

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 116

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

6916S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 8, 19, 25(a), 25(c)(1), 25(d), and 25(f) of article V of the Constitution of Missouri, and adopting eleven 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 8, 19, 25(a), 25(c)(1), 25(d), and
2 25(f), article V, Constitution of Missouri, are repealed and
3 eleven new sections adopted in lieu thereof, to be known as
4 sections 1(a), 8, 19, 25(a), 25(c)(1), 25(c)(3), 25(c)(4),
5 25(c)(5), 25(c)(6), 25(d), and 25(f), to read as follows:

**Section 1(a). 1. Judges of the supreme court, the
2 chief justice of the supreme court, and judges of the court
3 of appeals shall be elected in nonpartisan elections.**

**2. The election of judges derives from the principle
5 that all political power is vested in and derived from the
6 people, and all government of right originates from the
7 people, is founded upon their will only, and is instituted
8 solely for the good of the whole. Judges shall therefore be**

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

9 accountable to the citizens of this state, this
10 constitution, and the Constitution of the United States, and
11 not beholden to any particular association or alliance of
12 lawyers, judges, or interest groups. To accomplish this
13 purpose, as set forth in sections 25(a)-(g), judges of the
14 supreme court, the chief justice of the supreme court, and
15 judges of the court of appeals shall be elected in
16 nonpartisan elections, and shall no longer be selected by
17 the governor from nominations made by commissions of
18 lawyers, judges, and the governor's appointees. Voters
19 shall continue to have the ability to choose the method by
20 which circuit and associate circuit judges are selected as
21 provided in section 25(b). Section 1(a) and sections 25(a)-
22 (g) of this constitution shall be known as the "Missouri
23 Nonpartisan Court Plan".

Section 8. The [judges of the supreme court shall
2 elect from their number a] chief justice [to] of the supreme
3 court shall preside over the court en banc, and the judges
4 of the court of appeals in each district shall elect from
5 their number a chief judge of the district. The terms of
6 the [chief justice and] chief judges shall be fixed by the
7 courts over which they preside. The chief justice of the
8 supreme court shall be the chief administrative officer of
9 the judicial system and, subject to the supervisory
10 authority of the supreme court, shall supervise the
11 administration of the courts of this state.

Section 19. Judges of the supreme court [and], the
2 chief justice of the supreme court, judges of the court of
3 appeals [shall be selected for terms of twelve years], and
4 judges of the circuit courts shall be selected for terms of
5 six years, and associate circuit judges for terms of four
6 years. No supreme court judge, supreme court chief justice,

7 **or court of appeals judge shall be elected to a particular**
8 **judicial seat for more than two consecutive terms.**

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, the court of appeals, or
4 in the office of] circuit or associate circuit judge within
5 the city of St. Louis and Jackson county, the governor shall
6 fill such vacancy by appointing one of three persons
7 possessing the qualifications for such office, who shall be
8 nominated and whose names shall be submitted to the governor
9 by a nonpartisan judicial commission established and
10 organized as hereinafter provided. If the governor fails to
11 appoint any of the nominees within sixty days after the list
12 of nominees is submitted, the nonpartisan judicial
13 commission making the nomination shall appoint one of the
14 nominees to fill the vacancy. **Whenever a vacancy shall**
15 **occur in the office of judge of the supreme court, chief**
16 **justice of the supreme court, or judge of the court of**
17 **appeals, it shall be promptly filled pursuant to section 4**
18 **of article IV of this constitution and such appointee shall**
19 **hold office for the remainder of the vacating judge's term.**

Section 25(c)(1). Each judge appointed **to the office**
2 **of circuit or associate circuit judge** pursuant to the
3 provisions of sections 25(a)-(g) shall hold office for a
4 term ending December thirty-first following the next general
5 election after the expiration of twelve months in the
6 office. Any **circuit or associate circuit** judge holding
7 office, or elected thereto, at the time of the election by
8 which the provisions of sections 25(a)-(g) become applicable
9 to his office, shall, unless removed for cause, remain in
10 office for the term to which he would have been entitled had
11 the provisions of sections 25(a)-(g) not become applicable

to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any **circuit or associate circuit** judge whose office is subject to the provisions of sections 25(a)-(g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed [by any judge], the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote [within the state if his office is that of judge of the supreme court, or within the geographic jurisdiction limit of the district where he serves if his office is that of a judge of the court of appeals, or] within the circuit if his office is that of circuit judge, or within the county if his office is that of associate circuit judge on a separate judicial ballot, without party designation, reading:

"Shall Judge _____

(Here the name of the judge shall be
inserted)

of the _____

(Here the title of the court shall
be inserted)

be retained in office? Yes ☐ No ☐

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

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

Section 25(c) (3). Judges of the supreme court and of
2 the court of appeals shall be elected at the general
3 election by the voters eligible to vote within the appellate
4 district of the seat being elected as set forth in sections
5 25(c) (4) and 25(c) (5). Except as set forth in section
6 25(a), each judge of the supreme court, chief justice of the
7 supreme court, and judge of the court of appeals shall hold
8 office for a term expiring December thirty-first in the
9 sixth year after his or her election. The provisions of
10 sections 25(c) (1) and 25(c) (2) shall not apply to supreme
11 court judges, the supreme court chief justice, or court of
12 appeals judges.

