

SECOND REGULAR SESSION

# SENATE BILL NO. 653

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLAY.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2755S.011

## AN ACT

To repeal sections 84.030, 84.070, 84.080, 115.027, 115.029, 115.033 and 115.037, RSMo 1994, relating to the appointment of certain boards, and to enact in lieu thereof seven new sections relating to the same subject.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 84.030, 84.070, 84.080, 115.027, 115.029, 115.033 and 115.037, RSMo 1994, are repealed and seven new sections enacted in lieu thereof, to be known as sections 84.030, 84.070, 84.080, 115.027, 115.029, 115.033 and 115.037, to read as follows:

84.030. Beginning on January 9, 1989, the governor of the state of Missouri, by and with the advice and consent of the senate, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors **appointed after August 28, 2000**, shall each be appointed **by the mayor, by and with the advice and consent of the board of aldermen** for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of [original] **successor** appointments. The [governor] **mayor** shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

commissioner expires, the appointment of [his] **their** successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.

84.070. A majority of the boards of police shall constitute a quorum; and the failure or refusal of the mayor or acting mayor of said cities to qualify or act hereunder shall in no wise impair the right or duty of said commissioners to organize and proceed as herein provided in sections 84.010 to 84.340. In case a vacancy shall occur on said board, the same shall be filled by the [governor of the state of Missouri] **mayor** forthwith, after having been notified that such vacancy exists.

84.080. Any one of said commissioners, who, during [his] **their** term of office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining same within twenty days succeeding such nomination, or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to thereby forfeit or vacate [his] **their** office. Any of said commissioners may be removed by the [governor of the state of Missouri] **mayor** upon [his] being fully satisfied that the commissioner is guilty of any official misconduct.

115.027. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate, **except in a city not within a county where the members shall be appointed by the mayor with the advice and consent of the board of aldermen.** Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the [governor] **appointing executive** shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

115.029. 1. In each county of the first class containing the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on April 21, 1982, for a term of four years and until his **or her** successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

2. In each county containing a portion but not the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on June 15, 1981, for a term of four years and until his **or her** successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn. The first two election commissioners appointed

after May 10, 1994, shall be appointed for terms of two years and until their successors are appointed, confirmed and sworn. One of those appointed to a two-year term shall be a member of one major political party and one shall be a member of the other major political party. The next two election commissioners appointed, and all successors, shall be appointed for terms of four years and until their successors are appointed, confirmed and sworn.

3. In all other cities and counties which have or hereafter have a board of election commissioners, each commissioner's term of office shall coincide with the term of the [governor] **appointing executive** who appoints him **or her** and until the commissioner's successor is appointed, confirmed and sworn.

115.033. Before entering upon his duties, each commissioner shall take and subscribe an oath to support the Constitution of the United States and of this state and to [demean himself] **conduct themselves** faithfully and impartially in office. Before entering upon his **or her** duties, each commissioner shall give bond to the state in the sum of ten thousand dollars, with security to be approved by the [governor] **appointing executive**, conditioned for the faithful and honest performance of his **or her** duties and the care and preservation of the board's property. Not later than thirty days after a commissioner is sworn, his **or her** oath and bond shall be filed with the secretary of state.

115.037. Any commissioner may be removed by the [governor] **appointing executive** for misconduct in office. Before removing a commissioner, the [governor] **appointing executive** shall notify the commissioner in writing of all charges against him **or her**. Not less than ten days after so notifying a commissioner, the [governor] **appointing executive** shall give the commissioner an opportunity to be publicly heard in person or by counsel in his defense. If a vacancy on any board occurs for any reason, the [governor] **appointing executive** shall, with the advice and consent of the senate **or board of aldermen as provided for in section 115.027**, appoint a new commissioner to serve the unexpired term. The new commissioner shall be a member of the same political party as the commissioner [he is appointed to replace] **being replaced**.

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