

Missouri Constitution



Basic Overview

- Remember, the Federal Government (also known as the National Government) is based in Washington, D.C.
- State Governments are based in each state's capitol city
 - Jefferson City, Missouri
- Just like with the federal government, state governments have 3 branches
 - The legislative branch makes the laws
 - The executive branch enforces the laws
 - The judicial branch interprets the laws



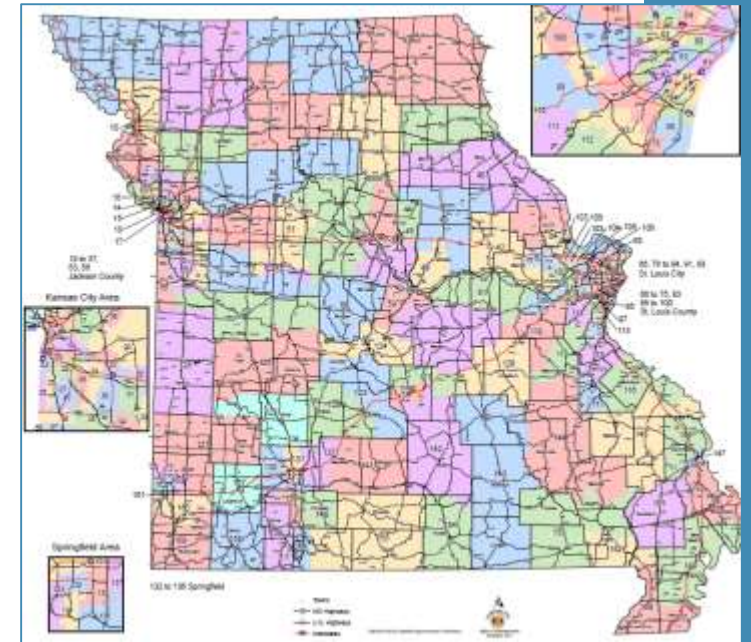
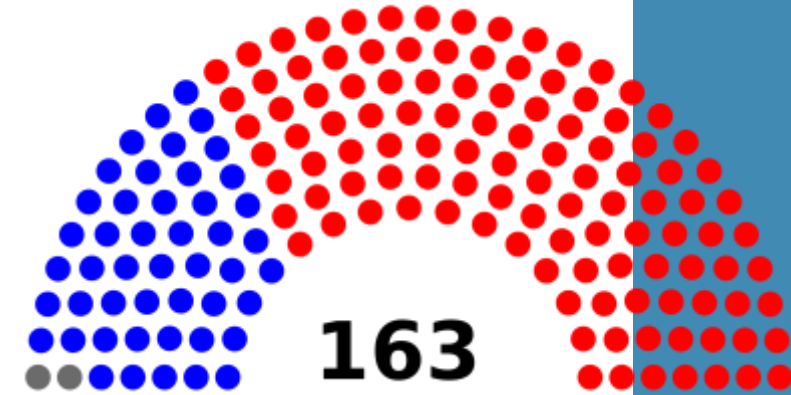
The Legislative Branch

- The legislative (lawmaking) powers in Missouri are vested in what's called the **General Assembly**.
- The **General Assembly** is a **bicameral, or two-house, body** consisting of a **House of Representatives** and a **Senate**. (just like the federal government)



