

SECOND REGULAR SESSION

SENATE BILL NO. 1037

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

3099S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 49.020, 51.050, 52.010, 53.010, 54.040, 55.010, 55.060, 56.010, 57.010, 58.030, 59.021, 60.010, 77.040, 79.070, and 79.080, RSMo, and to enact in lieu thereof seventeen new sections relating to public officers.

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

Section A. Sections 49.020, 51.050, 52.010, 53.010, 2 54.040, 55.010, 55.060, 56.010, 57.010, 58.030, 59.021, 60.010, 3 77.040, 79.070, and 79.080, RSMo, are repealed and seventeen 4 new sections enacted in lieu thereof, to be known as sections 5 49.020, 51.050, 52.010, 53.010, 54.040, 55.010, 55.060, 56.010, 6 57.010, 58.030, 59.021, 60.010, 67.025, 77.040, 79.070, 79.080, 7 and 105.017, to read as follows:

49.020. At the general election in the year 1996, and 2 every four years thereafter, the voters of each of the 3 districts shall elect a county commissioner, who shall hold 4 his office for a term of four years and until his successor 5 is duly elected and qualified; and at the general election 6 in the year 1882, and every four years thereafter, the 7 presiding commissioner of the county shall be elected by the 8 voters of the county at large, who shall hold his office for 9 the term of four years and until his successor is duly 10 elected and qualified. Each commissioner shall be a 11 resident of the county and each commissioner elected from a 12 district shall be a resident of the district from which such 13 commissioner was elected. **No commissioner elected shall**

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

14 **have been required to register as a sexual offender in this**
15 **state, another state, or under federal law.** Each
16 commissioner elected under the provisions of this chapter
17 shall enter upon the duties of his office on the first day
18 of January immediately after his election.

51.050. No person shall be elected or appointed clerk
2 of the county commission unless such person be a citizen of
3 the United States, over the age of twenty-one years, [and
4 shall have] resided within the state one whole year[,] and
5 within the county for which the person is elected one year
6 just prior to such person's election, **and no person shall**
7 **have been required to register as a sexual offender in this**
8 **state, another state, or under federal law;** and every clerk
9 shall after the election continue to reside within the
10 county for which such person is clerk.

52.010. 1. At the general election in 1906, and every
2 four years thereafter, a collector, to be styled the
3 collector of the revenue, shall be elected in each of the
4 counties of this state, except counties under township
5 organization, who shall hold his or her office for four
6 years and until his successor is duly elected and
7 qualified. The collector shall reside in the county from
8 which such person is elected throughout his or her term in
9 office. **No collector shall have been required to register**
10 **as a sexual offender in this state, another state, or under**
11 **federal law.**

2. Except in any county with a charter form of
13 government, a candidate for the office of collector shall be
14 at least twenty-one years of age and a resident of the state
15 and the county in which he or she is a candidate for at
16 least one year prior to the date of filing for such office.
17 The candidate shall be a registered voter and current in the

18 payment of all state income taxes and personal and real
19 property taxes.

20 3. The candidate shall present to the election
21 authority a copy of a signed affidavit from a surety company
22 authorized to do business in this state, indicating that the
23 candidate meets the statutory bond requirements for the
24 office for which the candidate is filing.

53.010. 1. At the general election in the year 1948
2 and every four years thereafter the qualified voters in each
3 county in this state shall elect a county assessor. Such
4 county assessors shall enter upon the discharge of their
5 duties on the first day of September next after their
6 election, and shall hold office for a term of four years,
7 and until their successors are elected and qualified, unless
8 sooner removed from office; provided, that this section
9 shall not apply to the City of St. Louis. The assessor
10 shall be a resident of the county from which such person was
11 elected. **No assessor shall have been required to register**
12 **as a sexual offender in this state, another state, or under**
13 **federal law.**

14 2. The office of county assessor is created in each
15 county having township organization and a county assessor
16 shall be elected for each township organization county at
17 the next general election, or at a special election called
18 for that purpose by the governing body of such county. If a
19 special election is called, the state and each political
20 subdivision or special district submitting a candidate or
21 question at such election shall pay its proportional share
22 of the costs of the election, as provided by section
23 115.065. Such assessor shall assume office immediately upon
24 his election and qualification, and shall serve until his
25 successor is elected and qualified under the provisions of

26 subsection 1 of this section. Laws generally applicable to
27 county assessors, their offices, clerks, and deputies shall
28 apply to and govern county assessors in township
29 organization counties, and laws applicable to county
30 assessors, their offices, clerks, and deputies in third
31 class counties and laws applicable to county assessors,
32 their offices, clerks, and deputies in fourth class counties
33 shall apply to and govern county assessors, their offices,
34 clerks, and deputies in township organization counties of
35 the respective classes, except that when such general laws
36 and such laws applicable to third and fourth class counties
37 conflict with the laws specially applicable to county
38 assessors, their offices, clerks, and deputies in township
39 organization counties, the laws specially applicable to
40 county assessors, their offices, clerks, and deputies in
41 township organization counties shall govern.

54.040. Except in a county with a charter form of
2 government, a candidate for county treasurer shall be at
3 least twenty-one years of age and a resident of the state of
4 Missouri and the county in which he or she is a candidate
5 for at least one year prior to the date of the general
6 election for such office. The candidate shall also be a
7 registered voter and shall be current in the payment of all
8 personal and real estate taxes. **No county treasurer shall**
9 **have been required to register as a sexual offender in this**
10 **state, another state, or under federal law.** Upon election
11 to such office, the person shall continue to reside in that
12 county during his or her tenure in office. Each candidate
13 for county treasurer shall also provide to the election
14 authority a copy of a signed affidavit from a surety company
15 authorized to do business in this state indicating that the

16 candidate meets the bond requirements for the office of
17 county treasurer under this chapter.

