

## HJR 58 -- Judicial Commissions

Sponsor: Cox

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. The Governor must choose a candidate from the first or second list within 60 days or the commission is authorized to appoint one of the nominees from the second list.

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

- (1) Three members of the Missouri Bar, each a resident from a different court of appeals district, selected by the members of the Missouri Bar from each district;
- (2) Three citizens who are not members of the bar nor the spouse of a member of the bar and are each a resident from a different court of appeals district, appointed by the Governor; and
- (3) One citizen who is not a member or the spouse of a member of the bar, from anywhere in the state, appointed by the Governor.

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 citizens residing in the judicial circuit and appointed by the Governor who are not bar members nor the spouse of a member of the bar. The terms of all members 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. A governor first taking office has the authority to remove, within 60 days of taking the oath of office, any members appointed by a preceding governor and appoint their replacements.

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 a public record 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 commissions and the Governor. Commission deliberations regarding the final list of nominees may be closed.

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.