

FIRST REGULAR SESSION

SENATE BILL NO. 324

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

Read 1st time January 30, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1659S.011

AN ACT

To amend chapter 49, RSMo, by adding thereto three new sections relating to county commissioners.

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

Section A. Chapter 49, RSMo, is amended by adding thereto three new sections, to be known as section 49.055, 49.056, and 49.057, to read as follows:

49.055. 1. A county commissioner or presiding county commissioner in any county of the first classification may be removed by the qualified voters of such county by recall petition in accordance with the procedure under sections 49.055 to 49.057 subject to the following limitations:

(1) The commissioner shall have held office for at least six months; and

(2) The recalled commissioner shall not be a candidate to succeed himself or herself at a special election held to fill the vacancy created by the commissioner's recall and shall not be appointed to fill the vacancy.

2. A petition signed by voters eligible to vote for a successor to the commissioner sought to be removed, which shall have a number of signatures equal to at least ten percent of the total number of votes cast in the last election held for the county commission seat currently held by the commissioner whose removal is sought, demanding the recall of the commissioner may be filed with the county election authority. Such petition shall contain a statement of the reason for which recall is sought, which shall not be more than two hundred words in length. The petition for recall shall be filed no later than sixty days after the date of the earliest signature on the petition. A

22 reason for recall may be misconduct in office, incompetence, or failure
23 to perform duties prescribed by law. The signatures to the petition
24 need not all be appended to one page. Each signer to the petition shall
25 add his or her signature; the signer's place of residence, including
26 street and number; and the date signed. One of the signers of each
27 such page shall make an oath before an officer competent to administer
28 oaths that the statements made therein are true, as he or she believes,
29 and that each signature to the page appended is the genuine signature
30 of the person whose name it purports to be.

49.056. Within ten days of the date of filing the petition provided
2 in section 49.055, the county election authority shall examine and, from
3 the voters' register, ascertain whether the petition is signed by the
4 requisite number of voters. The commission shall allow the election
5 authority extra help for such purpose. The election authority shall
6 attach to the petition a certificate that states the result of the
7 examination. If the election authority's certificate states the petition
8 is insufficient, the petition may be amended for ten days after the date
9 of the certificate. If the petition is amended, the election authority
10 shall examine the amendment within ten days of the amendment's
11 submission. If the election authority issues a certificate stating the
12 amended petition is insufficient, the petition shall be returned to the
13 person who filed the petition without prejudice to filing a new petition
14 to the same effect. If the election authority certifies the amended
15 petition is sufficient, the election authority shall submit the petition to
16 the commission without delay, and the commission shall order the
17 question to be submitted to the voters of the county.

49.057. 1. A special election shall be held on the recall petition
2 as soon as practicable and as may be determined by the election
3 authority of the county. The question to be presented to the voters at
4 such election shall be in substantially the following form:

- 5 FOR the removal of _____ (name of commissioner)
6 from the office of county commissioner.
7 AGAINST the removal of _____ (name of commissioner)
8 from the office of county commissioner.

9 2. If a majority of the qualified electors voting on the question
10 at such election vote for the removal of the commissioner, a vacancy

11 shall exist in such office. If a majority of the qualified electors voting
12 on the question at such election vote against the removal of the
13 commissioner, the commissioner shall continue to serve for the
14 remainder of the term for which he or she was elected.

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