

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 31

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEMBKE.

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2666L.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 25(a), 25(b), 25(d), 25(e), 25(f), 25(g), and 27 of article V of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to appointment of judges.

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Section A. Sections 25(a), 25(b), 25(d), 25(e), 25(f), 25(g), and 27, article V, Constitution of Missouri, are repealed and four new sections adopted in lieu thereof, to be known as sections 25(a), 25(b), 25(f), and 27, to read as follows:

Section 25(a). **On or after January 1, 2009**, whenever a vacancy shall occur in the office of judge of any of the following courts of this state, to wit: The supreme court, the court of appeals, or in the office of circuit or associate circuit judge within the city of St. Louis and Jackson County **or St. Louis County**, the governor shall fill such vacancy by [appointing one of three persons] **nominating a person** possessing the qualifications for such office, [who shall be nominated and] whose [names] **name** shall be submitted to the [governor by a nonpartisan judicial commission established and organized as hereinafter provided. If the governor fails to appoint any of the nominees within sixty days after the list of nominees is submitted, the

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.

9 nonpartisan judicial commission making the nomination shall appoint one of the nominees to
 10 fill the vacancy] **senate for confirmation or rejection. The senate shall hold a vote to**
 11 **confirm or reject such nominee no later than one hundred twenty days from the date the**
 12 **nomination is received by the chair of the senate judiciary committee, if the general**
 13 **assembly is in session at that time. If an appointment is made after one hundred twenty**
 14 **days before the end of a regular session of the general assembly, the chair of the senate**
 15 **judiciary committee shall provide his or her best effort to coordinate committee and**
 16 **Missouri Bar recommendations to the full senate as soon as reasonably practicable. In**
 17 **such case, and within the one-hundred-twenty-day time limit, the governor may request**
 18 **that members of the senate vote by mail, telephone conference, or other reasonable**
 19 **methods on the confirmation. If such nomination does not receive the required two-thirds**
 20 **majority vote, the nomination shall be voted on by the senate within forty-five days of the**
 21 **start of the next regular legislative session. Procedures for appointment, hearings, and**
 22 **confirmation or rejection of gubernatorial nominations for such judgeships shall be as**
 23 **provided in section 25(b) of this article.**

Section 25(b). 1. At any general election the qualified voters of any judicial circuit
 2 outside of the city of St. Louis and Jackson County, may by a majority of those voting on the
 3 question elect to have the circuit and associate circuit judges [appointed] **nominated** by the
 4 governor **and confirmed by the senate** in the manner provided for the appointment of judges
 5 to the courts designated in section 25(a), or, outside the city of St. Louis and Jackson County,
 6 to discontinue any such plan. The question of whether the circuit and associate circuit judges
 7 of any such circuit shall be so appointed shall be submitted to the voters of each county in any
 8 circuit at the next general election whenever petitions therefor signed by ten percent of the legal
 9 voters of each county in the circuit voting for the office of governor at the last election thereof
 10 are filed in the office of secretary of state at least 90 days before such election. The question
 11 shall be presented as follows:

12 "Shall the circuit and associate circuit judges of the judicial circuit be selected
 13 as provided in Section 25 of Article V of the Missouri Constitution?"

14 ☐ YES ☐ NO

15 (Mark One)"

16 The provisions of law with respect to initiative petitions shall apply insofar as applicable
 17 relative to the certification of the petitions to local officials by the secretary of state, the
 18 preparation, printing, publishing and distribution of the judicial ballots required by this section,
 19 the holding and conduct of the election, and the counting, canvassing, return, certification, and
 20 proclamation of the votes. If a majority of the votes upon the question are cast in favor of the
 21 adoption in each county comprising the circuit, the nonpartisan selection of the circuit and

22 associate judges shall be adopted in the circuit. The question of selection of circuit and associate
23 circuit judges in the manner provided in section 25(a) shall not be submitted more often than
24 once every four years. If any judicial circuit adopts the [nonpartisan] selection of the circuit and
25 associate circuit judges under the provisions of this section, the question of its discontinuance
26 shall not be submitted more often than once every four years and may be submitted at any
27 general election and shall be proceeded upon insofar as may be applicable in like manner as
28 prescribed in this section for the original adoption of the plan.

