

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 15

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LEMBKE.

Read 1st time January 23, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0451L.011

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 19, 25(a), 25(c)(1), and 25(c)(2) of article V of the Constitution of Missouri, and adopting three new sections relating to the judicial department.

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2008, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article V of the Constitution of the state of Missouri:

Section A. Sections 19, 25(a), 25(c)(1), and 25(c)(2), article V, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as sections 19, 25(a), and 25(c)(1), to read as follows:

Section 19. **For all judges subject to the nonpartisan selection plan as provided in sections 25(a)-(g) of this article and appointed after January 1, 2009, judicial terms shall be as follows:** judges of the supreme court and of the court of appeals shall be selected for terms of [twelve] **eight** years[,] ; judges of the circuit courts for terms of [six] **eight** years[,] ; and associate circuit judges for terms of [four] **eight** years. **Such judges shall not be eligible for retention to the same judicial level. For all judges not subject to the nonpartisan selection plan as provided in sections 25(a)-(g) of this article, the same judicial terms shall apply, but**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 **such judges shall be eligible for reelection subject to the provisions of section 26 of this**  
9 **article.**

Section 25(a). Whenever a vacancy shall occur in the office of judge of any of the  
2 following courts of this state, to wit: The supreme court, the court of appeals, or in the office of  
3 circuit or associate circuit judge within the city of St. Louis and Jackson County, the governor  
4 shall fill such vacancy by appointing one of three persons possessing the qualifications for such  
5 office, who shall be nominated and whose names shall be submitted to the governor by a  
6 nonpartisan judicial commission established and organized as hereinafter provided. [If the  
7 governor fails to appoint any of the nominees within sixty days after the list of nominees is  
8 submitted, the nonpartisan judicial commission making the nomination shall appoint one of the  
9 nominees to fill the vacancy.] **Any person who is appointed by the governor for a vacancy**  
10 **on the supreme court or on the court of appeals shall be subject to the advice and consent**  
11 **of the senate in the manner provided in article IV, section 51 of this Constitution.**

Section 25(c)(1). Each judge appointed pursuant to the provisions of sections 25(a)-(g)  
2 shall hold office for a term ending December thirty-first following the next general election after  
3 the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the  
4 time of the election by which the provisions of sections 25(a)-(g) become applicable to his office,  
5 shall, unless removed for cause, remain in office for the term to which he would have been  
6 entitled had the provisions of sections 25(a)-(g) not become applicable to his office. [Not less  
7 than sixty days prior to the holding of the general election next preceding the expiration of his  
8 term of office, any judge whose office is subject to the provisions of sections 25(a)-(g) may file  
9 in the office of the secretary of state a declaration of candidacy for election to succeed himself.  
10 If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term  
11 of office shall be filled by appointment as herein provided. If such declaration is filed, his name  
12 shall be submitted at said next general election to the voters eligible to vote within the state if  
13 his office is that of judge of the supreme court, or within the geographic jurisdiction limit of the  
14 district where he serves if his office is that of a judge of the court of appeals, or within the circuit  
15 if his office is that of circuit judge, or within the county if his office is that of associate circuit  
16 judge on a separate judicial ballot, without party designation, reading:

17 "Shall Judge .....

18 (Here the name of the judge shall be inserted) of the

19 .....

20 (Here the title of the court shall be inserted) be retained in office?

21 YES  NO

22 (Mark an "X" in the box you prefer.) If a majority of those voting on the question vote  
23 against retaining him in office, upon the expiration of his term of office, a vacancy shall exist

24 which shall be filled by appointment as provided in section 25(a); otherwise, said judge shall,  
25 unless removed for cause, remain in office for the number of years after December thirty-first  
26 following such election as is provided for the full term of such office, and at the expiration of  
27 each such term shall be eligible for retention in office by election in the manner here prescribed.]

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

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