
49 by lot. Any candidate who received an equal number of votes
50 may decline to have his or her name put into such drawing.

115.517. 1. If two or more persons receive an equal
2 number of votes for election to the office of governor,
3 lieutenant governor, secretary of state, state auditor,
4 state treasurer or attorney general, and a higher number of
5 votes than any other candidate for the same office, the
6 secretary of state shall, immediately after the results of
7 the election have been announced, issue a proclamation
8 stating the fact, and the general assembly shall, by joint
9 vote and without delay at its next regular session, choose
10 one of such persons for the office. The speaker of the
11 house shall file a certificate declaring which person has
12 been elected to the office with the secretary of state.

13 2. If two or more persons receive an equal number of
14 votes for election to federal office, state senator, state
15 representative, **judge of the supreme court, judge of the**
16 **court of appeals**, or circuit judge [not subject to the
17 provisions of Article V, Section 25 of the State
18 Constitution], and a higher number of votes than any other
19 candidate for the same office, the governor shall,
20 immediately after the results of the election have been
21 announced, issue a proclamation stating the fact and
22 ordering a special election to determine which candidate is
23 elected to the office. The proclamation shall set the date
24 of the election and shall be sent by the governor to each
25 election authority responsible for conducting the special
26 election. In his proclamation, the governor shall specify
27 the name of each candidate for the office to be voted on at
28 the election, and the special election shall be conducted
29 and the votes counted as in other elections.

30 3. If two or more persons receive an equal number of
31 votes for nomination or election to any office not otherwise
32 provided for in section 115.515 or this section, and a
33 higher number of votes than any other candidate for
34 nomination or election to the same office, the officer with
35 whom such candidates filed their declarations of candidacy
36 shall, immediately after the results of the election have
37 been certified, issue a proclamation stating the fact and
38 ordering a special election to determine which candidate is
39 elected to the office. The proclamation shall set the date
40 of the election and shall be sent by the officer to each
41 election authority responsible for conducting the special
42 election. In his proclamation, the officer shall specify
43 the name of each candidate for the office to be voted on at

44 the election, and the special election shall be conducted
45 and the votes counted as in other elections.

46 4. As an alternative to the procedure prescribed in
47 subsections 1, 2, and 3 of this section, if the candidates
48 who received an equal number of votes in such election agree
49 to the procedure prescribed in this subsection, the officer
50 with whom such candidates filed their declarations of
51 candidacy may, after notification of the time and place of
52 such drawing given to each such candidate at least five days
53 before such drawing, determine the winner of such election
54 by lot. Any candidate who received an equal number of votes
55 may decline to have his name put into such drawing.

115.531. 1. Not later than five days after the
2 official announcement of the results of a primary election
3 is issued by the election authority or the secretary of
4 state, as the case may be, any candidate desiring to contest
5 the primary election shall file a verified petition in the
6 office of the clerk of the circuit court of any circuit in
7 which part of the election was held and in which any alleged
8 irregularity occurred, unless the office involved in the
9 contest is that of a circuit or associate circuit judge [not
10 subject to Section 25, Article V, Constitution of Missouri],
11 in which case the verified petition shall be filed, heard,
12 and determined by an adjoining circuit court selected by the
13 contestant as specified in section 115.575. The contestant
14 shall only be required to file one petition with the circuit
15 court for each election contest regardless of the number of
16 counties within the court's jurisdiction. The petition
17 shall set forth the points on which the contestant wishes to
18 contest the election and the facts the contestant will prove
19 in support of such points, and shall pray leave to produce
20 such proof. The judge of the court shall immediately note

21 on the petition the date it was filed and shall immediately
22 set a date, not later than five days after the petition is
23 filed, for a preliminary hearing. If the petition is filed
24 in vacation, the judge of the circuit court shall
25 immediately convene the court in special session for the
26 purpose of hearing the contest. If no regular judge of the
27 court is available the supreme court shall immediately
28 assign another judge. The circuit court in which the
29 petition is filed shall have exclusive jurisdiction over all
30 matters relating to the contest and may issue appropriate
31 orders to all election authorities in the area in which the
32 contested election was held.

33 2. If a petition contesting a primary election is
34 filed in an incorrect circuit, the court in which it is
35 filed shall have jurisdiction and shall promptly transfer
36 the suit to the correct circuit court.

