

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 105

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5968S.011

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 16, 25(a), 25(b), 25(c)(1), 25(c)(2), 25(d), 25(e), 25(f), and 25(g) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to 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 16, 25(a), 25(b), 25(c)(1), 25(c)(2),
2 25(d), 25(e), 25(f), and 25(g), article V, Constitution of
3 Missouri, are repealed and two new sections adopted in lieu
4 thereof, to be known as sections 16 and 25(a), to read as
5 follows:

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

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

9 shall be elected in the county or in the city of St. Louis
10 for which they are to serve.

Section 25(a). Each judge of the supreme court, of the
2 court of appeals, or of the circuit court and each associate
3 circuit judge in office as of, or with a term starting on,
4 January 1, 2027, shall hold office for the remainder of his
5 or her term after which the office shall be vacated subject
6 to appointment or election under this article. Whenever a
7 vacancy shall occur in the office of judge of any of the
8 following courts of this state, to wit: The supreme court[,]
9 or the court of appeals[, or in the office of circuit or
10 associate circuit judge within the city of St. Louis and
11 Jackson county], the governor, by and with the advice and
12 consent of the senate, shall fill such vacancy by appointing
13 [one of three persons] a person possessing the
14 qualifications for such office[, who shall be nominated and
15 whose names shall be submitted to the governor by a
16 nonpartisan judicial commission established and organized as
17 hereinafter provided. If the governor fails to appoint any
18 of the nominees within sixty days after the list of nominees
19 is submitted, the nonpartisan judicial commission making the
20 nomination shall appoint one of the nominees to fill the
21 vacancy]. Whenever a vacancy shall occur in the office of
22 circuit judge of this state, a judge shall be elected to
23 fill such vacancy in the next general election or at other
24 times as prescribed by law by the qualified voters of the
25 circuit for which such court is established. Whenever a
26 vacancy shall occur in the office of associate circuit judge
27 of this state, a judge shall be elected to fill such vacancy
28 in the next general election or at other times as prescribed
29 by law by the qualified voters of the county or of the city

of St. Louis of which the associate circuit judge is to
serve in.

[Section 25(b). At any general election
the qualified voters of any judicial circuit
outside of the city of St. Louis and Jackson
county, may by a majority of those voting on the
question elect to have the circuit and associate
circuit judges appointed by the governor in the
manner provided for the appointment of judges to
the courts designated in section 25(a), or,
outside the city of St. Louis and Jackson
county, to discontinue any such plan. The
question of whether the circuit and associate
circuit judges of any such circuit shall be so
appointed shall be submitted to the voters of
each county in any circuit at the next general
election whenever petitions therefor signed by
ten percent of the legal voters of each county
in the circuit voting for the office of governor
at the last election thereof are filed in the
office of secretary of state at least 90 days
before such election. The question shall be
presented as follows: "Shall the circuit and
associate circuit judges of the _____ judicial
circuit be selected as provided in Section 25 of
Article V of the Missouri Constitution? Yes ☐
No ☐ (Mark One)". The provisions of law with
respect to initiative petitions shall apply
insofar as applicable relative to the
certification of the petitions to local
officials by the secretary of state, the
preparation, printing, publishing and
distribution of the judicial ballots required by
this section, the holding and conduct of the
election, and the counting, canvassing, return,
certification, and proclamation of the votes.
If a majority of the votes upon the question are
cast in favor of the adoption in each county
comprising the circuit, the nonpartisan
selection of the circuit and associate judges
shall be adopted in the circuit. The question
of selection of circuit and associate circuit
judges in the manner provided in section 25(a)

shall not be submitted more often than once every four years. If any judicial circuit adopts the nonpartisan selection of the circuit and associate circuit judges under the provisions of this section, the question of its discontinuance shall not be submitted more often than once every four years and may be submitted at any general election and shall be proceeded upon insofar as may be applicable in like manner as prescribed in this section for the original adoption of the plan.

The petition shall be in substantially the following form:

To the Honorable Officials in general charge of elections for the county of _____ for the state of Missouri:

We, the undersigned, legal voters of the state of Missouri, and of the county of _____, respectfully demand that the question of the discontinuance of the nonpartisan selection of the circuit and associate circuit judges be submitted to the legal voters of the _____ judicial circuit, for their approval or rejection, at the general election to be held on the _____ day of _____, A.D. 19____.

The ballot shall provide as follows:

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

☐ Yes

☐ No

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

If a majority of the votes upon the question are cast in favor of such discontinuance in each county comprising the

79 circuit, the nonpartisan selection of the
80 circuit and associate circuit judges shall be
81 discontinued in such judicial circuit.

