

NOTICE: You are advised that in addition to the express amendments, repeals, and modifications as set forth below, this proposal may repeal, change or modify by implication, or may be construed by some persons to repeal, change or modify by implication, Article IV, section 4, and Article V, Sections 8, 20, 25(c)(1), 25(c)(2), 25(d), and 25(g) of the Constitution of Missouri.

*Be it resolved by the people of the state of Missouri that the Constitution be amended:*

To amend Sections 2, 19, 25(a), and 25(f), and enact Section 1(a), 25(c)(3), 25(c)(4), 25(c)(5), and 25(c)(6) of Article V of the Constitution of Missouri to read as follows:

Section 1(a). 1. Judges of the supreme court and court of appeals shall be elected.

2. The election of judges derives from the principle that all political power is vested in and derived from the people, and all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole, and further, that all courts of justice shall be open to every person without sale, denial, or delay. Judges shall therefore be accountable to the citizens of this state, this constitution, and the United States Constitution, and not beholden to any particular alliance of lawyers, judges, or interest groups. To accomplish this purpose, as set forth in sections 25(a) through (g), judges of the supreme court and court of appeals shall henceforth stand for election, and shall no longer be selected by the governor from nominations made by commissions of lawyers, judges, and the governor's chosen appointees. Voters in most circuits shall continue to have the ability to choose the method by which circuit and associate circuit judges are selected. Sections 25(a) through (g) shall be known as the "Missouri Judicial Fairness and Accountability Plan."

Section 2. The supreme court shall be the highest court in the state. Its jurisdiction shall be coextensive with the state. Its decisions shall be controlling in all other courts. It shall be composed of [seven] nine judges, who shall hold their sessions in Jefferson City at times fixed by the court.

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

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 shall fill such vacancy by appointing one of three persons 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. Whenever a vacancy shall occur in the office of judge of the supreme court or court of appeals, it shall be filled at the next general election, and any judge so elected shall serve beginning January first for the remainder of the unexpired term, or, if the original term will have expired on the December thirty-first immediately following the election, for a new term. If the vacancy occurs in a general election year at such time that it is impossible to observe the laws providing for party and independent nominations, then the vacancy shall be promptly filled under article 4, section 4 of this constitution and such appointee shall hold the office until December thirty-first immediately after the next general election at which the primary and nomination process can occur, at which election the remainder of the unexpired term shall be filled beginning January first, or, if the term will have expired on the December thirty-first immediately following the election, a judge shall be elected for a new term.

Section 25 (c)(3). Judges of the court of appeals shall be elected at the general election by the voters eligible to vote within the appellate district of the judicial office being elected, and judges of the supreme court shall be elected at the general election by the voters eligible to vote, as set forth in sections 25(c)(4) and 25(c)(5). Except as set forth in section 25(a), they shall hold office for a term expiring December thirty-first in the eighth year after their election. The provisions of sections 25(c)(1) and 25(c)(2) shall not apply to court of appeals or supreme court judges.

Section 25(c)(4). Supreme court judges shall be elected as follows. If the general assembly has established by law eight congressional districts, one supreme court judge who shall be a resident of that district on the day of his or her election shall be elected from each congressional district by the voters eligible to vote within that district, and notwithstanding section 8, one supreme court judge shall be elected at large. If nine congressional districts have been established by law, then one supreme court judge shall be elected from each district and the chief judge shall be elected from among the judges as set forth in section 8. If fewer than eight or more than nine congressional districts are established, then districts for the election of supreme court judges shall be as established by law, or if no law timely establishes supreme court or congressional districts, elections for all seats shall be elected at large. If supreme court judges are elected from congressional districts, then judges shall hold numbered seats to match the numbers assigned to the congressional districts from which they are elected, beginning with 1 and ending with either 8 or 9. If there are eight congressional seats: Seat 9 shall be the seat of the chief judge, to be elected at large; Seats 1, 8, and 9 shall be elected in 2016 and every eighth successive year; Seats 2, 3, and 4 shall be elected in 2018 and every eighth successive year; and Seats 5, 6, and 7 shall be elected in 2020 and every eighth successive year. If and for so long as there are nine congressional seats, Seat 9 shall be elected by the voters of the ninth congressional district in 2024 and every eighth successive year.