29 The petition shall be in substantially the following form:

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

32 We, the undersigned, legal voters of the state of Missouri, and of the county of,
33 respectfully demand that the question of the discontinuance of the [nonpartisan] selection of the
34 circuit and associate circuit judges be submitted to the legal voters of the judicial circuit,
35 for their approval or rejection, at the general election to be held on the day of, A.D.
36 19...

37 The ballot shall provide as follows:

38 "Shall the [nonpartisan appointment] **nomination** by the governor **and confirmation by**
39 **the senate** of the circuit and associate circuit judges be discontinued in the judicial circuit?

40 ☐ YES

☐ NO

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

42 If a majority of the votes upon the question are cast in favor of such discontinuance in
43 each county comprising the circuit, the [nonpartisan] selection of the circuit and associate circuit
44 judges shall be discontinued in such judicial circuit.

45 If the [nonpartisan] selection of the judges be discontinued in any such judicial circuit,
46 other than the city of St. Louis and Jackson County, the selection of such judges therein shall be
47 made a otherwise prescribed by law. This section shall be self-enforcing.

48 **2. Upon receipt by the chair of the senate judiciary chair of a governor's**
49 **nomination as provided in section 25(a) of this article, the senate judiciary committee shall**
50 **proceed in a timely manner to hold public hearings on the nomination. Recommendations**
51 **by the Missouri Bar, as provided in this subsection, may be considered by the committee.**
52 **If the general assembly is in session during receipt by the senate judiciary chair of the**
53 **governor's judicial nomination, the nomination shall be sent for a vote on the floor of the**
54 **senate, with such vote to occur no later than one hundred twenty days of its receipt. A**
55 **nomination is confirmed by an affirmative vote of at least a majority of the members**
56 **elected to the senate.**

57 **3. Within forty-five days of receipt of the governor's nomination by the senate**
58 **judiciary chair, a recommendation by a committee of the Missouri Bar, composed of the**
59 **president of the Missouri Bar and three members designated by the board of governors of**
60 **the Missouri Bar, may be made as to the fitness of a particular candidate. Any such**
61 **recommendation shall be classified as one of the following: exceptionally qualified;**
62 **qualified; no opinion; or not qualified.**

63 **4. Any judge confirmed under the provisions of this section shall stand for retention**
64 **during the regular session of the general assembly during or nearest the end of the tenth**
65 **year of his or her term. Such retention vote shall be by concurrent resolution and shall**
66 **meet all requirements for bill passage and presentment.**

Section 25(f). No judge of any court in this state, appointed to or retained in office in the
2 manner prescribed in [sections 25(a)-(g)] **this article**, shall directly or indirectly make any
3 contribution to or hold any office in a political party or organization, or take part in any political
4 campaign **in favor of endorsing or opposing any candidate or issue. All laws and rules**
5 **inconsistent with the provisions of this article shall, on the effective date hereof, be and are**
6 **repealed. Except to the extent inconsistent with the provisions of this article, all provisions**
7 **of law and rules of court in force on the effective date of this amendment shall continue in**
8 **effect until superseded in a manner authorized by the constitution or by law.**

Section 27. Except as otherwise provided in this article, the effective date of this article
2 shall be January 2, [1979] **2009.**

3 1. [All judges elected in 1978 shall be sworn into office on January 1, 1979] **Until**
4 **otherwise provided by law, the jurisdiction and findings of all courts existing prior to the**
5 **effective date of this amendment shall not be affected by this article.**

6 2. All magistrate courts, probate courts, courts of common pleas, the St. Louis court of
7 criminal correction, and municipal corporation courts shall continue to exist until the effective
8 date of this article at which time said courts shall cease to exist. When such courts cease to exist:

9 a. The jurisdiction of magistrate courts shall be transferred to the circuit court of the
10 circuit and such courts shall become divisions of the circuit court.

11 b. The jurisdiction of probate courts within the circuit shall be transferred to the circuit
12 court and such courts shall become divisions of the circuit court.

13 c. The jurisdiction of St. Louis court of criminal correction and all courts of common
14 pleas shall be transferred to the circuit court for the respective circuit and such courts shall
15 become divisions of the circuit court. The provisions of law relating to practice and procedure
16 of the courts of common pleas shall, until otherwise changed by law, remain in effect and the
17 provision of law relating to practice, procedure, venue, jurisdiction, selection of jurors, election
18 of clerk and provisions for deputies and all other provisions of law relating to the Hannibal Court

19 of Common Pleas shall until otherwise changed by law, remain in effect as to such division of
20 the Marion county circuit court and said division shall be known as division number 2 of the
21 Marion county circuit court instead of the Hannibal Court of Common Pleas.

