

## HCS HJR 49 -- APPELLATE JUDICIAL COMMISSION (Cox)

COMMITTEE OF ORIGIN: Special Committee on General Laws

Upon voter approval, this proposed constitutional amendment increases from three to five the number of judicial candidates nominated by the Nonpartisan Judicial Commission for a vacancy in the office of judge of specified courts from which the Governor may make an appointment. The Governor may veto the first list of candidates provided by the commission within 60 days. If the panel of judicial candidates is vetoed, the commission must submit a second list of nominees. If the Governor fails to appoint any of the nominees from the second list within 60 days, the Lieutenant Governor must appoint a nominee from the second list. If the Lieutenant Governor does not appoint within 60 days, the commission will appoint a candidate from the second list of nominees to fill the vacancy.

The amendment changes the composition of nonpartisan judicial commissions. The seven members of the Appellate Judicial Commission will be chosen as follows:

- (1) Three members of the Missouri Bar, each a resident from a different court of appeals district;
- (2) Three citizens, each a resident from a different court of appeals district;
- (3) One citizen, not a member of the Missouri Bar, from anywhere in the state.

Each circuit judicial commission will consist of five members to be composed of two attorney members elected by the Missouri Bar members residing in the judicial circuit and three members residing in the judicial circuit and appointed by the Governor. The terms of all members, two of who must be non-attorneys, of the judicial commissions will be four years. Each appointment to the Appellate Judicial Commission and circuit judicial commissions is subject to the advice and consent of the Senate within 30 legislative days of the appointment by the Governor.

The judicial selection process must favor openness and public access. All hearings, debates, and votes of the commissions must be open to the public and to the press with no less than 72 hours public notice given before each meeting. The list of applicants for any judicial vacancy must be open to the public with their names posted on the web site of the Missouri Supreme Court and all information available to the respective commissions on the judicial candidates must be made available to the Governor. Every applicant nominated will be subject to a background check,

including a criminal check, which will not be a public record, but available only to the commission and the Governor.

The amendment transfers the responsibility for the approval of expenses incurred in the administration of the judicial selection plan from the Missouri Supreme Court to the Commissioner of the Office of Administration.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.