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

[Section 25(c)(1). Each judge appointed
2 pursuant to the provisions of sections 25(a)-(g)
3 shall hold office for a term ending December
4 thirty-first following the next general election
5 after the expiration of twelve months in the
6 office. Any judge holding office, or elected
7 thereto, at the time of the election by which
8 the provisions of sections 25(a)-(g) become
9 applicable to his office, shall, unless removed
10 for cause, remain in office for the term to
11 which he would have been entitled had the
12 provisions of sections 25(a)-(g) not become
13 applicable to his office. Not less than sixty
14 days prior to the holding of the general
15 election next preceding the expiration of his
16 term of office, any judge whose office is
17 subject to the provisions of sections 25(a)-(g)
18 may file in the office of the secretary of state
19 a declaration of candidacy for election to
20 succeed himself. If a declaration is not so
21 filed by any judge, the vacancy resulting from
22 the expiration of his term of office shall be
23 filled by appointment as herein provided. If
24 such declaration is filed, his name shall be
25 submitted at said next general election to the
26 voters eligible to vote within the state if his
27 office is that of judge of the supreme court, or
28 within the geographic jurisdiction limit of the
29 district where he serves if his office is that
30 of a judge of the court of appeals, or within
31 the circuit if his office is that of circuit
32 judge, or within the county if his office is
33 that of associate circuit judge on a separate

34 judicial ballot, without party designation,
35 reading:

36 "Shall Judge _____

37 (Here the name of the judge shall
38 be inserted)

39 of the _____

40 (Here the title of the court
41 shall be inserted)

42 be retained in office? Yes ☐ No ☐

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

44 If a majority of those voting on the
45 question vote against retaining him in office,
46 upon the expiration of his term of office, a
47 vacancy shall exist which shall be filled by
48 appointment as provided in section 25(a);
49 otherwise, said judge shall, unless removed for
50 cause, remain in office for the number of years
51 after December thirty-first following such
52 election as is provided for the full term of
53 such office, and at the expiration of each such
54 term shall be eligible for retention in office
55 by election in the manner here prescribed.]

[Section 25(c) (2). Whenever a declaration
2 of candidacy for election to succeed himself is
3 filed by any judge or associate circuit judge
4 under the provisions of this section, the
5 secretary of state shall not less than thirty
6 days before the election certify the name of
7 said judge or associate circuit judge and the
8 official title of his office to the clerks of
9 the county courts, and to the boards of election
10 commissioners in counties or cities having such
11 boards, or to such other officials as may

hereafter be provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.]

[Section 25(d). Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 25(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of the court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of circuit judge or associate circuit judge of any circuit court subject to the provisions of sections 25(a)-(g) there shall be one such commission, to be known as "The _____ Circuit Judicial Commission", for each judicial circuit which shall be subject to the provisions of sections 25(a)-(g); the appellate judicial commission shall consist of a judge of the supreme court selected by the members of the supreme court, and the remaining members shall be chosen in the following manner: The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district, to serve as a member of said commission, and the members of the commission shall select one of their number to serve as chairman. Each circuit

30 judicial commission shall consist of five
31 members, one of whom shall be the chief judge of
32 the district of the court of appeals within
33 which the judicial circuit of such commission,
34 or the major portion of the population of said
35 circuit is situated and the remaining four
36 members shall be chosen in the following manner:
37 The members of the bar of this state residing in
38 the judicial circuit of such commission shall
39 elect two of their number to serve as members of
40 said commission, and the governor shall appoint
41 two citizens, not members of the bar, from among
42 the residents of said judicial circuit to serve
43 as members of said commission, the members of
44 the commission shall select one of their number
45 to serve as chairman; and the terms of office of
46 the members of such commission shall be fixed by
47 law, but no law shall increase or diminish the
48 term of any member then in office. No member of
49 any such commission other than a judge shall
50 hold any public office, and no member shall hold
51 any official position in a political party.
52 Every such commission may act only by the
53 concurrence of a majority of its members. The
54 members of such commission shall receive no
55 salary or other compensation for their services
56 but they shall receive their necessary traveling
57 and other expenses incurred while actually
58 engaged in the discharge of their official
59 duties. All such commissions shall be
60 administered, and all elections provided for
61 under this section shall be held and regulated,
62 under such rules as the supreme court shall
63 promulgate.]

2 [Section 25(e). All expenses incurred in
3 administering sections 25(a)-(g), when approved
4 by the supreme court, shall be paid out of the
5 state treasury. The supreme court shall certify
6 such expense to the commissioner of
7 administration, who shall draw his warrant
8 therefor payable out of funds not otherwise
appropriated.]

2 [Section 25(f). No judge of any court in
3 this state, appointed to or retained in office
4 in the manner prescribed in sections 25(a)-(g),
5 shall directly or indirectly make any
6 contribution to or hold any office in a
7 political party or organization, or take part in
any political campaign.]

2 [Section 25(g). All of the provisions of
3 sections 25(a)-(g) shall be self-enforcing
4 except those as to which action by the general
assembly may be required.]

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