

HOUSE JOINT RESOLUTION NO. 16

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WHITE.

0972H.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 14, 16, 17, 19, 21, 25(a), 25(b), 25(c)(1), 25(c)(2), 25(d), 25(e), 25(f), 25(g), and 27 of article V of the Constitution of Missouri, and adopting twelve new sections in lieu thereof relating to election of 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, 2018, 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 14, 16, 17, 19, 21, 25(a), 25(b), 25(c)(1), 25(c)(2), 25(d), 25(e), 25(f), 25(g), and 27, article V, Constitution of Missouri, are repealed and twelve new sections adopted in lieu thereof, to be known as sections 14, 16, 17, 19, 21, 25(a), 25(b), 25(c), 25(d), 25(e), 25(f), and 27, to read as follows:

Section 14. ~~[(a)]~~ The circuit courts shall have ~~[original]~~ **general** jurisdiction over all cases and matters, civil, ~~[and]~~ **criminal, small claims, and probate in Missouri**. ~~[Such courts may issue and determine original remedial writs and shall sit at times and places within the circuit as determined by the circuit court.]~~

~~—————(b) Procedures for the adjudication of small claims shall be as provided by law.]~~

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]~~ **elect**ed in each county. ~~[In those circuits where the circuit~~

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.

4 judge is selected under section 25 of article 5 of the constitution the associate circuit judge shall
5 be selected in the same manner. All other associate circuit judges shall be elected in the county
6 in which they are to serve.]

Section 17. Associate circuit judges [~~may hear and determine all cases, civil or criminal
2 and all other matters as now provided by law for magistrate or probate judges and may be
3 assigned such additional cases or classes of cases as may be provided by law. In probate matters
4 the associate circuit judge shall have general equitable jurisdiction]~~ **shall have general
5 jurisdiction over all cases and matters, civil, criminal, small claims, and probate in
6 Missouri.**

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

Section 21. Judges of the supreme court and of the court of appeals shall have been
2 citizens of the United States for at least fifteen years, and qualified voters of the state for nine
3 years next preceding their selection. Such judges shall be at least thirty years of age. Except as
4 provided by section 6, judges of the court of appeals shall be residents of the court of appeals
5 district in which they serve. Circuit judges **and associate circuit judges** shall have been citizens
6 of the United States for at least ten years, and qualified voters of this state three years next
7 preceding their selection, and be not less than [~~thirty~~] **twenty-eight** years of age and residents
8 of the circuit **or county, respectively**, for at least one year[~~. Associate circuit judges shall be
9 qualified voters of this state and residents of the county, at least twenty-five years old,~~] and have
10 such other qualifications as may be provided by law. Every supreme, appellate, circuit, and
11 associate circuit court judge shall be licensed to practice law in this state.

Section 25(a). **Judges of the supreme court, courts of appeals, circuit judges, and
2 associate circuit judges shall be elected in a general election by the qualified voters of the
3 state, circuit, district, or county for which such court may be established and at such times
4 as may be prescribed by law.** Whenever a vacancy shall occur [~~in the~~] **during a term of office**
5 of [~~judge of any of the following courts of this state, to wit:~~] the supreme court, the court of
6 appeals, or in the office of circuit or associate circuit judge [~~within the city of St. Louis and
7 Jackson county,~~] the governor shall fill such vacancy **to serve until the next general election**
8 by appointing one of three persons possessing the qualifications for such office, who shall be
9 nominated and whose names shall be submitted to the governor by a nonpartisan judicial
10 commission established and organized as hereinafter provided. If the governor fails to appoint
11 any of the nominees within sixty days after the list of nominees is submitted, the nonpartisan
12 judicial commission making the nomination shall appoint one of the nominees to fill the
13 vacancy.