22 d. The jurisdiction of municipal courts shall be transferred to the circuit court of the
23 circuit in which such municipality or major geographical area thereof shall be located and, such
24 courts shall become divisions of the circuit court. When such courts cease to exist, all records,
25 papers and files shall be transferred to the circuit court which may designate the place where
26 such records may be maintained.

27 e. Divisions of the circuit court created by this subsection may be changed hereafter by
28 law.

29 f. After the effective date of this article, in counties with a population of over thirty
30 thousand and less than sixty-five thousand, the office expenses and salaries of associate circuit
31 judges and their clerks who before the effective date of this article were probate judges shall
32 continue to be paid by the counties.

33 g. After the effective date of this article, in all counties with a population of over
34 sixty-five thousand and in any city not within a county, the office expenses and salaries of the
35 circuit judges who before the effective date of this article were probate judges in said counties
36 or city, shall be paid by the respective counties or city.

37 3. Until otherwise provided by law associate circuit judges shall hear all cases or matters,
38 civil and criminal, as now provided by law for magistrates within the county and such additional
39 cases or classes of cases as may be provided by law. Until otherwise provided by law, associate
40 circuit judges shall hear all cases or matters as now provided by law for probate courts within
41 the county, except that in the city of St. Louis, in all first class counties, and all second class
42 counties with a population of over sixty-five thousand, the circuit judge of the probate division
43 of the circuit court shall hear all cases and matters as now provided by law for probate courts
44 within such circuits or counties. An associate circuit judge exercising probate jurisdiction shall,
45 in connection therewith, possess general equitable powers. Associate circuit judges of the city
46 of St. Louis shall hear all civil and criminal cases as now provided by law for magistrates and
47 the St. Louis court of criminal correction including appeals and preliminary hearings in felony
48 cases and such additional cases or classes of cases as may hereafter be provided by law. Until
49 otherwise provided by law or supreme court rule the practice, procedure, filing fees and
50 administration of causes heard by associate circuit judges within the jurisdiction of former
51 magistrate and probate courts shall be and remain the same as in the court abolished.

52 4. a. In 1978, all probate judges except those selected under the nonpartisan selection
53 of judges plan shall be elected as provided by law. On the effective date of this article the
54 probate judge of the city of St. Louis and the probate judges of all first class counties and all

55 second class counties with a population of over sixty-five thousand shall become circuit judges
56 of their respective circuits and thereafter shall be selected or elected from the circuit as in the
57 case of other circuit judges and be entitled to the same compensation as provided by law for
58 circuit judges at the time of the effective date of this article until changed by law, and shall have
59 the same powers and jurisdiction as judges of the circuit court. Each judge who served as probate
60 judge and who is in office on the effective date of this article in such city and counties shall
61 continue to serve in the capacity of judge of the probate division of the circuit court until his
62 successor is selected and qualified, provided that with his consent any circuit or associate circuit
63 judge in the circuit at his request may hear, try and dispose of any matter, case or classes of cases
64 assigned to him by such judge of the probate division, and such judge of the probate division
65 with his consent, may hear, try and determine any case within the jurisdiction of the circuit court.
66 On the effective date of this article the probate judges of counties with a population of sixty-five
67 thousand or less shall become associate circuit judges of their respective circuits and thereafter
68 shall be selected or elected from the county as in the case of other associate circuit judges and
69 shall be entitled to the same compensation as that to which they were entitled on the effective
70 date of this article until changed by law.

71 b. On the effective date of this article, judges of the St. Louis court of criminal correction
72 and judges of the courts of common pleas shall become circuit judges and be entitled to the
73 compensation of circuit judges and shall have the same power and jurisdiction as circuit judges.

74 c. In 1978, all magistrates shall be elected as provided by law. On the effective date of
75 this article all magistrates who are then in office shall become associate circuit judges and shall
76 serve out the remainder of their terms as such. Each such judge shall be entitled to the same
77 compensation as that to which he was entitled on the effective date of this article until otherwise
78 changed by law.