115.555. All contested elections for the office of
2 governor, lieutenant governor, secretary of state, attorney
3 general, state treasurer and state auditor shall be heard
4 and determined by the supreme court. Likewise, all contests
5 to the results of elections on constitutional amendments,
6 **and on state statutes submitted or referred to the voters[, and on questions relating to the retention of appellate and circuit judges subject to Article V, Section 25 of the State Constitution]** shall be heard and determined by the supreme
9 court.
10

115.575. 1. **Notwithstanding any provision of this chapter to the contrary, all contested elections for the office of judge of the supreme court or of court of appeals, whether contested on the basis of qualification, irregularity, or other cause, or for recount other than the automatic recount provided for in section 115.601, and**

7 **whether in a primary or general election, shall be filed in**
8 **and heard and determined by the supreme court, but no judge**
9 **of the supreme court shall sit upon the hearing of any case**
10 **in which he or she is a party.**

11 2. Notwithstanding any provision of this chapter to
12 the contrary, all contested elections for the office of
13 circuit or associate circuit judge [not subject to the
14 provisions of Article V, Section 25 of the State
15 Constitution], whether contested on the basis of
16 qualification, irregularity, or other cause, or for recount
17 other than the automatic recount provided for in section
18 115.601, and whether in a primary or general election, shall
19 be filed in and heard and determined by an adjoining circuit
20 court selected by the contestant.

21 [2.] 3. All contested elections on any office or
22 question other than those provided for in sections 115.555,
23 115.563, and subsection 1 or 2 of this section shall be
24 heard and determined by the circuit court of any circuit,
25 selected by the contestant, in which all or any part of the
26 election was held and in which any alleged irregularity
27 occurred. The contestant shall only be required to file one
28 petition with the circuit court for each election contest
29 regardless of the number of counties within the court's
30 jurisdiction.

31 [3.] 4. If a petition contesting any election is filed
32 in an incorrect circuit, the court in which it is filed
33 shall have jurisdiction and shall promptly transfer the suit
34 to the correct circuit court.

115.603. Each established political party shall have a
2 state committee, a congressional district committee for each
3 congressional district in the state, **a judicial appellate**
4 **district committee for each court of appeals district in the**

5 **state**, a judicial district committee for each circuit judge
6 district in the state [not subject to the provisions of
7 Article V, Section 25 of the state Constitution], a
8 senatorial district committee for each senatorial district
9 in the state, a legislative district committee for each
10 legislative district in the state and a county committee for
11 each county in the state, except any city not within a
12 county which shall have a city committee in lieu of a county
13 committee.

115.619. 1. A legislative district committee shall
2 consist of the precinct, ward, or township committeeman and
3 committeewoman from such precincts, wards, or townships
4 included in whole or in part of the legislative district.
5 There shall be elected from the membership of each
6 legislative district committee a chairman and a vice
7 chairman, one of whom shall be a woman and one of whom shall
8 be a man, and each legislative district at the same time
9 shall elect a secretary and a treasurer, one of whom shall
10 be a woman and one of whom shall be a man, but who may or
11 may not be members of the legislative district committee.
12 Party state committees may provide for voting by proxy and
13 for weighted or fractional voting.

14 2. The congressional, senatorial, **judicial appellate**,
15 or judicial committee of a district which is composed of:

- 16 (1) One or more whole counties; or
17 (2) One or more whole counties and part of one or more
18 counties;

19 shall consist of the county committee chair and vice chair
20 of each county within the district and the committeeman and
21 committeewoman of each legislative district committee within
22 the district.

23 3. The congressional, senatorial, **judicial appellate**,
24 or judicial committee of a district which consists of:

- 25 (1) Parts of one or more counties;
26 (2) Part of a city not within the county;
27 (3) A whole city not within a county; or
28 (4) Part of a city not within a county and parts of
29 one or more counties;

30 shall consist of the committeemen and committeewomen of the
31 precinct, ward, or township included in whole or in part of
32 the district and the chair and vice chair of each
33 legislative district committee within the district in whole
34 or in part.

 115.620. Provisions for proxy voting for district
2 committees organized under section 115.621 may be made by a
3 political party. In the event that such provisions are not
4 made, proxy voting shall only be allowed for legislative,
5 congressional, senatorial, **judicial appellate**, and judicial
6 district committee meetings. In any event, a person may
7 only serve as a proxy voter if such person is legally
8 permitted to vote in the district in which the proxy resides.