2 ~~[Section 25(b). At any general election the qualified voters of any judicial~~
3 ~~circuit outside of the city of St. Louis and Jackson county, may by a majority of~~
4 ~~those voting on the question elect to have the circuit and associate circuit judges~~
5 ~~appointed by the governor in the manner provided for the appointment of judges~~
6 ~~to the courts designated in section 25(a), or, outside the city of St. Louis and~~
7 ~~Jackson county, to discontinue any such plan. The question of whether the circuit~~
8 ~~and associate circuit judges of any such circuit shall be so appointed shall be~~
9 ~~submitted to the voters of each county in any circuit at the next general election~~
10 ~~whenever petitions therefor signed by ten percent of the legal voters of each~~
11 ~~county in the circuit voting for the office of governor at the last election thereof~~
12 ~~are filed in the office of secretary of state at least 90 days before such election.~~
13 ~~The question shall be presented as follows: "Shall the circuit and associate~~
14 ~~circuit judges of the judicial circuit be selected as provided in Section~~
15 ~~25 of Article V of the Missouri Constitution? Yes No (Mark One)" The~~
16 ~~provisions of law with respect to initiative petitions shall apply insofar as~~
17 ~~applicable relative to the certification of the petitions to local officials by the~~
18 ~~secretary of state, the preparation, printing, publishing and distribution of the~~
19 ~~judicial ballots required by this section, the holding and conduct of the election,~~
20 ~~and the counting, canvassing, return, certification, and proclamation of the votes.~~
21 ~~If a majority of the votes upon the question are cast in favor of the adoption in~~
22 ~~each county comprising the circuit, the nonpartisan selection of the circuit and~~
23 ~~associate judges shall be adopted in the circuit. The question of selection of~~
24 ~~circuit and associate circuit judges in the manner provided in section 25(a) shall~~
25 ~~not be submitted more often than once every four years. If any judicial circuit~~
26 ~~adopts the nonpartisan selection of the circuit and associate circuit judges under~~
27 ~~the provisions of this section, the question of its discontinuance shall not be~~
28 ~~submitted more often than once every four years and may be submitted at any~~
29 ~~general election and shall be proceeded upon insofar as may be applicable in like~~
30 ~~manner as prescribed in this section for the original adoption of the plan.~~

30 ~~_____ The petition shall be in substantially the following form:~~

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

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

38 ~~_____ The ballot shall provide as follows:~~

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

41 ~~_____ Yes~~

42 ~~_____ No~~

43 ~~_____ (Place an "X" in one square.)"~~

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

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

Section ~~[25(e)(1)]~~ **25(b)**. Each judge appointed pursuant to the provisions of sections
 2 ~~[25(a)-(g)]~~ **25(a)-(f)** shall hold office for a term ending December thirty-first following the next
 3 general election ~~[after the expiration of twelve months in the office. Any judge holding office,~~
 4 ~~or elected thereto, at the time of the election by which the provisions of sections 25(a)-(g)~~
 5 ~~become applicable to his office, shall, unless removed for cause, remain in office for the term~~
 6 ~~to which he would have been entitled had the provisions of sections 25(a)-(g) not become~~
 7 ~~applicable to his office. Not less than sixty days prior to the holding of the general election next~~
 8 ~~preceding the expiration of his term of office, any judge whose office is subject to the provisions~~
 9 ~~of sections 25(a)-(g) may file in the office of the secretary of state a declaration of candidacy for~~
 10 ~~election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting~~
 11 ~~from the expiration of his term of office shall be filled by appointment as herein provided. If~~
 12 ~~such declaration is filed, his name shall be submitted at said next general election to the voters~~
 13 ~~eligible to vote within the state if his office is that of judge of the supreme court, or within the~~
 14 ~~geographic jurisdiction limit of the district where he serves if his office is that of a judge of the~~
 15 ~~court of appeals, or within the circuit if his office is that of circuit judge, or within the county if~~
 16 ~~his office is that of associate circuit judge on a separate judicial ballot, without party designation,~~
 17 ~~reading:—~~

18 ~~—————"Shall Judge~~

19 ~~————(Here the name of the judge shall be inserted) of the~~

20

21 ~~————(Here the title of the court shall be inserted) be retained in office? — Yes — No~~

22 ~~————(Mark an "X" in the box you prefer.)" If a majority of those voting on the question vote~~
 23 ~~against retaining him in office, upon the expiration of his term of office, a vacancy shall exist~~
 24 ~~which shall be filled by appointment as provided in section 25(a); otherwise, said judge shall,~~
 25 ~~unless removed for cause, remain in office for the number of years after December thirty-first~~
 26 ~~following such election as is provided for the full term of such office, and at the expiration of~~
 27 ~~each such term shall be eligible for 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~~
 provisions of this section, the secretary of state shall not less than thirty days

4 before the election certify the name of said judge or associate circuit judge and
5 the official title of his office to the clerks of the county courts, and to the boards
6 of election commissioners in counties or cities having such boards, or to such
7 other officials as may hereafter be provided by law, of all counties and cities
8 wherein the question of retention of such judge in office is to be submitted to the
9 voters, and, until legislation shall be expressly provided otherwise therefor, the
10 judicial ballots required by this section shall be prepared, printed, published and
11 distributed, and the election upon the question of retention of such judge in office
12 shall be conducted and the votes counted, canvassed, returned, certified and
13 proclaimed by such public officials in such manner as is now provided by the
14 statutory law governing voting upon measures proposed by the initiative.]