79 5. The right to and method of review from a final judgment or appealable order of an
80 associate circuit judge, or municipal judge, when so acting within the jurisdiction of cases
81 heretofore within the jurisdiction of the former magistrate or municipal courts shall, until
82 otherwise provided by law, be de novo before a circuit judge or another associate circuit judge
83 within the circuit except that appeals from an associate circuit judge exercising probate
84 jurisdiction in any circuit, and appeals from any cause from an associate circuit judge as provided
85 by law shall be appealed to the appropriate district of the court of appeals upon a record as
86 authorized by law or supreme court rule. Appeals in misdemeanor cases from the associate
87 circuit judge from the city of St. Louis shall be as now provided until changed by law.

88 6. The costs of judicial proceedings as provided for in all courts existing before the
89 adoption of this article shall remain in effect with respect to cases which would have been within
90 the jurisdiction of those courts until such costs are otherwise changed by law. Until otherwise

91 provided by law, if a cause could have been filed in more than one court before the effective date
92 of this article, the lower cost structure shall be used in calculating costs; provided, however, that
93 a party instituting a civil suit which would have been within the concurrent jurisdiction of the
94 circuit and magistrate courts prior to the effective date of this article may designate the case as
95 being one to be processed in accordance with procedures and rules appertaining before circuit
96 judges, and the court costs heretofore applicable to such cases in circuit court shall apply.

97 7. Until the effective date of this article the courts of common pleas, the St. Louis court
98 of criminal corrections, the magistrate courts, the probate courts and the municipal corporation
99 courts shall continue to have the jurisdiction and power provided in the article repealed hereby
100 and provided by the laws and rules enacted thereunder, and shall continue to follow the
101 procedures as provided in such article, laws and rules.

102 8. Each judge who, on the effective date of this article, becomes a circuit or associate
103 circuit judge in any circuit subject to the provisions of sections 25(a)-(g) of this article shall be
104 eligible for retention in office as a circuit or associate circuit judge respectively by filing in the
105 office of the secretary of state a declaration of candidacy for election not less than sixty days
106 prior to the holding of the general election next preceding the expiration of his term of office.
107 If a majority of those voting on the question vote against retaining him in office, upon the
108 expiration of his term of office, a vacancy shall exist which shall be filled by appointment as
109 provided in section 25(a); otherwise, said judge shall, unless removed for cause, remain in office
110 for the number of years after December thirty-first following such election as is provided for the
111 full term of such office and at the expiration of each such term shall be eligible for retention in
112 office by election in the same manner prescribed by section 25(c)(1). The secretary of state shall
113 certify the name of such judges in accordance with law or in accordance with section 25(c)(2)
114 of this article.

115 9. On the effective date of this article the judges of the magistrate court and the judges
116 of the probate court in any circuit which selects judges under the nonpartisan selection of judges
117 shall become nonpartisan judges. The judges of the probate courts of the city of St. Louis and
118 all first class counties, and all second class counties with a population of over sixty-five
119 thousand, when such courts cease to exist, and the judges of the St. Louis court of criminal
120 corrections, shall become circuit judges and receive the compensation payable to circuit judges.

121 9. a. The judges of all municipal corporations courts in office at the time such courts
122 cease to exist and who qualify for office under the provisions of section 21 of this article shall
123 continue in office until the expiration of the terms to which they have been elected or appointed
124 unless otherwise provided by law. When such courts cease to exist, the judges thereof who
125 continue in office shall become municipal judges and shall serve as such until their terms expire
126 or are otherwise removed. They shall receive the compensation now provided until otherwise

changed by law. Such compensation shall be paid by the municipality or municipalities they serve. Upon the expiration of their terms, they shall become eligible for retention in office as municipal judges in the same manner as now provided for the selection of municipal judges in the municipality they serve until otherwise provided by law. In the event the municipal judge now serving shall fail, refuse or be disqualified from continuing in office, the municipality may elect or appoint a municipal judge in the same manner as is now provided in that municipality for selection of a municipal judge unless otherwise provided by law. All expenses incidental to the functioning of municipal judges, including the cost of any staff, and their quarters shall be paid and provided by the respective municipalities as now provided for municipal courts until otherwise provided by law. In municipalities with a population of under four hundred thousand which do not have a municipal judge or for which no municipal judge is provided by law, associate circuit judges shall hear and determine violations of municipal ordinances. No associate circuit judge shall, however, act as a municipal judge in any city with a population of four hundred thousand or more until otherwise provided by law.

