

Missouri Constitution

Selected Elections Provisions

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ARTICLE I BILL OF RIGHTS

Section 25. Elections and right of suffrage.—That all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.
Source: Const. of 1875, Art. II, Sec. 9.

ARTICLE III LEGISLATIVE DEPARTMENT

Section 8.—Term limitations for members of general assembly.—No one shall be elected or appointed to serve more than eight years total in any one house of the General Assembly nor more than sixteen years total in both houses of the General Assembly. In applying this section, service in the General Assembly resulting from an election or appointment prior to the effective date of this section shall not be counted.

(Adopted November 3, 1992)

Section 11. Time of election of senators and representatives.—The first election of senators and representatives under this constitution, shall be held at the general election in the year one thousand nine hundred and forty-six when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be elected, and two years thereafter the whole number of representatives and the senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election.

Source: Const. of 1875, Art. IV, Sec. 10.

Section 12. Members of general assembly disqualified from holding other offices.—No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. When any senator or representative accepts any office or employment under the United States, this state or any municipality thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary as senator or representative. During the term for which he was elected no senator or representative shall accept any appointive office or employment under this state which is created or the emoluments of which are increased during such term. This section shall not apply to members of the organized militia, of the reserve corps and of school boards, and notaries public.

Source: Const. of 1875, Art. IV, Sec. 12.

Section 14. Writs of election to fill vacancies.—Writs of election to fill vacancies in either house of the general assembly shall be issued by the governor.

Source: Const. of 1875, Art. IV, Sec. 14.

Section 49. Reservation of power to enact and reject laws.—The people reserve power to propose and enact or reject laws and amendments to the constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.

Source: Const. of 1875, Art. IV, Sec. 57 (Amended November 3, 1908).

Section 50. Initiative petitions—signatures required—form and procedure.—Initiative petitions proposing amendments to the constitution shall be signed by eight percent of the legal voters in each of two-thirds of the congressional districts in the state, and petitions proposing laws shall be signed by five percent of such voters. Every

such petition shall be filed with the secretary of state not less than six months before the election and shall contain an enacting clause and the full text of the measure. Petitions for constitutional amendments shall not contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, and the enacting clause thereof shall be “Be it resolved by the people of the state of Missouri that the Constitution be amended:”. Petitions for laws shall contain not more than one subject which shall be expressed clearly in the title, and the enacting clause thereof shall be “Be it enacted by the people of the state of Missouri:”.

Source: Const. of 1875, Art. IV, Sec. 57. (Amended November 3, 1998)

Section 51. Appropriations by initiative—effective date of initiated laws—conflicting laws concurrently adopted.—The initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any other purpose prohibited by this constitution. Except as provided in this constitution, any measure proposed shall take effect when approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election the one receiving the largest affirmative vote shall prevail.

Section 52(a). Referendum—exceptions—procedure.—A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.

Source: Const. of 1875, Art. IV, Sec. 57.

Section 52(b). Veto power—elections—effective date.—The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.

Source: Const. of 1875, Art. IV, Sec. 57.

Section 53. Basis for computation of signatures required.—The total vote for governor at the general election last preceding the filing of any initiative or referendum petition shall be used to determine the number of legal voters necessary to sign the petition. In submitting the same to the people the secretary of state and all other officers shall be governed by general laws.

Source: Const. of 1875, Art. IV, Sec. 57.

ARTICLE IV EXECUTIVE DEPARTMENT

Section 17. Elective state officers—time of election and terms—limitation on reelection—selection of department heads—removal and qualifications of appointive officers.—The governor, lieutenant governor, secretary of state, state treasurer and attorney general shall be

elected at the presidential elections for terms of four years each. The state auditor shall be elected for a term of two years at the general election in the year 1948, and his successors shall be elected for terms of four years. No person shall be elected governor or treasurer more than twice, and no person who has held the office of governor or treasurer, or acted as governor or treasurer, for more than two years of a term to which some other person was elected to the office of governor or treasurer shall be elected to the office of governor or treasurer more than once. The heads of all the executive departments shall be appointed by the governor, by and with the advice and consent of the senate. All appointive officers may be removed by the governor and shall possess the qualifications required by this constitution or by law.

