

FIRST REGULAR SESSION

SENATE BILL NO. 122

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Pre-filed December 17, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0727S.011

AN ACT

To amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

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

Section A. Chapter 190, RSMo, is amended by adding thereto one new section, to be known as section 190.056, to read as follows:

190.056. 1. Each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.

2. Proceedings may not be commenced against any member if, at the time of commencement, such member:

(1) Has not held office during his or her current term for a period of more than one hundred eighty days; or

(2) Has one hundred eighty days or less remaining in his or her term; or

(3) Has had a recall election determined in his or her favor within the current term of office.

3. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115, RSMo. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:

(1) The name of the board member sought to be recalled;

(2) A statement, not exceeding two hundred words in length, of

22 the reasons for the proposed recall; and

23 (3) The names and business or residential addresses of at least
24 one but not more than five proponents of the recall.

25 4. Within seven days after the filing of the notice of intention,
26 the board member may file with the election authority a statement, not
27 exceeding two hundred words in length, in answer to the statement of
28 the proponents. If an answer is filed, the board member shall also
29 serve a copy of it, personally or by certified mail, on one of the
30 proponents named in the notice of intention. The statement and
31 answer are intended solely to be used for the information of the voters.
32 No insufficiency in form or substance of such statements shall affect
33 the validity of the election proceedings.

34 5. Before any signature may be affixed to a recall petition, the
35 petition is required to bear all of the following:

36 (1) A request that an election be called to elect a successor to the
37 board member;

38 (2) A copy of the notice of intention, including the statement of
39 grounds for recall;

40 (3) The answer of the board member sought to be recalled, if any
41 exists. If the board member has not answered, the petition shall so
42 state; and

43 (4) A place for each signer to affix his or her signature, printed
44 name and residential address, including any address in a city, town,
45 village, or unincorporated community.

46 6. Each section of the petition, when submitted to the election
47 authority, shall have attached to it an affidavit signed by the person
48 circulating such section, setting forth all of the following:

49 (1) The printed name of the affiant;

50 (2) The residential address of the affiant;

51 (3) That the affiant circulated that section and saw the appended
52 signatures be written;

53 (4) That according to the best information and belief of the
54 affiant, each signature is the genuine signature of the person whose
55 name it purports to be;

56 (5) That the affiant is a registered voter of the election district
57 of the board member sought to be recalled; and

58 (6) The dates between which all the signatures to the petition

59 were obtained.

60 7. A recall petition shall be filed with the election authority not
61 more than one hundred eighty days after the filing of the notice of
62 intention.

63 8. The number of qualified signatures required in order to recall
64 a board member shall be equal in number to at least twenty-five
65 percent of the number of voters who voted in the most recent
66 gubernatorial election in such election district.

67 9. Within twenty days from the filing of the recall petition the
68 election authority shall determine whether or not the petition was
69 signed by the required number of qualified signatures. The election
70 authority shall file with the petition a certificate showing the results
71 of the examination. The election authority shall give the proponents a
72 copy of the certificate upon their request.

73 10. If the election authority certifies the petition to be
74 insufficient, it may be supplemented within ten days of the date of
75 certification by filing additional petition sections containing all of the
76 information required by this section. Within ten days after the
77 supplemental copies are filed, the election authority shall file with
78 them a certificate stating whether or not the petition as supplemented
79 is sufficient.

80 11. If the certificate shows that the petition as supplemented is
81 insufficient, no action shall be taken on it; however, the petition shall
82 remain on file.

83 12. If the election authority finds the signatures on the petition,
84 together with the supplementary petition sections, if any, to be
85 sufficient, it shall submit its certificate as to the sufficiency of the
86 petition to the ambulance district board of directors prior to its next
87 meeting. The certificate shall contain:

- 88 (1) The name of the member whose recall is sought;
89 (2) The number of signatures required by law;
90 (3) The total number of signatures on the petition; and
91 (4) The number of valid signatures on the petition.

92 13. Following the ambulance district board's receipt of the
93 certificate, the election authority shall order an election to be held on
94 one of the election days specified in section 115.123, RSMo. The
95 election shall be held not less than forty-five days but not more than

96 one hundred twenty days from the date the ambulance district board
97 receives the petition. Nominations for board membership openings
98 under this section shall be made by filing a statement of candidacy with
99 the election authority.

100 14. At any time prior to forty-two days before the election, the
101 member sought to be recalled may offer his or her resignation. If his
102 or her resignation is offered, the recall question shall be removed from
103 the ballot and the office declared vacant. The member who resigned
104 shall not fill the vacancy, which shall be filled as otherwise provided
105 by law.

106 15. The provisions of chapter 115, RSMo, governing the conduct
107 of elections shall apply, where appropriate, to recall elections held
108 under this section. The costs of the election shall be paid as provided
109 in chapter 115, RSMo.

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Bill

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