10. a. 1. Until otherwise provided by law, circuit clerks in each circuit and county shall be selected in the same manner as provided by law on the effective date of this article, except that in counties having a charter form of government, the circuit clerk shall be selected in the manner as provided in the charter of such county.

2. Upon the expiration of the terms of office of the clerk of the circuit court for criminal causes of the city of St. Louis, and the term of the clerk of the St. Louis court of criminal correction, the offices of such clerks shall cease to exist and thereafter the clerk of the circuit court of the city of St. Louis shall have the powers and perform the duties and functions of such clerks and shall serve all divisions of the circuit court, except the courts presided over by an associate circuit judge, the judge of the probate division of the circuit court and by municipal judges.

3. In any division of the circuit court presided over by an associate circuit judge, in the probate division of the circuit court, and in any division presided over by a municipal judge, the clerks and their deputies of the respective divisions shall continue to be selected in the same manner as provided for by law on the effective date of this article until otherwise changed by law.

4. There shall continue to be an office of circuit clerk in each county of the circuit, until otherwise changed by law.

b. Upon the effective date of this article, the office of constable serving magistrate courts is abolished. The functions, powers and duties of such constables shall be transferred to and be performed by the sheriff of the county or the sheriff of the city of St. Louis.

162 c. Upon the effective date of this article the office of prosecuting attorney of the city of
163 St. Louis shall be abolished and all the duties, powers, and functions of such office shall be
164 transferred to the circuit attorney of the city of St. Louis who shall have such powers and perform
165 such functions and duties as the prosecuting attorney of the city of St. Louis.

166 d. No election shall be held in 1978 for the offices which are abolished by this subsection
167 10.

168 11. The commissioners of the supreme court holding office on the effective date of this
169 article shall continue to hold office as commissioners of the court until the end of their terms,
170 and shall be eligible for reappointment thereafter from term to term under existing law until
171 retirement, death, resignation or removal for cause. Upon the occurrence of such vacancy in the
172 office of commissioner of the supreme court, such office shall cease to exist. Commissioners,
173 in addition to their regular duties, shall be subject to temporary assignment for the performance
174 of judicial duties as special judges of the supreme court, court of appeals, or circuit court on
175 order of the supreme court. During such temporary assignments, commissioners sitting as
176 special judges shall have the same powers, duties, and responsibilities as are vested by law in the
177 regular judges of the courts to which they are assigned.

178 12. The boundaries and territorial jurisdiction of the districts of the court of appeals and
179 of the judicial circuits as they exist on the effective date of this article shall be continued in effect
180 until such time as changed by law.

181 13. The commission on retirement, removal and discipline [and the nonpartisan appellate
182 and circuit judicial commissions] in existence on the effective date of this article shall continue
183 to exist[, and the terms of office for such commissions shall continue in effect].

184 14. "Judge" as used in sections 20, 24 and 26 of this article shall include commissioners
185 of the supreme court.

186 15. Nothing in this article shall deprive any person of any right or privilege to retire and
187 the retirement benefits to which he was entitled immediately prior to the effective date of this
188 article.

189 16. A municipal corporation with a population of under four hundred thousand shall
190 have the right to enforce its ordinances and to conduct prosecutions before an associate circuit
191 judge in the absence of a municipal judge and in appellate courts under the process authorized
192 or provided by this article and shall receive and retain any fines to which it may be entitled. All
193 court costs shall be paid to and deposited monthly in the state treasury. No filing fees shall be
194 charged in such prosecutions unless and until provided for by a law enacted after the adoption
195 of this article.

17. Until otherwise provided by law, the circuit courts shall continue to have jurisdiction to review administrative decisions, findings, rules, and orders in the manner and practice and pursuant to the laws and rules then in force at the time this article becomes effective.

18. All rights, claims, causes of action and obligations existing and all contracts, prosecutions, recognizances and other instruments executed or entered into and all indictments, informations, and complaints which shall have been filed and all actions which shall have been instituted and all fines, penalties and forfeitures assessed, due or owing prior to the effective date of this article shall continue to be as valid as if this article had not been adopted.

19. The general assembly may enact such laws and make such appropriations as may be necessary to carry out the provisions of this article.

20. [All laws and rules inconsistent with the provisions of this article shall, on the effective date hereof, be and are repealed. Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this amendment shall continue in effect until superseded in a manner authorized by the constitution or by law.

