

SECOND REGULAR SESSION

SENATE BILL NO. 1038

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Read 1st time February 26, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6621S.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2 repealed and seven new sections enacted in lieu thereof, to be known as sections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 at any time prior to one hundred twenty
4 days before the general election after the lieutenant governor's term
5 begins, the governor shall, within thirty days, issue a writ of election
6 to fill the vacancy for the remainder of the term in which such vacancy
7 occurred and until the successor is elected, commissioned, and
8 qualified. Such election shall be held at the next general election. The
9 candidates for the election shall be nominated and placed on the ballot
10 in accordance with the provisions of sections 115.305 to 115.405. In the
11 case of impeachment, the office shall remain vacant until such
12 impeachment is determined. If acquitted, the lieutenant governor shall
13 be reinstated in office. If any vacancy from any cause occurs in the**

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

14 **office of lieutenant governor after one hundred twenty days before the**
15 **first general election after the lieutenant governor's term begins, the**
16 **office shall remain vacant for the remainder of the term in which such**
17 **vacancy occurred and until a successor is elected, commissioned, and**
18 **qualified.**

27.016. In case of death, resignation, removal from office,
2 **impeachment, or vacancy from any cause in the office of attorney**
3 **general at any time prior to one hundred twenty days before the first**
4 **general election after the attorney general's term begins, the governor**
5 **shall immediately appoint a qualified person to fill such vacancy until**
6 **a successor is duly elected at the next general election, commissioned,**
7 **and qualified to fill the office for the remainder of the term in which**
8 **the vacancy occurred; and the governor shall take charge of the office**
9 **and superintend its business until such person is appointed,**
10 **commissioned, and qualified; except that in cases of impeachment, the**
11 **governor shall appoint a qualified person to serve only until such**
12 **impeachment is determined, when the suspended officer, if acquitted,**
13 **shall be reinstated in office, or if the suspended officer is convicted, a**
14 **new appointment shall be made by the governor in the manner**
15 **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 **at any time prior**
3 **to one hundred twenty days before the first general election after the**
4 **secretary of state's term begins,** the governor shall immediately appoint a
5 qualified person to fill such vacancy [for the remainder of the term in which such
6 vacancy occurred and until his] **until a successor is duly elected [or appointed]**
7 **at the next general election,** commissioned and qualified **to fill the office**
8 **for the remainder of the term in which the vacancy occurred;** and the
9 governor shall take charge of the office and superintend its business until such
10 person is appointed, commissioned and qualified; except that in case of
11 impeachment, the governor shall appoint a qualified person to serve only until
12 such impeachment is determined, when the suspended officer, if acquitted, shall
13 be reinstated in office, or if the suspended officer is convicted, a new appointment
14 shall be made by the governor [as in the case of other vacancies] **in the manner**
15 **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 at any time prior to one hundred twenty days
7 before the first general election after the auditor's term begins, the
8 governor shall immediately appoint a qualified state auditor to fill such
9 vacancy until a successor is duly elected at the next general election,
10 commissioned, and qualified to fill the office for the remainder of the
11 term in which the vacancy occurred; and the governor shall take
12 charge of the office and superintend its business until such person is
13 appointed, commissioned and qualified; except that in cases of
14 impeachment, the governor shall appoint a qualified person to serve
15 only until such impeachment is determined, when the suspended
16 officer, if acquitted, shall be reinstated in office, or if the suspended
17 officer is convicted, a new appointment shall be made by the governor
18 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 at any time
9 prior to one hundred twenty days before the first general election after
10 the state treasurer's term begins, the governor shall immediately
11 appoint a qualified person to fill such vacancy until a successor is duly
12 elected at the next general election, commissioned, and qualified to fill
13 the office for the remainder of the term in which the vacancy occurred;
14 and the governor shall take charge of the office and superintend its
15 business until such person is appointed, commissioned, and qualified;
16 except that in cases of impeachment, the governor shall appoint a
17 qualified person to serve only until such impeachment is determined,
18 when the suspended officer, if acquitted, shall be reinstated in office,
19 or if the suspended officer is convicted, a new appointment shall be
20 made by the governor in the manner 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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Bill

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