Section ~~[25(d)]~~ **25(c)**. Nonpartisan judicial commissions whose duty it shall be to
2 nominate and submit to the governor names of persons for appointment as provided by sections
3 ~~[25(a)-(g)]~~ **25(a)-(f)** are hereby established and shall be organized on the following basis: For
4 vacancies in the office of judge of the supreme court or of the court of appeals, there shall be one
5 such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the
6 office of circuit judge or associate circuit judge of any circuit court ~~[subject to the provisions of~~
7 ~~sections 25(a)-(g)]~~ there shall be one such commission, to be known as "The Circuit Judicial
8 Commission" ~~]; for each judicial circuit which shall be subject to the provisions of sections~~
9 ~~25(a)-(g)]~~; the appellate judicial commission shall consist of a judge of the supreme court
10 selected by the members of the supreme court, and the remaining members shall be chosen in
11 the following manner: The members of the bar of this state residing in each court of appeals
12 district shall elect one of their number to serve as a member of said commission, and the
13 governor shall appoint one citizen, not a member of the bar, from among the residents of each
14 court of appeals district, to serve as a member of said commission, and the members of the
15 commission shall select one of their number to serve as chairman. Each circuit judicial
16 commission shall consist of five members, one of whom shall be the chief judge of the district
17 of the court of appeals within which the judicial circuit of such commission, or the major portion
18 of the population of said circuit is situated and the remaining four members shall be chosen in
19 the following manner: The members of the bar of this state residing in the judicial circuit of such
20 commission shall elect two of their number to serve as members of said commission, and the
21 governor shall appoint two citizens, not members of the bar, from among the residents of said
22 judicial circuit to serve as members of said commission, the members of the commission shall
23 select one of their number to serve as chairman; and the terms of office of the members of such
24 commission shall be fixed by law, but no law shall increase or diminish the term of any member
25 then in office. No member of any such commission other than a judge shall hold any public
26 office, and no member shall hold any official position in a political party. Every such
27 commission may act only by the concurrence of a majority of its members. The members of such

28 commission shall receive no salary or other compensation for their services but they shall receive
 29 their necessary traveling and other expenses incurred while actually engaged in the discharge of
 30 their official duties. All such commissions shall be administered, and all elections provided for
 31 under this section shall be held and regulated, under such rules as the supreme court shall
 32 promulgate.

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

Section ~~[25(f)]~~ **25(e)**. No judge of any court in this state, appointed to ~~[or retained in
 2 office in the manner prescribed in sections 25(a)-(g),]~~ **fill an unexpired term or elected for
 3 such term** shall directly or indirectly make any contribution to or hold any office in a political
 4 party or organization, or take part in any political campaign, **except for his or her own
 5 campaign for judicial office.**

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

Section 27. Except as otherwise provided in this article, the effective date of this article
 2 shall be January 2, **2019** ~~[1979.—~~

3 ~~———— 1. All judges elected in 1978 shall be sworn into office on January 1, 1979.—~~

4 ~~———— 2. All magistrate courts, probate courts, courts of common pleas, the St. Louis court of
 5 criminal correction, and municipal corporation courts shall continue to exist until the effective
 6 date of this article at which time said courts shall cease to exist. When such courts cease to exist:~~

7 ~~———— a. The jurisdiction of magistrate courts shall be transferred to the circuit court of the
 8 circuit and such courts shall become divisions of the circuit court.—~~

9 ~~———— b. The jurisdiction of probate courts within the circuit shall be transferred to the circuit
 10 court and such courts shall become divisions of the circuit court.—~~

