

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 1428

AN ACT

To repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to vacancies in elected offices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 49.060 and 105.030, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 49.060 and 105.030, to read as follows:

4 49.060. 1. When a vacancy shall occur in the office of a
5 county commissioner, the vacancy shall at once be certified by
6 the clerk of the commission to the governor[, who shall fill such
7 vacancy with a person who resides in the district at the time the
8 vacancy occurs, as provided by law].

9 2. If at the time the vacancy occurs there is less than one
10 year remaining in the unexpired term, the vacancy shall be filled
11 as provided in section 105.030, except that the vacancy shall be
12 filled within sixty days.

13 3. If at the time the vacancy occurs there is one year or
14 more remaining in the unexpired term, it shall be the duty of the
15 governor to fill such vacancy within sixty days by appointing, by
16 and with the advice and consent of the senate subject to the
17 provisions of article IV, section 51 of the Missouri
18 constitution, some eligible person to said office who shall
19 discharge the duties thereof until the swearing in of his or her

1 successor after the next general election, at which time a
2 commissioner shall be chosen for the remainder of the term, who
3 shall hold such office until a successor is duly elected and
4 qualified, unless sooner removed.

5 4. This section shall not apply to any county which has
6 adopted a charter for its own government under article VI,
7 section 18 of the Missouri constitution.

8 105.030. 1. Whenever any vacancy, caused in any manner or
9 by any means whatsoever, occurs or exists in any state or county
10 office originally filled by election of the people, other than in
11 the offices of lieutenant governor, state senator or
12 representative, sheriff, or recorder of deeds in the city of St.
13 Louis, the vacancy shall be filled by appointment by the governor
14 [except that when a vacancy occurs in the office of county
15 assessor after a general election at which a person other than
16 the incumbent has been elected, the person so elected shall be
17 appointed to fill the remainder of the unexpired term; and],
18 unless otherwise provided by law.

19 2. The person appointed after duly qualifying and entering
20 upon the discharge of his or her duties under the appointment
21 shall continue in office until the first Monday in January next
22 following the first ensuing general election, at which general
23 election a person shall be elected to fill the unexpired portion
24 of the term, or for the ensuing regular term, as the case may be,
25 and the person so elected shall enter upon the discharge of the
26 duties of the office the first Monday in January next following
27 his or her election[, except that when the term to be filled
28 begins on any day other than the first Monday in January, the

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

3 3. (1) Notwithstanding subsection 1 of this section or any
4 other provision of law to the contrary, when any vacancy, caused
5 in any manner or by any means whatsoever, occurs or exists in any
6 county office, the county commission shall, no later than
7 fourteen days after the occurrence of the vacancy, fill the
8 vacancy by appointment, and the person so appointed by the county
9 commission after duly qualifying and entering upon the discharge
10 of his or her duties under the appointment shall continue in
11 office until the governor fills the vacancy by appointment under
12 subsection 1 of this section or until the vacancy is filled by
13 operation of another provision of law.

14 (2) In any county with only two county commissioners, if
15 the commissioners cannot agree upon an appointee, the acting
16 presiding commissioner shall fill the vacancy by appointment as
17 required under subdivision (1) of this subsection.

18 (3) The provisions of this subsection shall not apply to
19 vacancies in the office of any associate circuit judge, circuit
20 judge, circuit clerk, prosecuting attorney, or circuit attorney.

21 4. The provisions of this section shall not apply to
22 vacancies in county offices in any county which has adopted a
23 charter for its own government under Section 18, Article VI of
24 the Constitution.

25 5. Any vacancy in the office of recorder of deeds in the
26 city of St. Louis shall be filled by appointment by the mayor of
27 that city.