

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 34

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUNTER.

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

D. ADAM CRUMBLISS, Chief Clerk

2667L.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 25(c)(1) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the ballot simplification act.

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Section A. Section 25(c)(1), article V, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 25(c)(1), to read as follows:

Section 25(c)(1). **1.** Each judge appointed pursuant to the provisions of sections 25(a)-(g) shall hold office for a term ending December thirty-first following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 25(a)-(g) become applicable to his office, shall, unless removed for cause, remain in office for the term to which he **or she** would have been entitled had the provisions of sections 25(a)-(g) not become applicable to [his] **that** office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his **or her** term of office, any judge whose office is subject to the provisions of sections 25(a)-(g) may file in the office of the secretary of state a

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.

10 declaration of candidacy for election to succeed himself **or herself**. If a declaration is not so filed
11 by any judge, the vacancy resulting from the expiration of his **or her** term of office shall be filled
12 by appointment as herein provided. If such declaration is filed, his **or her** name shall be
13 submitted [at said next general election to the voters eligible to vote within the state if his office
14 is that of judge of the supreme court, or within the geographic jurisdiction limit of the district
15 where he serves if his office is that of a judge of the court of appeals, or within the circuit if his
16 office is that of circuit judge, or within the county if his office is that of associate circuit judge
17 on a separate judicial ballot, without party designation, reading:

18 "Shall Judge"

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

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.)"

23

24 If a majority of those voting on the question vote against retaining him in office, upon the
25 expiration of his term of office, a vacancy shall exist which shall be filled by appointment as
26 provided in section 25(a); otherwise, said judge shall, unless removed for cause, remain in office
27 for the number of years after December thirty-first following such election as is provided for the
28 full term of such office, and at the expiration of each such term shall be eligible for retention in
29 office by election in the manner here prescribed] **to the secretary of the senate and the chief**
30 **clerk of the house of representatives for submission to the general assembly as provided**
31 **in this section. If no legislative determination of retaining the judge has been made within**
32 **the previous ten years, the request for retention shall be filed with the house of**
33 **representatives and the senate for referral to the appropriate judiciary committees.**

34 **2. Staff of the house judiciary committee and the senate judiciary committee shall**
35 **notify the Missouri Bar of the request for retention. The Missouri Bar may issue**
36 **recommendations to the chairs of the judiciary committees as to the fitness of a particular**
37 **judge. Any such recommendation shall be classified as one of the following: exceptionally**
38 **qualified; qualified; no opinion; or not qualified. The judiciary committees shall hold**
39 **public hearings and may call before such committees members of the Missouri Bar to**
40 **testify as the committee deems appropriate.**

41 **3. Each judiciary committee shall submit, in a timely fashion, its recommendation**
42 **on the request for retention. Each committee recommendation shall be sent to the floor of**
43 **the particular house, and no judge shall be retained in office unless at least fifty percent**
44 **of the members elected to serve in each house vote in the affirmative.**

45 **4. In addition to the provisions of section 24 of this article, any judge in the state**
46 **may be removed at any time if the governor transmits a request for removal to the general**
47 **assembly and at least two-thirds of the members elected to serve in each house vote in favor**
48 **of the request for removal.**

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