11 ~~———— c. The jurisdiction of St. Louis court of criminal correction and all courts of common
 12 pleas shall be transferred to the circuit court for the respective circuit and such courts shall
 13 become divisions of the circuit court. The provisions of law relating to practice and procedure
 14 of the courts of common pleas shall, until otherwise changed by law, remain in effect and the
 15 provision of law relating to practice, procedure, venue, jurisdiction, selection of jurors, election
 16 of clerk and provisions for deputies and all other provisions of law relating to the Hannibal Court
 17 of Common Pleas shall until otherwise changed by law, remain in effect as to such division of
 18 the Marion county circuit court and said division shall be known as division number 2 of the
 19 Marion county circuit court instead of the Hannibal Court of Common Pleas.—~~

20 ~~——— d. The jurisdiction of municipal courts shall be transferred to the circuit court of the~~
21 ~~circuit in which such municipality or major geographical area thereof shall be located and, such~~
22 ~~courts shall become divisions of the circuit court. When such courts cease to exist, all records,~~
23 ~~papers and files shall be transferred to the circuit court which may designate the place where~~
24 ~~such records may be maintained.—~~

25 ~~——— e. Divisions of the circuit court created by this subsection may be changed hereafter by~~
26 ~~law.—~~

27 ~~——— f. After the effective date of this article, in counties with a population of over thirty~~
28 ~~thousand and less than sixty-five thousand, the office expenses and salaries of associate circuit~~
29 ~~judges and their clerks who before the effective date of this article were probate judges shall~~
30 ~~continue to be paid by the counties.—~~

31 ~~——— g. After the effective date of this article, in all counties with a population of over~~
32 ~~sixty-five thousand and in any city not within a county, the office expenses and salaries of the~~
33 ~~circuit judges who before the effective date of this article were probate judges in said counties~~
34 ~~or city, shall be paid by the respective counties or city.—~~

35 ~~——— 3. Until otherwise provided by law associate circuit judges shall hear all cases or matters,~~
36 ~~civil and criminal, as now provided by law for magistrates within the county and such additional~~
37 ~~cases or classes of cases as may be provided by law. Until otherwise provided by law, associate~~
38 ~~circuit judges shall hear all cases or matters as now provided by law for probate courts within~~
39 ~~the county, except that in the city of St. Louis, in all first class counties, and all second class~~
40 ~~counties with a population of over sixty-five thousand, the circuit judge of the probate division~~
41 ~~of the circuit court shall hear all cases and matters as now provided by law for probate courts~~
42 ~~within such circuits or counties. An associate circuit judge exercising probate jurisdiction shall,~~
43 ~~in connection therewith, possess general equitable powers. Associate circuit judges of the city~~
44 ~~of St. Louis shall hear all civil and criminal cases as now provided by law for magistrates and~~
45 ~~the St. Louis court of criminal correction including appeals and preliminary hearings in felony~~
46 ~~cases and such additional cases or classes of cases as may hereafter be provided by law. Until~~
47 ~~otherwise provided by law or supreme court rule the practice, procedure, filing fees and~~
48 ~~administration of causes heard by associate circuit judges within the jurisdiction of former~~
49 ~~magistrate and probate courts shall be and remain the same as in the court abolished.—~~

50 ~~——— 4. a. In 1978, all probate judges except those selected under the nonpartisan selection~~
51 ~~of judges plan shall be elected as provided by law. On the effective date of this article the~~
52 ~~probate judge of the city of St. Louis and the probate judges of all first class counties and all~~
53 ~~second class counties with a population of over sixty-five thousand shall become circuit judges~~
54 ~~of their respective circuits and thereafter shall be selected or elected from the circuit as in the~~
55 ~~case of other circuit judges and be entitled to the same compensation as provided by law for~~

56 circuit judges at the time of the effective date of this article until changed by law, and shall have
57 the same powers and jurisdiction as judges of the circuit court. Each judge who served as
58 probate judge and who is in office on the effective date of this article in such city and counties
59 shall continue to serve in the capacity of judge of the probate division of the circuit court until
60 his successor is selected and qualified, provided that with his consent any circuit or associate
61 circuit judge in the circuit at his request may hear, try and dispose of any matter, case or classes
62 of cases assigned to him by such judge of the probate division, and such judge of the probate
63 division with his consent, may hear, try and determine any case within the jurisdiction of the
64 circuit court. On the effective date of this article the probate judges of counties with a population
65 of sixty-five thousand or less shall become associate circuit judges of their respective circuits and
66 thereafter shall be selected or elected from the county as in the case of other associate circuit
67 judges and shall be entitled to the same compensation as that to which they were entitled on the
68 effective date of this article until changed by law.