Section 25 (c)(5). The following transition provisions shall apply. 1. Those supreme court judges holding office as of 9:00 a.m. on December 5, 2014, shall not be required to reside in any particular congressional district but on that date shall nonetheless be assigned the following seat designations for purposes of implementing elections and filling vacancies. The seats shall be assigned in the following order: 7, 6, 5, 4, 3, 2, 1. The seats will be assigned to judges holding office on December 5, 2014, using the following criteria. First, beginning with Seat 7, seats will be assigned to judges who have been retained by the voters, and of those, beginning with the judge most recently retained. For judges retained at the same time, the judge having served the least amount of time on the supreme court shall take precedence. After all judges who have been retained have been assigned seats, judges who have been appointed shall be assigned, with judges most recently appointed to take precedence. If all judges who have been retained or appointed have been assigned seats, and it appears that one or more supreme court seats was vacated before December 5, 2014 but remained unfilled by 9:00 a.m. on December 5, 2014, these vacancies will be immediately assigned a seat, using the order set forth in this section until all seats between 7 and 1 are filled, and in assigning seat designations to vacancies, vacancies created by a judge whose last name was first in alphabetical order will have precedence. A seat held by any judge who lost a retention election in the 2014 general election shall be treated as vacant solely for purposes of assigning a seat under this transition provision, even though the judge shall hold office until December 31, 2014, and the seat shall be treated as vacant for purposes of section 25(a) on January 1, 2015, and thereafter filled under the provisions of that section. Seats 8 and 9 shall be filled by election in 2016 and until those judges take office, the court shall consist of seven members.

2. Court of appeals judges who were last retained in the 2004 or 2006 general elections, or the successors to vacancies left by such judges, shall stand in the 2016 general election, court of appeals judges who were last retained in the 2008 or 2010 general elections, or the successors to vacancies left by such judges, shall stand in the 2018 general election, and court of appeals judges who were last retained in the 2012 or 2014 general elections, or the successors to vacancies left by such judges, shall stand in the 2020 general election. The candidate elected in each such election shall serve for the term prescribed by section 19, and every succeeding eight years, a new election shall be held for that judicial office. Court of appeals judges first eligible for retention in the 2016 general election under the immediately prior version of section 25(c)(1), which was effective until the close of December 4, 2014, shall stand for election in the 2016 general election. Any seat held by a court of appeals judge who loses a retention election in the 2014 general election shall be treated as vacant on January 1, 2015, and shall thereafter be filled under the provisions of section 25(a).

3. A supreme court or court of appeals vacancy that opened before December 5, 2014 but that was not yet filled as of 9:00 a.m. that day shall not be filled by the appointment of the governor or Appellate Judicial Commission, but shall instead be filled by special election in 2016 under the provisions of section 25(a).

4. The transition provisions of this section 25(c)(5) shall be severable from the remainder of section 25(a) through (g).

Section 25(c)(6). 1. Elections for the offices of judge of the supreme court and court of appeals shall be partisan elections conducted as follows.

2. All declarations for candidacy for the offices of judge of the supreme court and court of appeals shall be filed in the office of the secretary of state.

3. Political parties shall nominate party candidates for supreme court or court of appeals judge using the same procedures the laws provide for candidates for governor. Additionally, groups of voters may nominate independent candidates, and the Appellate Judicial Commission may nominate one person who is not a sitting judge and who is not and does not become the candidate of any political party in the primary or general election. The person so nominated by a group of voters or the Appellate Judicial Commission may qualify as an independent candidate in the general election using the same procedures the laws provide for candidates for governor, except that the nominating petition must be signed by at least thirty thousand registered voters in the applicable appellate or congressional district, or two percent of the voters who voted in the applicable appellate or congressional district in the last election for governor, whichever is less, or in the case of an election for chief judge, the petition shall be signed by at least fifty thousand registered voters. Notwithstanding the provisions of section 25(d), the governor shall have no power to appoint to any judicial office any person selected by the Appellate Judicial Commission.

4. Unless otherwise provided by law, primary and general elections for the offices of judge of the supreme court and court of appeals shall be held in the same manner as elections for governor. Contests to the results of an election under this section, whether on the basis of qualification, irregularity, or other cause, or for recount other than any automatic recount as may be provided by law, shall be heard and determined in the same manner as contested elections for governor unless otherwise provided by law.

5. The provisions of this section 25(c)(6) shall be severable from the remainder of section 25(a) through (g).

Section 25(f). No judge of any court in this state, appointed or elected to or retained in office in the manner prescribed in sections 25(a)-(g), shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign. Notwithstanding the foregoing, a judge or judicial candidate may announce his or her views on disputed legal or political issues provided that the judge or judicial candidate does not make pledges or promises to render specific rulings or decisions on pending litigation. Judicial candidates and judges who are judicial candidates shall be allowed to solicit, receive and make campaign contributions, and make and receive the benefit of campaign expenditures, for their own campaigns as may be provided by law. Nothing herein shall preclude the application of laws or rules of the supreme court governing judicial participation in specific cases based on a judge's political activity with respect to the subject matter or parties. The provisions of this section 25(f) shall be severable from the remainder of section 25(a) through (g), except that nothing shall prohibit a candidate for the supreme court or court of appeals from making or accepting contributions to or taking part in his or her own political campaign.