

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 153

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHAPPELL.

6215H.011

JOSEPH ENGLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 16, 19, 25(a), 25(b), 25(c)(1), 25(c)(2), 25(d), 25(e), 25(f), and 25(g) of Article V of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to 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, 2026, 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 16, 19, 25(a), 25(b), 25(c)(1), 25(c)(2), 25(d), 25(e), 25(f), and 25 (g), Article V, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as Sections 16, 19, and 25(a), to read as follows:

Section 16. Each county shall have such number of associate circuit judges as provided by law. There shall be at least one resident associate circuit judge in each county. Associate circuit judges shall be ~~[selected or elected in each county. In those circuits where the circuit judge is selected under section 25 of article 5 of the constitution the associate circuit judge shall be selected in the same manner. All other associate circuit judges shall be elected in the]~~ **appointed by the governor, by and with the advice and consent of the senate for each** county in which they are to serve.

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.

Section 19. 1. Judges of the supreme court ~~[and]~~, of the court of appeals, **and of the circuit courts and associate circuit judges** shall be ~~[selected]~~ **appointed** for terms of ~~[twelve years, judges of the circuit courts for terms of six years, and associate circuit judges for terms of four]~~ **seven years**.

2. Each judge of the supreme court, of the court of appeals, or of the circuit court and each associate circuit judge in office as of, or with a term starting on, January 1, 2027, shall hold office for the remainder of his or her term after which the office shall be vacated subject to appointment under this article.

Section 25(a). 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]~~, the governor, **by and with the advice and consent of the senate**, shall fill such vacancy by appointing ~~[one of three persons]~~ **a person** possessing the qualifications for such office~~], who shall be nominated and whose names 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 nonpartisan judicial commission making the nomination shall appoint one of the nominees to fill the vacancy]~~.

~~[Section 25(b). At any general election the qualified voters of any judicial circuit outside of the city of St. Louis and Jackson county, may by a majority of those voting on the question elect to have the circuit and associate circuit judges appointed by the governor in the manner provided for the appointment of judges to the courts designated in section 25(a), or, outside the city of St. Louis and Jackson county, to discontinue any such plan. The question of whether the circuit and associate circuit judges of any such circuit shall be so appointed shall be submitted to the voters of each county in any circuit at the next general election whenever petitions therefor signed by ten percent of the legal voters of each county in the circuit voting for the office of governor at the last election thereof are filed in the office of secretary of state at least 90 days before such election. The question shall be presented as follows: "Shall the circuit and associate circuit judges of the _____ judicial circuit be selected as provided in Section 25 of Article V of the Missouri Constitution? Yes ☐ No ☐ (Mark One)". The provisions of law with respect to initiative petitions shall apply insofar as applicable relative to the certification of the petitions to local officials by the secretary of state, the preparation, printing, publishing and distribution of the judicial ballots required by this section, the holding and conduct of the election, and the counting, canvassing, return, certification, and proclamation of the votes. If a majority of the votes upon the question are cast in favor of the adoption in each county comprising the circuit, the nonpartisan selection of the circuit and associate judges shall be adopted in the circuit. The question of selection of circuit and associate circuit judges in the manner provided in section 25(a)~~

shall not be submitted more often than once every four years. If any judicial circuit adopts the nonpartisan selection of the circuit and associate circuit judges under the provisions of this section, the question of its discontinuance shall not be submitted more often than once every four years and may be submitted at any general election and shall be proceeded upon insofar as may be applicable in like manner as prescribed in this section for the original adoption of the plan.

The petition shall be in substantially the following form:

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

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

The ballot shall provide as follows:

"Shall the nonpartisan appointment by the governor of the circuit and associate circuit judges be discontinued in the _____ judicial circuit?"

☐ Yes

☐ No

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

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

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

[Section 25(c)(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 would have been entitled had the provisions of sections 25(a)-(g) not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his 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 declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such declaration is filed, his name shall be

15 submitted at said next general election to the voters eligible to vote within the
16 state if his office is that of judge of the supreme court, or within the geographic
17 jurisdiction limit of the district where he serves if his office is that of a judge of
18 the court of appeals, or within the circuit if his office is that of circuit judge, or
19 within the county if his office is that of associate circuit judge on a separate
20 judicial ballot, without party designation, reading:

21 "Shall Judge _____
22 (Here the name of the judge shall be inserted)

23 of the _____
24 (Here the title of the court shall be inserted)

25 be retained in office? Yes ☐ No ☐
26 (Mark an "X" in the box you prefer.)"