 115.621. 1. Notwithstanding any other provision of
2 this section to the contrary, any legislative, senatorial,
3 **judicial appellate**, or judicial district committee that is
4 wholly contained within a county or a city not within a
5 county may choose to meet on the same day as the respective
6 county or city committee. All other committees shall meet
7 as otherwise prescribed in this section.

8 2. The members of each county committee shall meet at
9 the county seat not earlier than two weeks after each
10 primary election but in no event later than the third
11 Saturday after each primary election, at the discretion of

12 the chairman at the committee. In each city not within a
13 county, the city committee shall meet on the same day at the
14 city hall. In all counties of the first, second, and third
15 classification, the county courthouse shall be made
16 available for such meetings and any other county political
17 party meeting at no charge to the party committees. In all
18 cities not within a county, the city hall shall be made
19 available for such meetings and any other city political
20 party meeting at no charge to the party committees. At the
21 meeting, each committee shall organize by electing two of
22 its members, a man and a woman, as chair and vice chair, and
23 a man and a woman who may or may not be members of the
24 committee as secretary and treasurer.

25 3. The members of each congressional district
26 committee shall meet at some place and time within the
27 district, to be designated by the current chair of the
28 committee, not earlier than five weeks after each primary
29 election but in no event later than the sixth Saturday after
30 each primary election. The county courthouse in counties of
31 the first, second and third classification in which the
32 meeting is to take place, as designated by the chair, shall
33 be made available for such meeting and any other
34 congressional district political party committee meeting at
35 no charge to the committee. At the meeting, the committee
36 shall organize by electing one of its members as chair and
37 one of its members as vice chair, one of whom shall be a
38 woman and one of whom shall be a man, and a secretary and a
39 treasurer, one of whom shall be a woman and one of whom
40 shall be a man, who may or may not be members of the
41 committee.

42 4. The members of each legislative district committee
43 shall meet at some place and date within the legislative

44 district or within one of the counties in which the
45 legislative district exists, to be designated by the current
46 chair of the committee, not earlier than three weeks after
47 each primary election but in no event later than the fourth
48 Saturday after each primary election. The county courthouse
49 in counties of the first, second and third classification in
50 which the meeting is to take place, as designated by the
51 chair, shall be made available for such meeting and any
52 other legislative district political party committee meeting
53 at no charge to the committee. At the meeting, the
54 committee shall organize by electing two of its members, a
55 man and a woman, as chair and vice chair, and a man and a
56 woman who may or may not be members of the committee as
57 secretary and treasurer.

58 5. The members of each senatorial district committee
59 shall meet at some place and date within the district, to be
60 designated by the current chair of the committee, if there
61 is one, and if not, by the chair of the congressional
62 district in which the senatorial district is principally
63 located, not earlier than four weeks after each primary
64 election but in no event later than the fifth Saturday after
65 each primary election. The county courthouse in counties of
66 the first, second and third classification in which the
67 meeting is to take place, as so designated pursuant to this
68 subsection, shall be made available for such meeting and any
69 other senatorial district political party committee meeting
70 at no charge to the committee. At the meeting, the
71 committee shall organize by electing one of its members as
72 chair and one of its members as vice chair, one of whom
73 shall be a woman and one of whom shall be a man, and a
74 secretary and a treasurer, one of whom shall be a woman and

75 one of whom shall be a man, who may or may not be members of
76 the committee.

77 6. The members of each senatorial district shall also
78 meet at some place within the district, to be designated by
79 the current chair of the committee, if there is one, and if
80 not, by the chair of the congressional district in which the
81 senatorial district is principally located, on the Saturday
82 after each general election or concurrently with the
83 election of senatorial officers, if designated or not
84 objected to by the chair of the congressional district where
85 the senatorial district is principally located. At the
86 meeting, the committee shall proceed to elect two registered
87 voters of the district, one man and one woman, as members of
88 the party's state committee.