Source: Const. of 1875, Art. V, Sec. 2. (Amended August 4, 1970)

Section 18. Election returns—board of state canvassers—time of meeting and duties—requirement for election—tie votes.—The returns of every election for governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general shall be sealed and transmitted by the returning officers to the secretary of state, who shall appoint two disinterested judges of a court of record of the state, and the three shall constitute a board of state canvassers. The board shall meet at the state capitol on, or at the call of the secretary of state before, the second Tuesday of December next after the election and forthwith open and canvass the returns of the votes cast and from the face thereof ascertain and proclaim the result of the election. The persons having the highest number of votes for the respective offices shall be declared elected, and if two or more persons have an equal and the highest number of votes for the same office, at its next regular session the general assembly, by joint vote and without delay, shall choose one of such persons for the office.

Source: Const. of 1875, Art. V, Sec. 3. (Amended November 7, 1978)

ARTICLE V JUDICIAL DEPARTMENT

Section 25(b). Adoption of plan in other circuits—petitions and elections—form of petition ballots.—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 non-partisan 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 non-partisan 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. 20.

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.

(Adopted August 3, 1976)

Section 25(c)(1). Tenure of judges—declaration of candidacy—form of judicial ballot—rejection and retention.—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 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.

(Adopted August 3, 1976) (This was Sec. 29(c)(1) prior to 1976)

Section 25(c)(2). Certification of names upon declaration—law applicable to elections.—Whenever a declaration of candidacy for election to 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 before the election certify the name of said judge or associate circuit judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

(Adopted August 3, 1976)

ARTICLE VI LOCAL GOVERNMENT

Section 18(i). Notice of special charter election.—The body canvassing election returns shall publish notice of the election at least once a week for at least three weeks in at least two newspapers of general circulation in the county, the last publication to be not more than three nor less than two weeks next preceding the election.

Section 26(a). Limitation on indebtedness of local governments without popular vote.—No county, city, incorporated town or village, school district or other political corporation or subdivision of the state shall become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, except as otherwise provided in this constitution.

Source: Const. of 1875, Art. X, Sec. 12 (Adopted November 2, 1920).

Section 26(b). Limitation on indebtedness of local government authorized by popular vote.—Any county, city, incorporated town or village or other political corporation or subdivision of the state, by vote of the qualified electors thereof voting thereon, may become indebted in an amount not to exceed five percent of the value of taxable tangible property therein as shown by the last completed assessment for state or county purposes, except that a school district by a vote of the qualified electors voting thereon may become indebted in an amount not to exceed fifteen percent of the value of such taxable tangible property. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.

Source: Const. of 1875, Art. X, Sec. 12 (as adopted November 2, 1920). (Amended August 2, 1988) (Amended April 7, 1998)

Section 26(c). Additional indebtedness of counties and cities when authorized by popular vote.—Any county or city, by a vote of the qualified electors thereof voting thereon, may incur an additional indebtedness for county or city purposes not to exceed five percent of the taxable tangible property shown as provided in section 26(b). For elections referred to in this

section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.

Source: Const. of 1875, Art. X, Sec. 12. (Amended August 2, 1988)

Section 26(d). Additional indebtedness of cities for public improvements—benefit districts—special assessments.—Any city, by vote of the qualified electors thereof voting thereon, may become indebted not exceeding in the aggregate an additional ten percent of the value of the taxable tangible property shown as provided in section 26(b), for the purpose of acquiring rights-of-way, constructing, extending and improving the streets and avenues and acquiring rights-of-way, constructing, extending and improving sanitary or storm sewer systems. The governing body of the city may provide that any portion or all of the cost of any such improvement be levied and assessed by the governing body on property benefited by such improvement, and the city shall collect any special assessments so levied and shall use the same to reimburse the city for the amount paid or to be paid by it on the bonds of the city issued for such improvement. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.