69 ——— b. On the effective date of this article, judges of the St. Louis court of criminal correction
70 and judges of the courts of common pleas shall become circuit judges and be entitled to the
71 compensation of circuit judges and shall have the same power and jurisdiction as circuit judges.

72 ——— c. In 1978, all magistrates shall be elected as provided by law. On the effective date of
73 this article all magistrates who are then in office shall become associate circuit judges and shall
74 serve out the remainder of their terms as such. Each such judge shall be entitled to the same
75 compensation as that to which he was entitled on the effective date of this article until otherwise
76 changed by law.

77 ——— 5. The right to and method of review from a final judgment or appealable order of an
78 associate circuit judge, or municipal judge, when so acting within the jurisdiction of cases
79 heretofore within the jurisdiction of the former magistrate or municipal courts shall, until
80 otherwise provided by law, be de novo before a circuit judge or another associate circuit judge
81 within the circuit except that appeals from an associate circuit judge exercising probate
82 jurisdiction in any circuit, and appeals from any cause from an associate circuit judge as provided
83 by law shall be appealed to the appropriate district of the court of appeals upon a record as
84 authorized by law or supreme court rule. Appeals in misdemeanor cases from the associate
85 circuit judge from the city of St. Louis shall be as now provided until changed by law.

86 ——— 6. The costs of judicial proceedings as provided for in all courts existing before the
87 adoption of this article shall remain in effect with respect to cases which would have been within
88 the jurisdiction of those courts until such costs are otherwise changed by law. Until otherwise
89 provided by law, if a cause could have been filed in more than one court before the effective date
90 of this article, the lower cost structure shall be used in calculating costs; provided, however, that
91 a party instituting a civil suit which would have been within the concurrent jurisdiction of the

92 circuit and magistrate courts prior to the effective date of this article may designate the case as
93 being one to be processed in accordance with procedures and rules appertaining before circuit
94 judges, and the court costs heretofore applicable to such cases in circuit court shall apply.—

95 ———7. Until the effective date of this article the courts of common pleas, the St. Louis court
96 of criminal corrections, the magistrate courts, the probate courts and the municipal corporation
97 courts shall continue to have the jurisdiction and power provided in the article repealed hereby
98 and provided by the laws and rules enacted thereunder, and shall continue to follow the
99 procedures as provided in such article, laws and rules.—

100 ———8. Each judge who, on the effective date of this article, becomes a circuit or associate
101 circuit judge in any circuit subject to the provisions of sections 25(a)-(g) of this article shall be
102 eligible for retention in office as a circuit or associate circuit judge respectively by filing in the
103 office of the secretary of state a declaration of candidacy for election not less than sixty days
104 prior to the holding of the general election next preceding the expiration of his term of office.
105 If a majority of those voting on the question vote against retaining him in office, upon the
106 expiration of his term of office, a vacancy shall exist which shall be filled by appointment as
107 provided in section 25(a); otherwise, said judge shall, unless removed for cause, remain in office
108 for the number of years after December thirty-first following such election as is provided for the
109 full term of such office and at the expiration of each such term shall be eligible for retention in
110 office by election in the same manner prescribed by section 25(c)(1). The secretary of state shall
111 certify the name of such judges in accordance with law or in accordance with section 25(c)(2)
112 of this article.—

113 ———9. On the effective date of this article the judges of the magistrate court and the judges
114 of the probate court in any circuit which selects judges under the nonpartisan selection of judges
115 shall become nonpartisan judges. The judges of the probate courts of the city of St. Louis and
116 all first class counties, and all second class counties with a population of over sixty-five
117 thousand, when such courts cease to exist, and the judges of the St. Louis court of criminal
118 corrections, shall become circuit judges and receive the compensation payable to circuit judges.—

119 ———9. a. The judges of all municipal corporations courts in office at the time such courts
120 cease to exist and who qualify for office under the provisions of section 21 of this article shall
121 continue in office until the expiration of the terms to which they have been elected or appointed
122 unless otherwise provided by law. When such courts cease to exist, the judges thereof who
123 continue in office shall become municipal judges and shall serve as such until their terms expire
124 or are otherwise removed. They shall receive the compensation now provided until otherwise
125 changed by law. Such compensation shall be paid by the municipality or municipalities they
126 serve. Upon the expiration of their terms, they shall become eligible for retention in office as
127 municipal judges in the same manner as now provided for the selection of municipal judges in