89 7. **The members of each judicial appellate district may**
90 **meet at some place and date within the judicial appellate**
91 **district or within one of the counties in which the judicial**
92 **appellate district exists, to be designated by the current**
93 **chair of the committee or the chair of the congressional**
94 **district committee, not earlier than six weeks after each**
95 **primary election but in no event later than the seventh**
96 **Saturday after each primary election. The county courthouse**
97 **in counties of the first, second, and third classification**
98 **in which the meeting is to take place, as so designated**
99 **pursuant to this subsection, shall be made available for**
100 **such meeting and any other judicial appellate district**
101 **political party committee meeting at no charge to the**
102 **committee. At the meeting, the committee shall organize by**
103 **electing two of its members, a man and a woman, as chair and**
104 **vice chair, and a man and a woman who may or may not be**
105 **members of the committee as secretary and treasurer.**

106 8. The members of each judicial district may meet at
107 some place and date within the judicial district or within
108 one of the counties in which the judicial district exists,
109 to be designated by the current chair of the committee or
110 the chair of the congressional district committee, not
111 earlier than six weeks after each primary election but in no
112 event later than the seventh Saturday after each primary
113 election. The county courthouse in counties of the first,
114 second and third classification in which the meeting is to
115 take place, as so designated pursuant to this subsection,
116 shall be made available for such meeting and any other
117 judicial district political party committee meeting at no
118 charge to the committee. At the meeting, the committee
119 shall organize by electing two of its members, a man and a
120 woman, as chair and vice chair, and a man and a woman who
121 may or may not be members of the committee as secretary and
122 treasurer.

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

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

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

14 4. The circuit judges of the remaining judicial
15 circuits, except those covered by sections 478.370 through
16 478.715, shall be elected in 1982.

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

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

21 3. [Except in circuits where associate circuit judges
22 are selected under the provisions of Sections 25(a) to (g)
23 of Article V of the constitution,] The election of associate
24 circuit judges shall in all respects be conducted as other
25 elections and the returns made as for other officers.

26 4. [In counties not subject to Sections 25(a) to (g)
27 of Article V of the constitution,] Associate circuit judges
28 shall be elected by the county at large.

29 5. No associate circuit judge shall practice law, or
30 do a law business, nor shall he or she accept, during his or
31 her term of office, any public appointment for which he or
32 she receives compensation for his or her services.

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

 478.330. 1. When an annual judicial performance
2 report submitted pursuant to section 477.405 indicates for
3 three consecutive calendar years the need for two or more
4 full-time judicial positions in any judicial circuit there
5 shall be one additional circuit judge position authorized in
6 such circuit, subject to an initial appropriation made for
7 that purpose. The clerk of the supreme court shall notify
8 the Missouri revisor of statutes of any new circuit
9 judgeships authorized under this section, and the Missouri
10 revisor of statutes shall publish a footnote to this section
11 listing the authorized judgeships and corresponding judicial
12 circuits.

13 2. [Except in circuits where circuit judges are
14 selected under the provisions of Sections 25(a) to 25(g) of
15 Article V of the Missouri Constitution or] Except as
16 otherwise provided by law, a circuit judge authorized under
17 subsection 1 of this section shall be elected at the next
18 general election after the authorization, and every six
19 years thereafter. Such judicial position shall not be
20 considered vacant or filled by appointment until January
21 first next following the authorization. [Except in circuits

22 where circuit judges are selected under the provisions of
23 Sections 25(a) to 25(g) of Article V of the Missouri
24 Constitution,] The election of circuit judges authorized by
25 this section shall be conducted in accordance with chapter
26 115.

2 [476.680. 1. The votes on the question
3 shall be counted, canvassed and returned by the
4 regular boards of judges, clerks and officers as
5 votes for candidates are counted, canvassed and
6 returned, and the abstract made by the officials
7 in general charge of elections in each such
8 county shall be returned to the secretary of
9 state on separate abstract sheets, in the manner
10 provided for abstract of votes for state and
11 county officers.

12 2. The secretary of state, in the presence
13 of the governor, sixty days after the election,
14 shall proceed to canvass the votes on the
15 question; and the governor shall forthwith issue
16 his proclamation, giving the whole number of
17 votes cast in each such judicial circuit for and
18 against the question, and if the question is
19 approved by a majority of those voting thereon,
20 declaring the nonpartisan selection of the
21 circuit and associate circuit judges to be in
22 full force and effect in each such judicial
23 circuit as provided for in Article V, Section 29
of the Constitution of 1945.]

Section B. Section A of this act shall become
2 effective only upon approval by the voters of an amendment
3 to article V of the Constitution of Missouri that repeals
4 the nonpartisan selection of judges and establishes the
5 election of all judges of the supreme court and of the court
6 of appeals, and of the circuit courts, and associate judges.

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