(Amended August 2, 1988)

Section 26(e). Additional indebtedness of cities for municipally owned water and light plants—limitations.—Any city, by vote of the qualified electors thereof voting thereon, may incur an indebtedness in an amount not to exceed an additional ten percent of the value of the taxable tangible property shown as provided in section 26(b), for the purpose of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city, provided the total general obligation indebtedness of the city shall not exceed twenty percent of the assessed valuation. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.

Source: Const. of 1875, Art. X, Secs. 12, 12a (as adopted November 2, 1920). (Amended August 2, 1988)

Section 26(f). Annual tax to pay and retire obligations within twenty years.—Before incurring any indebtedness every county, city, incorporated town or village, school district, or other political corporation or subdivision of the state shall provide for the collection of an annual tax on all taxable tangible property therein sufficient to pay the interest and principal of the indebtedness as they fall due, and to retire the same within twenty years from the date contracted.

Source: Const. of 1875, Art. X, Secs. 12, 12a.

Section 26(g). Contest of elections to authorize indebtedness.—All elections under this article may be contested as provided by law.

ARTICLE VII PUBLIC OFFICERS

Section 1. Impeachment—officers liable—grounds.—All elective executive officials of the state, and judges of the supreme court, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

Source: Const. of 1875, Art. VII, Sec. 1 (as amended February 26, 1924).

Section 2. Power of impeachment—trial of impeachments.—The house of representatives shall have the sole power of impeachment. All impeachments shall be tried before the supreme court, except that the governor or a member of the supreme court shall be tried by a special com-

mission of seven eminent jurists to be elected by the senate. The supreme court or special commission shall take an oath to try impartially the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the court or special commission.

Source: Const. of 1875, Art. VII, Sec. 2 (as amended February 26, 1924).

Section 3. Effect of judgment of impeachment.—Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

Source: Const. of 1875, Art. VII, Sec. 2.

Section 4. Removal of officers not subject to impeachment.—Except as provided in this constitution, all officers not subject to impeachment shall be subject to removal from office in the manner and for the causes provided by law.

Source: Const. of 1875, Art. XIV, Sec. 7.

Section 5. Election contests—executive state officers—other election contests.—Contested elections for governor, lieutenant governor and other executive state officers shall be had before the supreme court in the manner provided by law, and the court may appoint one or more commissioners to hear the testimony. The trial and determination of contested elections of all other public officers in the state, shall be by courts of law, or by one or more of the judges thereof. The general assembly shall designate by general law the court or judge by whom the several classes of election contests shall be tried and regulate the manner of trial and all matters incident thereto; but no law assigning jurisdiction or regulating its exercise shall apply to the contest of any election held before the law takes effect.

Source: Const. of 1875, Art. VIII, Sec. 8 (as amended February 26, 1924).

Section 6. Penalty for nepotism.—Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.

Source: Const. of 1875, Art. XIV, Sec. 13 (as adopted February 26, 1924).

Section 7. Appointment of officers.—Except as provided in this constitution, the appointment of all officers shall be made as prescribed by law.

Source: Const. of 1875, Art. XIV, Sec. 9.

Section 8. Qualifications for public office—nonresidents.—No person shall be elected or appointed to any civil or military office in this state who is not a citizen of the United States, and who shall not have resided in this state one year next preceding his election or appointment, except that the residence in this state shall not be necessary in cases of appointment to administrative positions requiring technical or specialized skill or knowledge.

Source: Const. of 1875, Art. VIII, Sec. 10 (as amended February 26, 1924).

Section 9. Disqualification by federal employment—exceptions.—No person holding an office of profit under the United States shall hold any office of profit in this state, members of the organized militia or of the reserve corps excepted.

Source: Const. of 1875, Art. XIV, Sec. 4.

Section 10. Equality of sexes in public service.—No person shall be disqualified from holding office in this state because of sex.

Source: Const. of 1875, Art. VIII, Sec. 11 (adopted August 2, 1921).

Section 11. Oath of office.—Before taking office, all civil and military officers in this state shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean themselves faithfully in office.

Source: Const. of 1875, Art. XIV, Sec. 6.