Section 25(c) (4). Judges of the supreme court and the
2 chief justice of the supreme court shall be elected as
3 follows: If the general assembly has provided by law for
4 three appellate districts, the chief justice of the supreme
5 court shall be elected at large and two judges of the
6 supreme court shall be elected from each court of appeals
7 district by the voters eligible to vote within that
8 district; if the general assembly has provided by law for
9 more than three appellate districts or the geographical

10 boundaries of the districts change such that the following
11 districts cannot be made, then the chief justice of the
12 supreme court shall be elected at large and elections for
13 judges of the supreme court shall be established by law, or
14 if no law timely establishes procedures for such elections,
15 then elections for the chief justice and judges of the
16 supreme court shall be at large. Two judges of the supreme
17 court shall be elected from the court of appeals district
18 which includes the city of St. Louis, with one judge elected
19 in 2028 and every sixth successive year, and with one judge
20 elected in 2030 and every sixth successive year. Two judges
21 of the supreme court shall be elected from the court of
22 appeals district which includes the city of Springfield,
23 with one judge elected in 2028 and every sixth successive
24 year, and with one judge elected in 2032 and every sixth
25 successive year. Two judges of the supreme court shall be
26 elected from the court of appeals district which includes
27 the city of Kansas City, with one judge elected in 2030 and
28 every sixth successive year, and with one judge elected in
29 2032 and every sixth successive year. The chief justice
30 shall be elected at large in 2032 and every sixth successive
31 year. A supreme court judge shall be a resident of the
32 appellate district from which he or she is elected no later
33 than the day of his or her election.

Section 25(c)(5). 1. Those supreme court judges
2 currently holding office as of 5:00 p.m. on December 3,
3 2026, shall not be required to reside in any particular
4 appellate district but on that date shall be assigned a seat
5 designation for purposes of implementing elections and
6 filling vacancies. The seat designations shall be assigned
7 in the following order: Chief justice, judge from the court
8 of appeals district including the city of Kansas City first

9 elected in 2032, judge from the court of appeals district
10 including the city of Springfield first elected in 2032,
11 judge from the court of appeals district including the city
12 of St. Louis first elected in 2030, judge from the court of
13 appeals district including the city of Kansas City first
14 elected in 2030, judge from the court of appeals district
15 including the city of Springfield first elected in 2028, and
16 judge from the court of appeals district including the city
17 of St. Louis first elected in 2028. Seats will be assigned
18 to judges who have been retained by voters, starting with
19 the judge most recently retained. For judges retained at
20 the same time, the judge having served the least amount of
21 time on the supreme court shall be assigned first. After
22 all judges who have been retained have been assigned seats,
23 judges who have been appointed shall be assigned, starting
24 with judges most recently appointed. If all judges who have
25 been retained or appointed have been assigned seats, and it
26 appears that one or more of the offices of judge of the
27 supreme court was vacated on or before December 3, 2026, but
28 remained unfilled by the end of that date, these vacancies
29 will be immediately assigned a seat, using the order set
30 forth in this section until all seats are filled, and in
31 assigning seat designations to vacancies, vacancies created
32 by a judge whose last name is first in alphabetical order
33 will have precedence. A seat held by any judge who lost a
34 retention election in the 2026 general election shall be
35 treated as vacant solely for purposes of assigning a seat
36 under this provision, even though the judge shall hold
37 office until December 31, 2026, and the seat shall be
38 treated as vacant for purposes of section 25(a) on January
39 1, 2027, and thereafter filled under the provisions of
40 section 25(a).

41 2. Judges of the court of appeals who were last
42 retained in the 2016 or 2018 general elections, or the
43 successors to vacancies left by such judges, shall be
44 elected in the 2028 general election, court of appeals
45 judges who were last retained in the 2020 or 2022 general
46 elections, or the successors to vacancies left by such
47 judges, shall be elected in the 2030 general election, and
48 court of appeals judges who were last retained in the 2024
49 or 2026 general elections, or the successors to vacancies
50 left by such judges, shall be elected in the 2032 general
51 election. The candidate elected in each such election shall
52 serve for the term prescribed by section 19, and every
53 succeeding six years, a new election shall be held for that
54 judicial office. Judges of the court of appeals first
55 eligible for retention in the 2028 general election under
56 the immediately prior version of section 25(c)(1), which was
57 effective until the end of thirty days after the election
58 adopting this section, shall be elected in the 2028 general
59 election. Any seat held by a court of appeals judge who
60 loses a retention election in the 2026 general election
61 shall be treated as vacant on January 1, 2027, and shall
62 thereafter be filled under the provisions of section 25(a).
63 Any law providing for additional court of appeals seats
64 shall specify the first general election at which the seat
65 shall be filled.