128 ~~the municipality they serve until otherwise provided by law. In the event the municipal judge~~
129 ~~now serving shall fail, refuse or be disqualified from continuing in office, the municipality may~~
130 ~~elect or appoint a municipal judge in the same manner as is now provided in that municipality~~
131 ~~for selection of a municipal judge unless otherwise provided by law. All expenses incidental to~~
132 ~~the functioning of municipal judges, including the cost of any staff, and their quarters shall be~~
133 ~~paid and provided by the respective municipalities as now provided for municipal courts until~~
134 ~~otherwise provided by law.]~~

135 **1.** In municipalities with a population of under four hundred thousand which do not have
136 a municipal judge or for which no municipal judge is provided by law, associate circuit judges
137 shall hear and determine violations of municipal ordinances. No associate circuit judge shall,
138 however, act as a municipal judge in any city with a population of four hundred thousand or
139 more until otherwise provided by law.

140 ~~[10. a. 1.]~~ **2.** Until otherwise provided by law, circuit clerks in each circuit and county
141 shall be selected in the same manner as provided by law on the effective date of this article,
142 except that in counties having a charter form of government, the circuit clerk shall be selected
143 in the manner as provided in the charter of such county.

144 ~~[2. Upon the expiration of the terms of office of the clerk of the circuit court for criminal~~
145 ~~causes of the city of St. Louis, and the term of the clerk of the St. Louis court of criminal~~
146 ~~correction, the offices of such clerks shall cease to exist and thereafter the clerk of the circuit~~
147 ~~court of the city of St. Louis shall have the powers and perform the duties and functions of such~~
148 ~~clerks and shall serve all divisions of the circuit court, except the courts presided over by an~~
149 ~~associate circuit judge, the judge of the probate division of the circuit court and by municipal~~
150 ~~judges.]~~

151 **3.** In any division of the circuit court presided over by an associate circuit judge, in the
152 probate division of the circuit court, and in any division presided over by a municipal judge, the
153 clerks and their deputies of the respective divisions shall continue to be selected in the same
154 manner as provided for by law on the effective date of this article until otherwise changed by
155 law.

156 **4.** There shall continue to be an office of circuit clerk in each county of the circuit, until
157 otherwise changed by law.

158 ~~[b. Upon the effective date of this article, the office of constable serving magistrate~~
159 ~~courts is abolished. The functions, powers and duties of such constables shall be transferred to~~
160 ~~and be performed by the sheriff of the county or the sheriff of the city of St. Louis.]~~

161 ~~c. Upon the effective date of this article the office of prosecuting attorney of the city of~~
162 ~~St. Louis shall be abolished and all the duties, powers, and functions of such office shall be~~

163 transferred to the circuit attorney of the city of St. Louis who shall have such powers and perform
164 such functions and duties as the prosecuting attorney of the city of St. Louis.—

165 ———d. No election shall be held in 1978 for the offices which are abolished by this subsection
166 10.—

167 ———11. The commissioners of the supreme court holding office on the effective date of this
168 article shall continue to hold office as commissioners of the court until the end of their terms,
169 and shall be eligible for reappointment thereafter from term to term under existing law until
170 retirement, death, resignation or removal for cause. Upon the occurrence of such vacancy in the
171 office of commissioner of the supreme court, such office shall cease to exist. Commissioners,
172 in addition to their regular duties, shall be subject to temporary assignment for the performance
173 of judicial duties as special judges of the supreme court, court of appeals, or circuit court on
174 order of the supreme court. During such temporary assignments, commissioners sitting as
175 special judges shall have the same powers, duties, and responsibilities as are vested by law in the
176 regular judges of the courts to which they are assigned.]

177 [12.] 5. The boundaries and territorial jurisdiction of the districts of the court of appeals
178 and of the judicial circuits as they exist on the effective date of this article shall be continued in
179 effect until such time as changed by law.

180 [13.] 6. The commission on retirement, removal and discipline and the nonpartisan
181 appellate and circuit judicial commissions in existence on the effective date of this article shall
182 continue to exist, and the terms of office for such commissions shall continue in effect.