Section 12. Tenure of office.—Except as provided in this constitution, and subject to the right of resignation, all officers shall hold office for the term thereof, and until their successors are duly elected or appointed and qualified.

Source: Const. of 1875, Art. XIV, Sec. 5.

Section 13. Limitation on increase of compensation and extension of terms of office.—The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended.

Source: Const. of 1875, Art. XIV, Sec. 8.

Section 14. Statement of actuary required before retirement benefits substantially changed.—The legislative body which stipulates by law the amount and type of retirement benefits to be paid by a retirement plan covering elected or appointed public officials or both, shall, before taking final action of any substantial proposed change in future benefits, cause to be prepared a statement regarding the cost of such change. Such statement of cost shall be prepared by a qualified actuary with experience in retirement plan financing and such statement shall be available for public inspection. The general assembly shall provide by law applicable standards and requirements governing the preparation, content, and disposition of such statements of cost. *(Adopted August 8, 1978)*

Source: Const. of 1875, Art. VIII, Sec. 8 (as amended February 26, 1924).

ARTICLE VIII SUFFRAGE AND ELECTIONS

Section 1. Time of general elections.—The general election shall be held on the Tuesday next following the first Monday in November of each even year, unless a different day is fixed by law, two-thirds of all members of each house assenting.

Source: Const. of 1875, Art. VIII, Sec. 1 (as amended February 26, 1924).

Section 2. Qualifications of voters—disqualifications.—All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote are entitled to vote at all elections by the people, if the election is one for which registration is required if they are registered within the time prescribed by law, or if the election is one for which registration is not required, if they have been residents of the political subdivision in which they offer to vote for thirty days next preceding the election for which they offer to vote: Provided however, no person who has a guardian of his or her estate or person by reason of mental incapacity, appointed by a court of competent jurisdiction and no person who is involuntarily confined in a mental institution pursuant to an adjudication of a court of competent jurisdiction shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting.

Source: Const. of 1875, Art. VIII, Sec. 2 (as amended November 4, 1958). (Amended November 5, 1974)

Section 3. Methods of voting—secrecy of ballot—exceptions.—All elections by the people shall be by ballot or by any mechanical method prescribed by law. All election officers shall be sworn or affirmed not to disclose how any voter voted, provided, that in cases of contested elec-

tions, grand jury investigations and in the trial of all civil or criminal cases in which the violation of any law relating to elections, including nominating elections, is under investigation or at issue, such officers may be required to testify and the ballots cast may be opened, examined, counted, and received as evidence.

Source: Const. of 1875, Art. VIII, Sec. 3 (as amended February 26, 1924). (Amended August 3, 1976)

Section 4. Privilege of voters from arrest—exceptions.—Voters shall be privileged from arrest while going to, attending and returning from elections, except in cases of treason, felony or breach of the peace.

Source: Const. of 1875, Art. VIII, Sec. 4 (as amended February 26, 1924).

Section 5. Registration of voters.—Registration of voters may be provided for by law.

Source: Const. of 1875, Art. VIII, Sec. 5 (as amended February 26, 1924).

Section 6. Retention of residence for voting purposes.—For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while engaged in the civil or military service of this state or of the United States, or in the navigation of the high seas or the waters of the state or of the United States, or while a student of any institution of learning, or kept in a poor house or other asylum at public expense, or confined in public prison.

Source: Const. of 1875, Art. VIII, Sec. 7 (as amended February 26, 1924).

Section 7. Absentee voting.—Qualified electors of the state who are absent, whether within or without the state, may be enabled by general law to vote at all elections by the people.

Source: Const. of 1875, Art. VIII, Sec. 9 (as amended February 26, 1924).

Section 15. Preamble.—The people of Missouri hereby state our intention that this initiative lead to the adoption of the following U.S. Constitutional Amendment.

(Adopted November 5, 1996)

ARTICLE XII AMENDING THE CONSTITUTION

Section 2(b). Submission of amendments proposed by general assembly or by the initiative.—All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.

Source: Const. of 1875, Art. XV, Sec. 2 (as amended November 2, 1920).