

SENATE JOINT RESOLUTION NO. 122

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

7358S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 16, 19, 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 three 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, 19, 25(a), 25(b), 25(c)(1),
2 25(c)(2), 25(d), 25(e), 25(f), and 25(g), article V,
3 Constitution of Missouri, are repealed and three new sections
4 adopted in lieu thereof, to be known as sections 16, 19, and
5 25(a), to read as 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
6 circuit judge is selected under section 25 of article 5 of
7 the constitution the associate circuit judge shall be
8 selected in the same manner. All other associate circuit

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

9 judges shall be elected in the county in which they are to
10 serve.]

Section 19. 1. Judges of the supreme court and of the
2 court of appeals shall be [selected] **elected** for terms of
3 twelve years, judges of the circuit courts for terms of six
4 years, and associate circuit judges for terms of four years.

5 2. **Judges of the supreme court and of the court of**
6 **appeals shall be elected in a general election by the**
7 **qualified voters of the state or of the counties of the**
8 **district for which such court is established and at such**
9 **times as may be prescribed by law.**

10 3. Each judge of the supreme court or of the court of
11 appeals in office as of, or with a term starting on, January
12 1, 2027, shall hold office for the remainder of his or her
13 term after which the office shall be vacated subject to
14 election under this section and as provided by law.

15 4. Judges of the circuit courts shall be elected in
16 the general election by qualified voters of the circuit for
17 which such court is established and at such times as may be
18 prescribed by law.

19 5. Associate circuit judges shall be elected in a
20 general election by the qualified voters of the county of
21 which the associate circuit judge is to serve.

22 6. Each judge elected pursuant to the provisions of
23 this article shall hold office for a term beginning January
24 first following the general election of which the judge was
25 elected and ending December thirty-first following the next
26 general election after the expiration of the judge's term of
27 office.

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 **shall be filled at the next**
15 **general election in the state or district as provided by law.**

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
27 respect to initiative petitions shall apply
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
56 general charge of elections for the
57 county of _____ for the state of
58 Missouri:

59 We, the undersigned, legal voters
60 of the state of Missouri, and of
61 the county of _____, respectfully
62 demand that the question of the
63 discontinuance of the nonpartisan
64 selection of the circuit and
65 associate circuit judges be
66 submitted to the legal voters of
67 the _____ judicial circuit, for
68 their approval or rejection, at the
69 general election to be held on the
70 _____ day of _____, A.D.

71 19____.

72 The ballot shall provide as
73 follows:

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

78 Yes

79 No

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

81 If a majority of the votes upon
82 the question are cast in favor of
83 such discontinuance in each
84 county comprising the circuit,
85 the nonpartisan selection of the
86 circuit and associate circuit
87 judges shall be discontinued in
88 such judicial circuit.

89 If the nonpartisan selection of
90 the judges be discontinued in any
91 such judicial circuit, other than
92 the city of St. Louis and Jackson
93 county, the selection of such
94 judges therein shall be made as
95 otherwise prescribed by law.
96 This section shall be self-
97 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 _____
 37 Judge

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

40 of the _____

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

43 be retained in office? Yes No

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

45 If a majority of those voting on the question
 46 vote against retaining him in office, upon the

47 expiration of his term of office, a vacancy
48 shall exist which shall be filled by appointment
49 as provided in section 25(a); otherwise, said
50 judge shall, unless removed for cause, remain in
51 office for the number of years after December
52 thirty-first following such election as is
53 provided for the full term of such office, and
54 at the expiration of each such term shall be
55 eligible for retention in office by election in
56 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
12 hereafter be provided by law, of all counties
13 and cities wherein the question of retention of
14 such judge in office is to be submitted to the
15 voters, and, until legislation shall be
16 expressly provided otherwise therefor, the
17 judicial ballots required by this section shall
18 be prepared, printed, published and distributed,
19 and the election upon the question of retention
20 of such judge in office shall be conducted and
21 the votes counted, canvassed, returned,
22 certified and proclaimed by such public
23 officials in such manner as is now provided by
24 the statutory law governing voting upon measures
25 proposed by the initiative.]

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

9 be known as "The Appellate Judicial Commission";
10 for vacancies in the office of circuit judge or
11 associate circuit judge of any circuit court
12 subject to the provisions of sections 25(a)-(g)
13 there shall be one such commission, to be known
14 as "The _____ Circuit Judicial Commission",
15 for each judicial circuit which shall be subject
16 to the provisions of sections 25(a)-(g); the
17 appellate judicial commission shall consist of a
18 judge of the supreme court selected by the
19 members of the supreme court, and the remaining
20 members shall be chosen in the following manner:
21 The members of the bar of this state residing in
22 each court of appeals district shall elect one
23 of their number to serve as a member of said
24 commission, and the governor shall appoint one
25 citizen, not a member of the bar, from among the
26 residents of each court of appeals district, to
27 serve as a member of said commission, and the
28 members of the commission shall select one of
29 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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