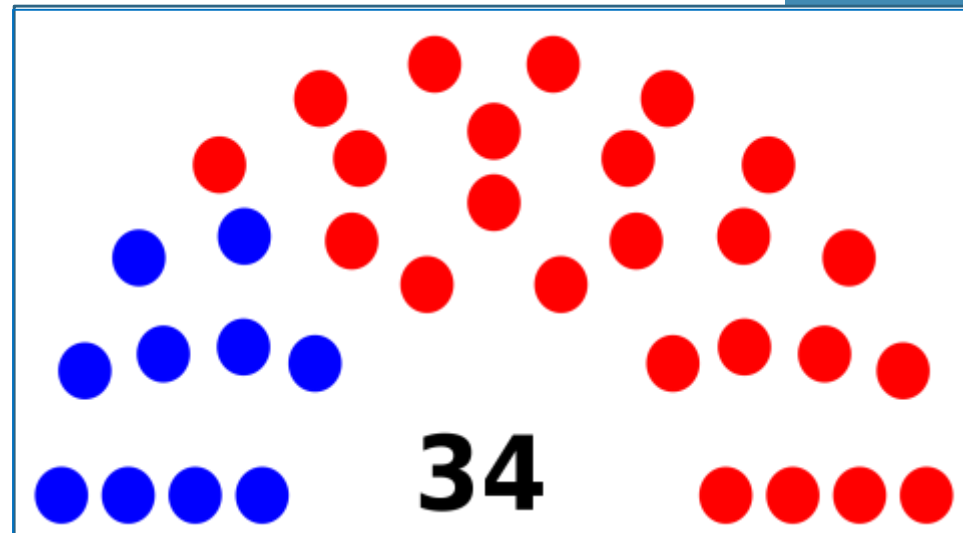
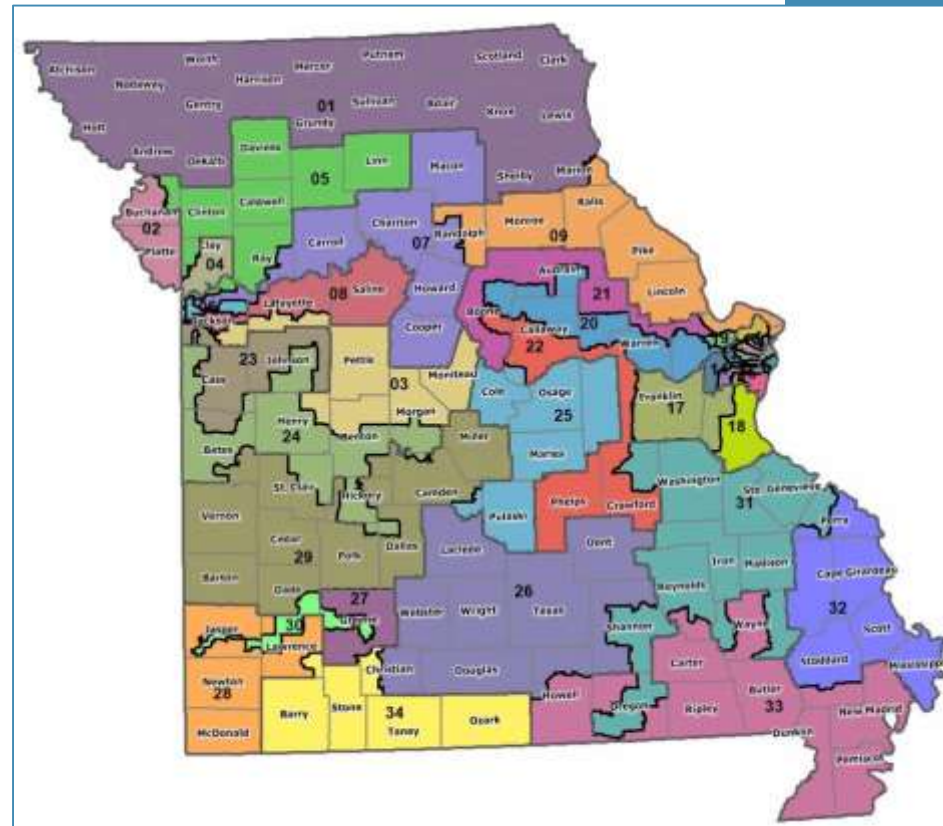
The House of Representatives

- There are **163 members** in the House, and each of them is elected for a **two-year term** from one of the state's 163 representative districts.
- All **districts must contain close to the same number of inhabitants** so that every citizen is equally represented.
- To be elected to the House of Representatives, a person must
 - **1) be at least twenty-four years old and**
 - **2) have been a qualified voter of the state for two years.**
- In addition, any candidate for the office of state representative **must have lived in the district which he or she represents for at least one year prior to their selection.**



The Senate

- The **Senate** has **34** members elected for **four-year terms**.
- Each senator represents one of the state's **34 senatorial districts** which, like the house districts, are approximately equal in population.
- **One-half of the members of the Senate are elected at the general election every two years.**
- **To be elected to the Missouri Senate, a person**
 - **1) must be at least thirty years old**
 - **2) must have been a qualified voter of the state for three years.**
- In addition, any candidate for the office of state senator must have **lived in the district which he or she represents** for at least one year prior to their election.



Major Offices of the General Assembly

- The **House of Representatives** chooses a **Speaker of the House** to **preside** over its sessions.
- The **lieutenant governor** is the **presiding officer** in the Senate
- The senators also elect a **president pro-tem** to manage their **proceedings**.



