

HJR 52 -- Judicial Appointment Process

Sponsor: Lembke

Upon voter approval, this proposed constitutional amendment abolishes the nonpartisan Judicial Commission and establishes a bi-partisan judicial merit selection commission, to be known as the Merit Commission, for each judicial entity including the Supreme Court, each court of appeals, and each circuit court of the City of St. Louis and the counties of Clay, Jackson, Platte, and St. Louis. Each 10-member commission will be composed of two members of the Missouri Bar each from different political parties and appointed by the Governor, two persons who are not members of the Missouri Bar from different political parties and appointed by the Governor, one person appointed by the Speaker of the House of Representatives, one person appointed by the Minority Leader of the House of Representatives, one person appointed by the President Pro Tempore of the Senate, one member appointed by Minority Leader of the Senate, and two members of the Missouri Bar from different political parties appointed by the Attorney General. Each commission is to submit a list of five applicants for selection by the Governor for any judicial opening occurring in the appropriate judicial circuit or court. Each commission must strictly adhere to the Open Meetings and Records Law, commonly known as the Sunshine Law. The list of applicants considered for the judicial opening, the questions submitted by the commission, and the answers provided by applicants must be made public through a posting on a web site or through the office of the commission. The Governor will have 30 days to make a selection from the list of applicants. After selection, the nominee must be confirmed by a majority vote of the Senate. Recommendations by the Missouri Bar, testimony provided by persons under oath, and recommendations from a Senate committee holding public hearings on a nominee's qualifications may be considered by the Senate in the confirmation process. Any information made available to any commission in its proceedings must be made available to the Governor and the Senate. Recommendations made by the Missouri Bar must be classified as exceptionally qualified, qualified, no opinion, or not qualified with supporting evidence. Each judicial applicant is subject to a background or criminal check; however, any information regarding the check will not be public record.

Any person who commits, aids, or abets perjury during the judicial appointment process will be punished with not more than one year in prison, a fine of not more than \$100,000, or both.