

FIRST REGULAR SESSION

SENATE BILL NO. 75

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0704S.011

AN ACT

To repeal section 105.030, RSMo, and to enact in lieu thereof one new section relating to vacancies in county elected offices.

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

Section A. Section 105.030, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 105.030, to read as follows:

105.030. 1. Whenever any vacancy, caused in any manner or by any
2 means whatsoever, occurs or exists in any state or county office originally filled
3 by election of the people, other than in the offices of lieutenant governor, state
4 senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the
5 vacancy shall be filled by appointment by the governor except that when a
6 vacancy occurs in the office of county assessor after a general election at which
7 a person other than the incumbent has been elected, the person so elected shall
8 be appointed to fill the remainder of the unexpired term; and the person
9 appointed after duly qualifying and entering upon the discharge of his duties
10 under the appointment shall continue in office until the first Monday in January
11 next following the first ensuing general election, at which general election a
12 person shall be elected to fill the unexpired portion of the term, or for the ensuing
13 regular term, as the case may be, and the person so elected shall enter upon the
14 discharge of the duties of the office the first Monday in January next following
15 his election, except that when the term to be filled begins on any day other than
16 the first Monday in January, the appointee of the governor shall be entitled to
17 hold the office until such other date.

18 **2. (1) Notwithstanding subsection 1 of this section or any other**
19 **provision of law to the contrary, when any vacancy, caused in any**
20 **manner or by any means whatsoever, occurs or exists in any county**

21 office, the county commission of all noncharter counties shall
22 immediately fill the vacancy by appointment, and the person so
23 appointed by the county commission after duly qualifying and entering
24 upon the discharge of his or her duties under the appointment shall
25 continue in office until the governor fills the vacancy by appointment
26 under subsection 1 of this section or until the vacancy is filled by
27 operation of another provision of law.

28 (2) In any county with only two county commissioners, if the
29 commissioners cannot agree upon an appointee, the presiding
30 commissioner shall fill the appointment required under subdivision (1)
31 of this subsection.

32 3. The provisions of this section shall not apply to:

33 (1) Vacancies in county offices in any county which has adopted a charter
34 for its own government under Section 18, Article VI of the Constitution; or

35 (2) Vacancies in the office of any prosecuting attorney or circuit
36 attorney.

37 4. Any vacancy in the office of recorder of deeds in the city of St. Louis
38 shall be filled by appointment by the mayor of that city.

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