JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

ELECTIONS DIVISION
(573) 751-2301

March 1, 2021

RECEIVED
MAR 0 1 2021
STATE AUDITORS OFFICE

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Chris Vas regarding a proposed constitutional amendment to Article V (2022-016)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Chris Vas on March 1, 2021.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

County_____
Page No._____

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2022, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

RECEIVED
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MO SEC. OF STATE

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONG. DIST.	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do | do not | (check one) expect to be paid for circulating this petition. If paid, list the payer _____

_____
Signature of Affiant (Person obtaining signatures)

_____
Address of Affiant

_____
(Printed Name of Affiant)

Subscribed and sworn to before me this _____ day of _____, A.D. 20___.

_____
Signature of Notary

Notary Public (Seal)

_____
Address of Notary

My commission expires _____

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, Article V, Sections 8, 19, 25(a), 25(c)(1), 25(c)(2), 25(d), 25(e), 25(f), and 25(g), and Article VIII, Section 23 of the Constitution of Missouri.

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

To amend Sections 8, 19, 25(a), and 25(f), and enact Sections 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 in elections conducted in the same manner as contested elections for governor.

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 association or 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. Section 1(a) and sections 25(a) through (g) shall be known as the "Missouri Plan for Judicial Fairness and Accountability."

Section 8. [The judges of the supreme court shall elect from their number a] The chief justice [to] shall preside over the supreme court en banc, and the judges of the court of appeals in each district shall elect from their number a chief judge of the district. The terms of the [chief justice and] chief judges shall be fixed by the courts over which they preside. The chief justice of the supreme court shall be the chief administrative officer of the judicial system and, subject to the supervisory authority of the supreme court, shall supervise the administration of the courts of this state.

Section 19. Judges of the supreme court, including the chief justice, and judges and of the court of appeals shall be selected for terms of [twelve] six years, judges of the circuit courts for terms of six years, and associate circuit judges for terms of four years. No supreme court judge, supreme court chief justice, or court of appeals judge shall be elected to a particular judicial seat for more than two consecutive terms.

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, supreme court chief justice, or judge of the court of appeals, it shall be promptly filled under Article IV, Section 4 of this constitution and such appointee shall hold office for the remainder of the vacating judge's term.

Section 25(c)(1). Each judge appointed to the office of circuit or associate circuit judge 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 circuit or associate circuit 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 circuit or associate circuit 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 submitted at said next general election to the voters eligible to vote [within the state if his office is that of judge of the supreme court, or within the geographic jurisdiction limit of the district where he serves if his office is that of a judge of the court of appeals, or] within the circuit if his office is that of circuit judge, or within the county if his office is that of associate circuit judge on a separate judicial ballot, without party designation, reading:

"Shall Judge .....

(Here the name of the judge shall be inserted) of the .....

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

(Mark an "X" in the box you prefer.)" If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section 25(a); otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December thirty-first following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Section 25(c)(3). Judges of the court of appeals and supreme court shall be elected at the general election by the voters eligible to vote within the appellate district of the seat being elected 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 sixth 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 provided by law for three appellate districts, a chief justice shall be elected at large and two supreme court judges shall be elected from each court of appeals district by the voters eligible to vote within that district, but if greater than three court of appeals districts are established or the geographical boundaries of the districts change such that the following divisions cannot be made, then elections for supreme court judges other than the chief justice shall be as established by law, or if no law timely establishes procedures for such elections, then elections for all supreme court seats shall be at large. Seats E1 and E2 shall be elected from the court of appeals district which includes the City of St. Louis. Seats S1 and S2 shall be elected from the court of appeals district which includes the City of

Springfield. Seats W1 and W2 shall be elected from the court of appeals district which includes the City of Kansas City. Seat CJ, the seat of the chief judge, shall be elected at large. Seats E1 and S1 shall be known as "Class 1" and elected in 2024 and every sixth successive year. Seats W1 and E2 shall be known as "Class 2" and elected in 2026 and every sixth successive year. Seats S2, W2, and the chief justice's at-large seat, CJ, shall be known as "Class 3" and elected in 2028 and every sixth successive year. A supreme court judge shall be a resident of the appellate district from which he or she is elected no later than the day of his or her election.

Section 25(c)(5). The following transition provisions shall apply: 1. Those supreme court judges holding office as of 5:00 p.m. on December 3, 2020, shall not be required to reside in any particular appellate district but on that date shall nonetheless be assigned the following seat designations for purposes of implementing elections and filling vacancies. The seat designations shall be assigned in the following order: CJ, W2, S2, E2, W1, S1, E1. First, beginning with Seat CJ, seats will be assigned to judges who have been retained by voters, starting with the judge most recently retained by voters. For judges retained at the same time, the judge having served the least time on the supreme court shall be assigned first. 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 be assigned first. 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 on or before December 8, 2022, but remained unfilled by the end of that date, these vacancies will be immediately assigned a class and seat, using the order set forth in this section until all seats through Seat E1 are filled, and in assigning seat designations to vacancies, vacancies created by a judge whose last name is first in alphabetical order will have precedence. A seat held by any judge who lost a retention election in the 2022 general election shall be treated as vacant solely for purposes of assigning a class and seat under this transition provision, even though the judge shall hold office until December 31, 2022, and the seat shall be treated as vacant for purposes of section 25(a) on January 1, 2023, and thereafter filled under the provisions of that section.
2. 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 2024 general election, court of appeals judges who were last retained in the 2016 or 2018 general elections, or the successors to vacancies left by such judges, shall stand in the 2026 general election, and court of appeals judges who were last retained in the 2020 or 2022 general elections, or the successors to vacancies left by such judges, shall stand in the 2028 general election. The candidate elected in each such election shall serve for the term prescribed by section 19, and every succeeding six years, a new election shall be held for that judicial office. Court of appeals judges first eligible for retention in the 2024 general election under the immediately prior version of section 25(c)(1), which was effective until the end of thirty days after the election adopting this section, shall stand for election in the 2024 general election. Any seat held by a court of appeals judge who loses a retention election in the 2022 general election shall be treated as vacant on January 1, 2023, and shall thereafter be filled under the provisions of section 25(a). Any law providing for additional court of appeals seats shall specify the first general election at which the seat shall be filled.
3. A supreme court or court of appeals vacancy that opened before the end of thirty days after the election adopting this section but was not yet filled as of that time and date shall be filled by the governor 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.
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 no later than 120 days before the primary election.
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. The person so nominated by a group of voters 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 appellate district, or two percent of the voters who voted in the appellate district in the last election for governor, whichever is less. 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[.] except as provided in sections 25(a)–(g). 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.