

FIRST REGULAR SESSION

# SENATE BILL NO. 59

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0285S.011

## AN ACT

To repeal sections 21.110, 28.190, 29.280, 30.060, and 105.050, RSMo, and to enact in lieu thereof seven new sections relating to vacancies in certain public offices.

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

Section A. Sections 21.110, 28.190, 29.280, 30.060, and 105.050, RSMo, are  
2 repealed and seven new sections enacted in lieu thereof, to be known as sections  
3 21.110, 26.018, 27.016, 28.190, 29.280, 30.060, and 105.050, to read as follows:

21.110. If the governor receives any resignation or notice of vacancy, or  
2 if he is satisfied of the death of any member of either house, during the recess,  
3 he shall, [without delay] **within thirty days**, issue a writ of election to supply  
4 the vacancy.

**26.018. In case of death, resignation, removal from  
2 office, conviction after impeachment, or vacancy from any cause in the  
3 office of lieutenant governor, the governor shall, within thirty days,  
4 issue a writ of election to fill the vacancy for the remainder of the term  
5 in which such vacancy occurred and until the successor is  
6 elected, commissioned, and qualified. Such election shall be held, at  
7 the next general election. The candidates for the election shall be  
8 nominated and placed on the ballot in accordance with the provisions  
9 of sections 115.305 to 115.405. In the case of impeachment, the office  
10 shall remain vacant until such impeachment is determined. If  
11 acquitted, the lieutenant governor shall be reinstated in office.**

**27.016. In case of death, resignation, removal from office,  
2 impeachment, or vacancy from any cause in the office of attorney**

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

3 **general, the governor shall immediately appoint a qualified person to**  
4 **fill such vacancy until a successor is duly elected at the next general**  
5 **election, commissioned, and qualified to fill the office for the remainder**  
6 **of the term in which the vacancy occurred; and the governor shall take**  
7 **charge of the office and superintend its business until such person is**  
8 **appointed, commissioned, and qualified; except that in cases of**  
9 **impeachment, the governor shall appoint a qualified person to serve**  
10 **only until such impeachment is determined, when the suspended**  
11 **officer, if acquitted, shall be reinstated in office, or if the suspended**  
12 **officer is convicted, a new appointment shall be made by the governor**  
13 **in the manner provided in this section.**

28.190. In case of death, resignation, removal from office, impeachment  
2 or vacancy from any cause in the office of secretary of state, the governor shall  
3 immediately appoint a qualified person to fill such vacancy [for the remainder of  
4 the term in which such vacancy occurred and until his] **until a successor is duly**  
5 **elected [or appointed] at the next general election,** commissioned and  
6 **qualified to fill the office for the remainder of the term in which the**  
7 **vacancy occurred;** and the governor shall take charge of the office and  
8 superintend its business until such person is appointed, commissioned and  
9 qualified; except that in case of impeachment, the governor shall appoint a  
10 qualified person to serve only until such impeachment is determined, when the  
11 suspended officer, if acquitted, shall be reinstated in office, or if the suspended  
12 officer is convicted, a new appointment shall be made by the governor [as in the  
13 case of other vacancies] **in the manner provided in this section.**

29.280. [When a vacancy occurs in the office of state auditor the governor  
2 shall immediately appoint an auditor to fill such vacancy for the residue of the  
3 term in which the vacancy occurred, and until his successor is elected or  
4 appointed, commissioned and qualified.] **In case of death, resignation,**  
5 **removal from office, impeachment, or vacancy from any cause in the**  
6 **office of state auditor, the governor shall immediately appoint a**  
7 **qualified auditor to fill such vacancy until a successor is duly elected**  
8 **at the next general election, commissioned, and qualified to fill the**  
9 **office for the remainder of the term in which the vacancy occurred; and**  
10 **the governor shall take charge of the office and superintend its**  
11 **business until such person is appointed, commissioned and qualified;**  
12 **except that in cases of impeachment, the governor shall appoint a**

13 **qualified person to serve only until such impeachment is determined,**  
14 **when the suspended officer, if acquitted, shall be reinstated in office,**  
15 **or if the suspended officer is convicted, a new appointment shall be**  
16 **made by the governor in the manner provided in this section.**

30.060. [In case of death, resignation, removal from office, impeachment  
2 or vacancy from any cause, in the office of the state treasurer, the governor shall  
3 take charge of such office and superintend the business thereof until a successor  
4 is appointed, commissioned and qualified except in case of impeachment, when  
5 no appointment shall be made until a determination of the matter is had, when,  
6 in the event of an acquittal, the suspended officer shall be reinstated in office.]  
7 **In case of death, resignation, removal from office, impeachment, or**  
8 **vacancy from any cause in the office of state treasurer, the governor**  
9 **shall immediately appoint a qualified person to fill such vacancy until**  
10 **a successor is duly elected at the next general election, commissioned,**  
11 **and qualified to fill the office for the remainder of the term in which**  
12 **the vacancy occurred; and the governor shall take charge of the office**  
13 **and superintend its business until such person is appointed,**  
14 **commissioned, and qualified; except that in cases of impeachment, the**  
15 **governor shall appoint a qualified person to serve only until such**  
16 **impeachment is determined, when the suspended officer, if acquitted,**  
17 **shall be reinstated in office, or if the suspended officer is convicted, a**  
18 **new appointment shall be made by the governor in the manner**  
19 **provided in this section.**

105.050. If any vacancy shall happen from any cause in the office of [the  
2 attorney general, circuit attorney, prosecuting attorney or assistant] **circuit or**  
3 prosecuting attorney, the governor, upon being satisfied that such vacancy exists,  
4 shall appoint some competent person to fill the same until the next [regular]  
5 **general** election [for attorney general, prosecuting attorney or assistant  
6 prosecuting attorney, as the case may be]; provided, in the case of a vacancy in  
7 the office of prosecuting attorney, if there is no qualified person in the county who  
8 can or will accept such appointment, then the governor may appoint any person  
9 who possesses all the qualifications set forth in section 56.010, except the  
10 qualification as to residence.

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