Elijah Haahr
MO Speaker of the House



Mike Kehoe
MO Lieutenant Governor



Dave Schatz
MO President Pro Tem

The Executive Branch of Missouri

- Includes the following elected officers
 - The governor
 - Lieutenant governor
 - Secretary of State
 - Treasurer
 - Attorney General
 - State Auditor
- In addition to the elected officials, the executive branch also includes a number of administrative departments.
 - Currently 13 major departments and an Office of Administration



Executive Branch


Governor

State Auditor

Attorney
General

Lieutenant
Governor

State Treasurer

Secretary of State

Office of Administration
Departments

Agriculture

Labor

Conservation

Mental Health

Corrections

Natural Resources

Economic
Development

Public Safety

Elem. & Secondary
Education

Revenue

Health &
Senior Services

Social Services

Higher Education

Transportation

Insurance

The Governor

- Serves as the Chief Executive of the State of Missouri
- The governor must
 - 1) be at least thirty years old and
 - 2) must have been a citizen of the United States for at least fifteen years and
 - 3) be a resident of Missouri for at least ten years immediately before his or her election.
- Missouri's voters elect the governor for a four-year term.
- The governor can succeed himself, but no person can be elected to serve no more than two terms as governor.
- Current Governor: Mike Parson (Republican)



Powers and Duties of the Governor

- Makes appointments, with consent of Senate
- The governor is the commander-in-chief of the state militia or National Guard and may call upon it to enforce the laws, to suppress actual or threatened insurrections, and to repel invasions.
- Grant reprieves, commutations, and pardons for state crimes
- Annual message about the condition of the state government.
- Recommends to the General Assembly any measures he or she thinks are needed.
- Can call the General Assembly into special session at any time
- *Seeing any comparisons here???*



Lieutenant Governor

- Must meet the same qualifications as the governor.
- The lieutenant governor serves as president of the state senate, but he or she can vote in that body only in cases of a tie vote.
- Chief executive of state when governor is out of state or unable to perform duties
- Like the governor, the lieutenant governor is elected by the people for a four-year term.
- Currently: Mike Kehoe (Republican)
- *Again, seeing any similarities???*



Secretary of State

- State's official record keeper.
- Also serves as the state's **chief election official**, publishes the Official Manual, and supervises certain laws governing Missouri corporations.
- The secretary of state serves a four-year term and may be reelected.
- Currently: John “Jay” Ashcroft (Republican)



Treasurer

- Responsible for all state funds, and must keep an accurate record of all state revenues and moneys received and see that they are properly invested.
- The treasurer is elected for a four-year term, but as in the case of the governor, the treasurer is limited to two terms in office.
- Currently: Scott Fitzpatrick (Republican)



State Auditor

- Charged with reviewing the financial practices of the state and its various agencies.
- Also must conduct an annual audit of the state treasury and audit the accounts of all state agencies.
- An audit is an official examination of accounts to verify that they are accurate.
- The auditor also has authority to conduct audits of local governments in the state.
- The auditor serves a four-year term and is eligible for reelection.
- Currently: Nicole Galloway (Democrat)



Attorney General

- The attorney general is the state's chief legal officer.
- Although the constitution does not define the attorney general's duties, traditionally that office provides state officials with legal advice and opinions, and its staff represents the state in court cases involving the state.
- The attorney general is elected for a four-year term and may be reelected.
- Currently: Eric Schmitt (Republican)



Executive Departments

- | | |
|---|--|
| <ul style="list-style-type: none">• Office of Administration<ul style="list-style-type: none">• Assists Governor in planning/budgeting• Department of Agriculture• Department of Conservation<ul style="list-style-type: none">• protect and manage the fish, forest, and wildlife resources of the state• Department of Revenue<ul style="list-style-type: none">• tax, motor vehicle, and driver licensing needs• Department of Highways and Transportation<ul style="list-style-type: none">• Roads and infrastructure• Department of Consumer Affairs, Regulation, and Licensing<ul style="list-style-type: none">• oversight of the insurance industry, banks, credit unions, various professional licensees and various utilities operating in MO• Department of Social Services<ul style="list-style-type: none">• Family services | <ul style="list-style-type: none">• Department of Mental Health<ul style="list-style-type: none">• Prevention, Treatment/Habilitation and Promotion of Public Understanding for Missourians with mental illnesses, developmental disabilities, and addictions• Department of Elementary and Secondary Education<ul style="list-style-type: none">• K-12 Education• Department of Higher Education<ul style="list-style-type: none">• College and workforce development• Department of Natural Resources<ul style="list-style-type: none">• protects our air, land, water, and mineral resources; preserves our unique natural and historic places• Department of Labor and Industrial Relations<ul style="list-style-type: none">• promote industry and labor and protect the rights and safety of Missouri's workforce.• Department of Public Safety<ul style="list-style-type: none">• Law enforcement• Department of Corrections<ul style="list-style-type: none">• Supervises prisons, probation, parole |
|---|--|

The Judicial Branch

- The judicial branch **interprets the laws and settles disputes** involving those laws.
- The Missouri Constitution provides for a system of courts to carry out the judicial functions.