66 3. A vacancy in the office of judge of the supreme
67 court, chief justice of the supreme court, or judge of the
68 court of appeals that opened before the end of thirty days
69 after the election adopting this section but was not yet
70 filled as of that time and date shall be filled by the
71 governor under the provisions of section 25(a).

72 4. The provisions of this section shall be severable
73 from the remainder of the provisions of sections 25(a)-(g).

 Section 25(c)(6). 1. Elections for the offices of
2 judge of the supreme court, the office of the chief justice
3 of the supreme court, and the offices of judge of the court
4 of appeals shall be nonpartisan elections. No political
5 party shall nominate any candidate for offices of judge of
6 the supreme court, office of chief justice of the supreme
7 court, or offices of judge of the court of appeals, and no
8 primary or general election ballot shall include a party
9 designation for offices of judge of the supreme court,
10 office of chief justice of the supreme court, and offices of
11 judge of the court of appeals. The general assembly shall
12 make no law prohibiting a candidate from declaring himself
13 or herself a supporter of a political party, or prohibiting
14 a political party from declaring its support for a candidate.

15 2. All declarations for candidacy for the offices of
16 judge of the supreme court, the office of chief justice of
17 the supreme court, or the offices of judge of the court of
18 appeals shall be filed in the office of the secretary of
19 state no later than one hundred twenty days before the
20 primary election. A candidate, whether or not an incumbent,
21 shall file such declaration using a form provided by the
22 secretary of state. All declarations shall be accompanied
23 by either a nominating petition or a nomination form. A
24 nominating petition shall have been signed no earlier than
25 one hundred eighty days before the primary election by one
26 hundred voters eligible to vote in the applicable appellate
27 district, or in the case of the chief justice, in the
28 state. A nomination form shall be signed by all members of
29 the appellate judicial commission no earlier than one
30 hundred eighty days before the primary. The appellate

31 judicial commission may issue nomination forms for up to
32 three individuals per race, but it shall not issue a
33 nomination form for any person who files a declaration
34 accompanied by a nominating petition.

35 3. The two candidates receiving the highest number of
36 votes in the primary election shall stand in the general
37 election. The candidate achieving the greatest number of
38 votes in the general election shall be elected to the
39 judicial office.

40 4. The primary and general elections for the offices
41 of judge of the supreme court, the office of chief justice
42 of the supreme court, and the offices of judge of the court
43 of appeals shall be held in the same manner as gubernatorial
44 elections to the greatest extent possible for nonpartisan
45 elections, or as otherwise provided by law. Contests to the
46 results of an election under this section, whether on the
47 basis of qualification, irregularity, or other cause, or for
48 recount other than any automatic recount as provided by law
49 shall be heard and determined in the same manner as
50 gubernatorial elections to the greatest extent possible for
51 nonpartisan elections, or as otherwise provided by law.

52 5. The provisions of this section shall be severable
53 from the remainder of the provisions of sections 25(a)-(g).

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, **chief justice of the supreme court**, or
7 **judge** of the court of appeals, there shall be one such
8 commission, to be known as "The Appellate Judicial
9 Commission"; for vacancies in the office of circuit judge or

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

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

Section 25(f). No judge of any court in this state,
2 appointed to or retained in office in the manner prescribed
3 in sections 25(a)-(g), shall directly or indirectly make any
4 contribution to or hold any office in a political party or
5 organization, or take part in any political campaign, **except**
6 **as provided in sections 25(a)-(g). A judge or judicial**
7 **candidate may announce his or her views on disputed legal or**
8 **political issues provided that the judge or judicial**
9 **candidate does not make pledges or promises to render**
10 **specific rulings or decisions on pending litigation. A**
11 **judicial candidate shall be allowed to solicit, receive, and**
12 **make campaign contributions, and receive and make campaign**
13 **expenditures for his or her campaign, subject only to laws**
14 **that enact limits no more restrictive than those applicable,**
15 **if any, to gubernatorial elections. Nothing in this section**
16 **shall preclude the application of laws or rules of the**
17 **supreme court governing judicial participation in specific**
18 **cases based on a judge's political activity with respect to**
19 **the subject matter or parties. The provisions of this**
20 **section shall be severable from the remainder of the**
21 **provisions of sections 25(a)-(g), except that nothing shall**

22 prohibit a candidate for the supreme court or for the court
23 of appeals from taking part in his or her own political
24 campaign.

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