21.] In the event that a new district of the court of appeals is established, the judges presently serving on any district of the court of appeals shall continue to be judges of the court of appeals to which appointed although they are not residents of the court of appeals district in which they serve.

[22.] **21.** Until otherwise provided by law, in any cause heard and determined by an associate circuit judge, the associate circuit judge shall utilize electronic, magnetic, or mechanical sound or video recording devices for the purpose of preserving the record. Electronic, magnetic, or mechanical recording devices shall be approved by the office of state courts administrator prior to their utilization by any associate circuit judge.

[23.] **22.** Each circuit in which judges are selected [under the nonpartisan court plan,] **in accordance with this article and** on the effective date of this article, including the circuits of Platte county, Clay county, and St. Louis county, shall continue [under the nonpartisan court plan] until and unless such method of selection of judges is discontinued by the voters of the circuit as provided by sections 25(a)-(g) of this article.

[24.] **23.** Judges, other than municipal judges, not selected under the provisions of sections 25(a)-(g) of this article who on the effective date of this article or within six months thereafter, are seventy years of age or older, may petition the commission on retirement, removal and discipline to continue to serve until age seventy-six if he has not completed a total of twelve years of service as a judge. Judges, other than municipal judges, not selected under the provisions of sections 25(a)-(g) of this article who are in office on the effective date of this article, may, within six months before attaining the age of seventy years, petition the commission

232 on retirement, removal, and discipline to be allowed to serve after he has attained that age until
233 age seventy-six or has completed a total of twelve years of service as a judge, whichever shall
234 first occur. If the commission finds the petitioner to be able to perform his duties and approves
235 such service, the petitioner may continue to serve as such a judge until age seventy-six if he has
236 not completed a total of twelve years of service as a judge at such age. No such judge shall be
237 permitted to serve as such a judge beyond the age of seventy-six years regardless of whether or
238 not he has completed a total of twelve years except for the purpose of completing the term to
239 which he was elected or appointed.

2 [Section 25(d). Nonpartisan judicial commissions whose duty it shall be
3 to nominate and submit to the governor names of persons for appointment as
4 provided by sections 25(a)-(g) are hereby established and shall be organized on
5 the following basis: For vacancies in the office of judge of the supreme court or
6 of the court of appeals, there shall be one such commission, to be known as "The
7 Appellate Judicial Commission"; for vacancies in the office of circuit judge or
8 associate circuit judge of any circuit court subject to the provisions of sections
9 25(a)-(g) there shall be one such commission, to be known as "The Circuit
10 Judicial Commission", for each judicial circuit which shall be subject to the
11 provisions of sections 25(a)-(g); the appellate judicial commission shall consist
12 of a judge of the supreme court selected by the members of the supreme court,
13 and the remaining members shall be chosen in the following manner: The
14 members of the bar of this state residing in each court of appeals district shall
15 elect one of their number to serve as a member of said commission, and the
16 governor shall appoint one citizen, not a member of the bar, from among the
17 residents of each court of appeals district, to serve as a member of said
18 commission, and the members of the commission shall select one of their number
19 to serve as chairman. Each circuit judicial commission shall consist of five
20 members, one of whom shall be the chief judge of the district of the court of
21 appeals within which the judicial circuit of such commission, or the major
22 portion of the population of said circuit is situated and the remaining four
23 members shall be chosen in the following manner: The members of the bar of this
24 state residing in the judicial circuit of such commission shall elect two of their
25 number to serve as members of said commission, and the governor shall appoint
26 two citizens, not members of the bar, from among the residents of said judicial
27 circuit to serve as members of said commission, the members of the commission
28 shall select one of their number to serve as chairman; and the terms of office of
29 the members of such commission shall be fixed by law, but no law shall increase
30 or diminish the term of any member then in office. No member of any such
31 commission other than a judge shall hold any public office, and no member shall
32 hold any official position in a political party. Every such commission may act
33 only by the concurrence of a majority of its members. The members of such
34 commission shall receive no salary or other compensation for their services but
they shall receive their necessary traveling and other expenses incurred while

35 actually engaged in the discharge of their official duties. All such commissions
36 shall be administered, and all elections provided for under this section shall be
37 held and regulated, under such rules as the supreme court shall promulgate.]
38

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

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

✓