Civil and Criminal Cases

- **Civil cases** involve differences of opinion that arise between persons.
 - In a civil case the party claiming to have been wronged (the injured party) must, in most instances, bring suit to initiate court action seeking a redress of grievances or an award of monetary damages.
- **Criminal cases** involve violations of the state's criminal laws.
 - Criminal acts are often divided into two categories. Major or serious crimes such as murder, rape, or bank robbery are classified as felonies, while minor criminal acts such as disturbing the peace or violating a traffic law are called misdemeanors.



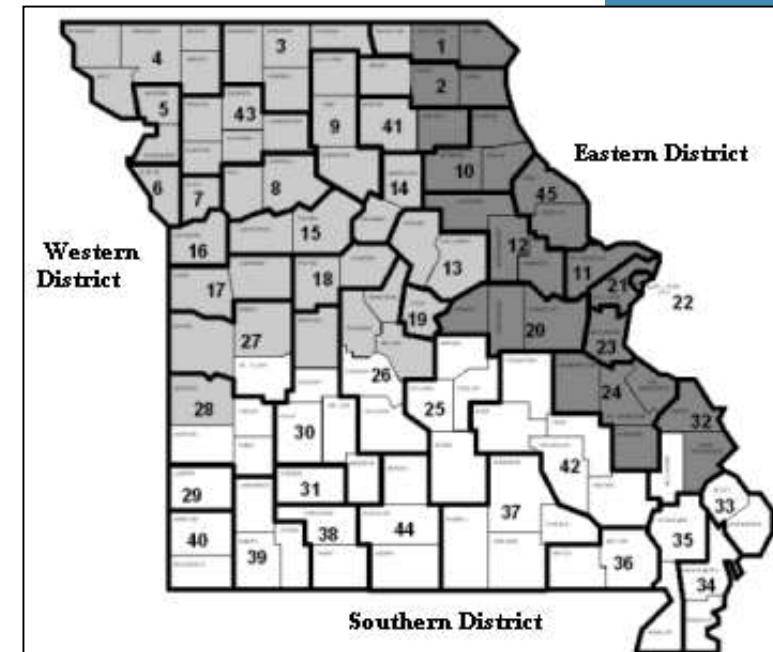
Missouri's Court System Structure

- Article V of the Missouri Constitution outlines the structure and organization of the state's court system.
- It says that, "The judicial power of the state shall be vested in a supreme court, a court of appeals consisting of districts as prescribed by law, and circuit courts."
- Most civil and criminal cases originate in the circuit courts, but the decisions handed down in those courts can be appealed to the higher courts in the state.



Circuit Courts

- The constitution grants the state circuit courts **original jurisdiction over all civil and criminal cases.**
 - **Authority to hear a case for the first time**
 - **Appellate jurisdiction (root word: Appeal) is the authority to hear cases that have been appealed**
- At the present time the state is divided into forty-five judicial circuits.
- Each circuit must have at least one judge.
- Most circuit judges are elected by the voters in their respective judicial circuits in the general election.