27
28 If a majority of those voting on the question vote against retaining him in
29 office, upon the expiration of his term of office, a vacancy shall exist which
30 shall be filled by appointment as provided in section 25(a); otherwise, said
31 judge shall, unless removed for cause, remain in office for the number of years
32 after December thirty first following such election as is provided for the full
33 term of such office, and at the expiration of each such term shall be eligible for
34 retention in office by election in the manner here prescribed.]

2 [Section 25(c)(2). Whenever a declaration of candidacy for election to
3 succeed himself is filed by any judge or associate circuit judge under the
4 provisions of this section, the secretary of state shall not less than thirty days
5 before the election certify the name of said judge or associate circuit judge and
6 the official title of his office to the clerks of the county courts, and to the
7 boards of election commissioners in counties or cities having such boards, or
8 to such other officials as may hereafter be provided by law, of all counties and
9 cities wherein the question of retention of such judge in office is to be
10 submitted to the voters, and, until legislation shall be expressly provided
11 otherwise therefor, the judicial ballots required by this section shall be
12 prepared, printed, published and distributed, and the election upon the question
13 of retention of such judge in office shall be conducted and the votes counted,
14 canvassed, returned, certified and proclaimed by such public officials in such
15 manner as is now provided by the statutory law governing voting upon
measures proposed by the initiative.]

2 [Section 25(d). Nonpartisan judicial commissions whose duty it shall
3 be to nominate and submit to the governor names of persons for appointment
4 as provided by sections 25(a) - (g) are hereby established and shall be organized
5 on the following basis: For vacancies in the office of judge of the supreme
6 court or of the court of appeals, there shall be one such commission, to be
known as "The Appellate Judicial Commission"; for vacancies in the office of

7 ~~circuit judge or associate circuit judge of any circuit court subject to the~~
8 ~~provisions of sections 25(a) (g) there shall be one such commission, to be~~
9 ~~known as "The _____ Circuit Judicial Commission", for each judicial circuit~~
10 ~~which shall be subject to the provisions of sections 25(a) (g); the appellate~~
11 ~~judicial commission shall consist of a judge of the supreme court selected by~~
12 ~~the members of the supreme court, and the remaining members shall be chosen~~
13 ~~in the following manner: The members of the bar of this state residing in each~~
14 ~~court of appeals district shall elect one of their number to serve as a member of~~
15 ~~said commission, and the governor shall appoint one citizen, not a member of~~
16 ~~the bar, from among the residents of each court of appeals district, to serve as a~~
17 ~~member of said commission, and the members of the commission shall select~~
18 ~~one of their number to serve as chairman. Each circuit judicial commission~~
19 ~~shall consist of five members, one of whom shall be the chief judge of the~~
20 ~~district of the court of appeals within which the judicial circuit of such~~
21 ~~commission, or the major portion of the population of said circuit is situated~~
22 ~~and the remaining four members shall be chosen in the following manner: The~~
23 ~~members of the bar of this state residing in the judicial circuit of such~~
24 ~~commission shall elect two of their number to serve as members of said~~
25 ~~commission, and the governor shall appoint two citizens, not members of the~~
26 ~~bar, from among the residents of said judicial circuit to serve as members of~~
27 ~~said commission, the members of the commission shall select one of their~~
28 ~~number to serve as chairman; and the terms of office of the members of such~~
29 ~~commission shall be fixed by law, but no law shall increase or diminish the~~
30 ~~term of any member then in office. No member of any such commission other~~
31 ~~than a judge shall hold any public office, and no member shall hold any~~
32 ~~official position in a political party. Every such commission may act only by~~
33 ~~the concurrence of a majority of its members. The members of such~~
34 ~~commission shall receive no salary or other compensation for their services~~
35 ~~but they shall receive their necessary traveling and other expenses incurred~~
36 ~~while actually engaged in the discharge of their official duties. All such~~
37 ~~commissions shall be administered, and all elections provided for under this~~
38 ~~section shall be held and regulated, under such rules as the supreme court shall~~
39 ~~promulgate.]~~

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

2 ~~[Section 25(f). No judge of any court in this state, appointed to or~~
3 ~~retained in office in the manner prescribed in sections 25(a) (g), shall directly~~
4 ~~or indirectly make any contribution to or hold any office in a political party or~~
~~organization, or take part in any political campaign.]~~

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

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended to provide for appointment by the Governor, with the advice and consent of the Missouri Senate, of judges of the supreme court, of the court of appeals, and of the circuit courts, and associate circuit judges, and to modify the length of the term of office of such judges to seven years?".

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