

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 54
99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

0538S.05C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 105.030, RSMo, and to enact in lieu thereof one new section relating to vacancies in certain 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Section A. Section 105.030, RSMo, is repealed and one new section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] **any** city [of St.
5 Louis] **not within a county**, the vacancy shall be filled by appointment by the
6 governor [except that when a vacancy occurs in the office of county assessor after
7 a general election at which a person other than the incumbent has been elected,
8 the person so elected shall be appointed to fill the remainder of the unexpired
9 term; and], **unless otherwise provided by law.**

10 2. The person appointed after duly qualifying and entering upon the
11 discharge of his **or her** duties under the appointment shall continue in office
12 until the first Monday in January next following the first ensuing general
13 election, at which general election a person shall be elected to fill the unexpired
14 portion of the term, or for the ensuing regular term, as the case may be, and the
15 person so elected shall enter upon the discharge of the duties of the office the
16 first Monday in January next following his **or her** election[, except that when the
17 term to be filled begins on any day other than the first Monday in January, the

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

18 appointee of the governor shall be entitled to hold the office until such other
19 date].

20 **3. (1) Notwithstanding subsection 1 of this section or any other**
21 **provision of law to the contrary, when any vacancy, caused in any**
22 **manner or by any means whatsoever, occurs or exists in any county**
23 **office, the county commission shall no later than fourteen days after**
24 **the occurrence of the vacancy, fill the vacancy by appointment, and the**
25 **person so appointed by the county commission after duly qualifying**
26 **and entering upon the discharge of his or her duties under the**
27 **appointment shall continue in office until the governor fills the vacancy**
28 **by appointment under subsection 1 of this section or until the vacancy**
29 **is filled by operation of another provision of law.**

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

34 **4. The provisions of this section shall not apply to:**

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

37 **(2) Vacancies in the office of any associate circuit judge, circuit**
38 **clerk, prosecuting attorney, or circuit attorney.**

39 **5. Any vacancy in the office of recorder of deeds in [the] any city [of St.**
40 **Louis] not within a county shall be filled by appointment by the mayor of that**
41 **city.**

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