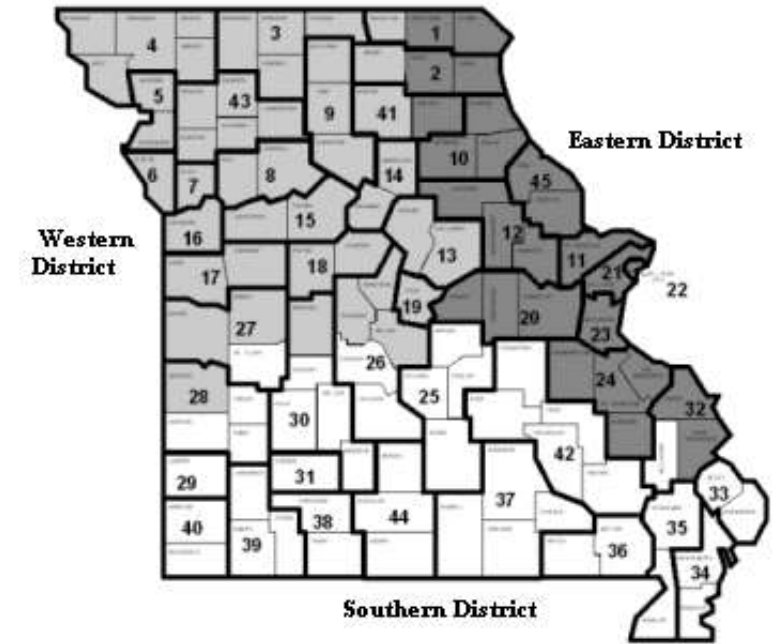
The Court of Appeals is divided into three districts: Eastern, Southern, and Western. Each district handles cases within its geographical area or jurisdiction. Each web page lists the counties within the district's jurisdiction.

Associate Circuit Judges

- The constitution provides that each county shall have one or more resident associate circuit judges.
- Associate circuit judges are assigned to hear cases involving misdemeanors, minor civil matters, and probate business.
- Associate circuit judges serve four-year terms.

Court of Appeals

- **The court of appeals is the state's second highest court.**
- Currently, there are three districts with court sessions held in St. Louis, Kansas City, and Springfield.
- **The court of appeals reviews cases on appeal from lower courts.**
- Court of appeals judges serve twelve-year terms and are selected under the nonpartisan plan (more on that soon).



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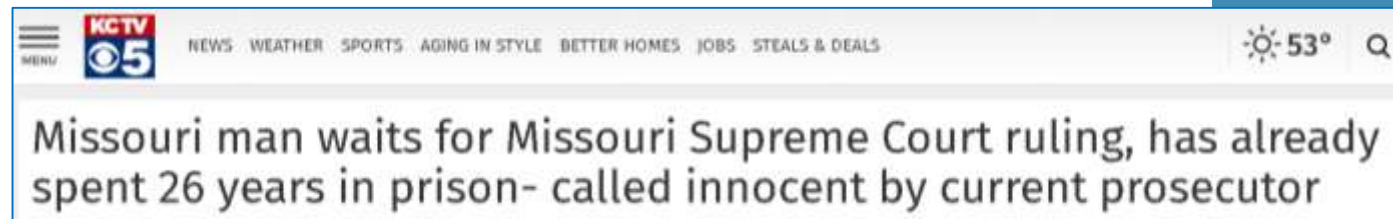
The Supreme Court

- **The supreme court is the state's highest court.**
- **It decides cases that come before it on appeal or transfer from the lower courts.**
- **There are 7 judges on the supreme court.**
- Supreme court justices are selected for twelve-year terms according to the provisions of the Missouri nonpartisan plan.
 - Appellate Judicial Commission submits the names of three nominees to the Governor
 - If the Governor doesn't make an appointment within 60 days of the nominees being named, the Commission makes it
 - Once the judge has served for at least a year, he or she is placed on the general election ballot for a retention vote by the people. If retained, judges serve a term of 12 years.
 - Judges must retire by the age of 70



Cases the Supreme Court Hears

- The MO Supreme Court of Missouri has exclusive jurisdiction – the sole legal power to hear – five types of cases on appeal:
 - The validity of a United States statute or treaty.
 - The validity of a Missouri statute or constitutional provision.
 - The state's revenue laws.
 - Challenges to a statewide elected official's right to hold office.
 - Imposition of the death penalty.
- Other appeals are reviewed by the Missouri Court of Appeals.
 - Most of these cases involve routine legal questions and end there instead of making their way all the way up to the Supreme Court.
- Their process for choosing a case is similar to how SCOTUS picks them
 - Certain cases can be transferred from the appeals court to the Supreme Court at the Court's discretion if it determines that a question of major general interest or importance is involved, that the laws should be reexamined, or that the lower court's decision conflicts with an earlier appellate decision.



Basic Qualifications for a Judge

- All supreme court, court of appeals, circuit, and associate circuit judges must be licensed to practice law in Missouri.



Other Courts

- In addition to the courts already mentioned, the constitution authorizes the General Assembly to make provisions for municipal or city courts.
- Like all other courts in the state, the municipal courts are subject to the general administrative control and supervision of the Missouri Supreme Court.