183 [14. "Judge" as used in sections 20, 24 and 26 of this article shall include commissioners
184 of the supreme court.—

185 ———15.] 7. Nothing in this article shall deprive any person of any right or privilege to retire
186 and the retirement benefits to which he was entitled immediately prior to the effective date of
187 this article.

188 [16.] 8. A municipal corporation with a population of under four hundred thousand shall
189 have the right to enforce its ordinances and to conduct prosecutions before an associate circuit
190 judge in the absence of a municipal judge and in appellate courts under the process authorized
191 or provided by this article and shall receive and retain any fines to which it may be entitled. All
192 court costs shall be paid to and deposited monthly in the state treasury. No filing fees shall be
193 charged in such prosecutions unless and until provided for by a law enacted after the adoption
194 of this article.

195 [17.] 9. Until otherwise provided by law, the circuit courts shall continue to have
196 jurisdiction to review administrative decisions, findings, rules, and orders in the manner and
197 practice and pursuant to the laws and rules then in force at the time this article becomes effective.

198 ~~[18-]~~ **10.** All rights, claims, causes of action and obligations existing and all contracts,
199 prosecutions, recognizances and other instruments executed or entered into and all indictments,
200 informations, and complaints which shall have been filed and all actions which shall have been
201 instituted and all fines, penalties and forfeitures assessed, due or owing prior to the effective date
202 of this article shall continue to be as valid as if this article had not been adopted.

203 ~~[19-]~~ **11.** The general assembly may enact such laws and make such appropriations as
204 may be necessary to carry out the provisions of this article.

205 ~~[20-]~~ **12.** All laws and rules inconsistent with the provisions of this article shall, on the
206 effective date hereof, be and are repealed. Except to the extent inconsistent with the provisions
207 of this article, all provisions of law and rules of court in force on the effective date of this
208 amendment shall continue in effect until superseded in a manner authorized by the constitution
209 or by law.

210 ~~[21-]~~ **13.** In the event that a new district of the court of appeals is established, the judges
211 presently serving on any district of the court of appeals shall continue to be judges of the court
212 of appeals to which **elected or** appointed although they are not residents of the court of appeals
213 district in which they serve.

214 ~~[22-]~~ **14.** Until otherwise provided by law, in any cause heard and determined by an
215 associate circuit judge, the associate circuit judge shall utilize electronic, magnetic, or
216 mechanical sound or video recording devices for the purpose of preserving the record.
217 Electronic, magnetic, or mechanical recording devices shall be approved by the office of state
218 courts administrator prior to their utilization by any associate circuit judge.

219 ~~[23-]~~ **15.** Each ~~[circuit in which judges are]~~ **servicing judge previously** selected under the
220 nonpartisan court plan, on the effective date of this article, including the circuits of Platte county,
221 Clay county, and St. Louis county, shall continue ~~[under the nonpartisan court plan until and~~
222 ~~unless such method of selection of judges is discontinued by the voters of the circuit as provided~~
223 ~~by sections 25(a)-(g) of this article]~~ **to hold office until the end of his or her appointed term.**

224 ~~[24-]~~ Judges, other than municipal judges, not selected under the provisions of sections
225 25(a)-(g) of this article who on the effective date of this article or within six months thereafter,
226 are seventy years of age or older, may petition the commission on retirement, removal and
227 discipline to continue to serve until age seventy-six if he has not completed a total of twelve
228 years of service as a judge. Judges, other than municipal judges, not selected under the
229 provisions of sections 25(a)-(g) of this article who are in office on the effective date of this
230 article, may, within six months before attaining the age of seventy years, petition the commission
231 on retirement, removal, and discipline to be allowed to serve after he has attained that age until
232 age seventy-six or has completed a total of twelve years of service as a judge, whichever shall
233 first occur. If the commission finds the petitioner to be able to perform his duties and approves

234 such service, the petitioner may continue to serve as such a judge until age seventy-six if he has
235 not completed a total of twelve years of service as a judge at such age. No such judge shall be
236 permitted to serve as such a judge beyond the age of seventy-six years regardless of whether or
237 not he has completed a total of twelve years except for the purpose of completing the term to
238 which he was elected or appointed.]

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

5 “Shall the Missouri Constitution be amended to require the election of state court judges,
6 to reduce terms in office from twelve to six years for judges on the supreme, appellate, or circuit
7 courts, and lower the age requirement from thirty to twenty-eight for circuit and associate judges
8 beginning in 2020?”

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