55.010. In all counties of the first class having a
2 charter form of government there shall be a county auditor
3 who is the budget officer and accounting officer of the
4 county and who shall perform all the duties imposed by the
5 county budget law upon the budget officer and accounting
6 officer. The county commission shall appoint and fix the
7 compensation of some competent person as county auditor, who
8 shall serve for a term of four years from and after the
9 first day of January, 1947, and until his successor is duly
10 appointed and qualified. In case of a vacancy in the office
11 of county auditor caused by death, resignation or otherwise,
12 the county commission shall appoint some qualified person
13 for the unexpired term of the county auditor. The county
14 commission shall employ and fix the compensation of clerical
15 and other assistants to the county auditor necessary to
16 enable him to efficiently perform his duties. **No person**
17 **elected as the county auditor shall have been required to**
18 **register as a sexual offender in this state, another state,**
19 **or under federal law.**

55.060. No person shall be elected or appointed county
2 auditor of a county of the first class not having a charter
3 form of government or of a county of the second class unless
4 he is a citizen of the United States above the age of twenty-
5 one years, and has resided within the state for one whole
6 year and within the county for which he is elected or
7 appointed for three months immediately preceding the
8 election or his appointment. **No person shall have been**
9 **required to register as a sexual offender in this state,**
10 **another state, or under federal law.** He shall also be a
11 person familiar with the theory and practice of accounting

12 by education, training and experience and able to perform
13 the duties imposed upon the county auditor by the provisions
14 of this chapter. The county auditor shall, after his
15 appointment or election, reside in the county for which he
16 is auditor.

56.010. At the general election to be held in this
2 state in the year A.D. 1982, and every four years
3 thereafter, there shall be elected in each county of this
4 state a prosecuting attorney, who shall be a person learned
5 in the law, duly licensed to practice as an attorney at law
6 in this state, and enrolled as such, at least twenty-one
7 years of age, **who has never been required to register as a**
8 **sexual offender in this state, another state, or under**
9 **federal law**, and who has been a bona fide resident of the
10 county in which he seeks election for twelve months next
11 preceding the date of the general election at which he is a
12 candidate for such office and shall hold his office for four
13 years, and until his successor is elected, commissioned and
14 qualified.

57.010. 1. At the general election to be held in
2 1948, and at each general election held every four years
3 thereafter, the voters in every county in this state shall
4 elect some suitable person sheriff. No person shall be
5 eligible for the office of sheriff who has been convicted of
6 a felony **or has been required to register as a sexual**
7 **offender in this state, another state, or under federal**
8 **law**. Such person shall be a resident taxpayer and elector
9 of said county, shall have resided in said county for more
10 than one whole year next before filing for said office and
11 shall be a person capable of efficient law enforcement.
12 When any person shall be elected sheriff, such person shall
13 enter upon the discharge of the duties of such person's

14 office as chief law enforcement officer of that county on
15 the first day of January next succeeding said election.

16 2. No person shall be eligible for the office of
17 sheriff who does not hold a valid peace officer license
18 pursuant to chapter 590. Any person filing for the office
19 of sheriff shall have a valid peace officer license at the
20 time of filing for office. This subsection shall not apply
21 to the sheriff of any county of the first classification
22 with a charter form of government with a population over
23 nine hundred thousand or of any city not within a county.

58.030. No person shall be elected or appointed to the
2 office of coroner unless he be a citizen of the United
3 States, over the age of twenty-one years, **has not been**
4 **required to register as a sexual offender in this state,**
5 **another state, or under federal law,** and shall have resided
6 within the state one whole year, and within the county for
7 which he is elected, six months next preceding the election.

59.021. A candidate for county recorder where the
2 offices of the clerk of the court and recorder of deeds are
3 separate, except in any city not within a county or any
4 county having a charter form of government, shall be at
5 least twenty-one years of age, a registered voter, and a
6 resident of the state of Missouri as well as the county in
7 which he or she is a candidate for at least one year prior
8 to the date of the general election. Upon election to
9 office, the person shall continue to reside in that county
10 during his or her tenure in office. Each candidate for
11 county recorder shall provide to the election authority a
12 copy of an affidavit from a surety company authorized to do
13 business in this state that indicates the candidate is able
14 to satisfy the bond requirements under section 59.100. **No**
15 **county recorder shall have been required to register as a**

16 **sexual offender in this state, another state, or under**
17 **federal law.**

60.010. 1. At the regular general election in the
2 year 1948, and every four years thereafter, the voters of
3 each county of this state in counties of the second, third,
4 and fourth classification shall elect a registered land
5 surveyor as county surveyor, who shall hold office for four
6 years and until a successor is duly elected, commissioned
7 and qualified. The person elected shall be commissioned by
8 the governor.

9 2. No person shall be elected or appointed surveyor
10 unless such person is a citizen of the United States, over
11 the age of twenty-one years, a registered land surveyor, and
12 shall have resided within the state one whole year. An
13 elected surveyor shall have resided within the county for
14 which the person is elected six months immediately prior to
15 election and shall after election continue to reside within
16 the county for which the person is surveyor. An appointed
17 surveyor need not reside within the county for which the
18 person is surveyor. **No person elected or appointed surveyor**
19 **shall have been required to register as a sexual offender in**
20 **this state, another state, or under federal law.**

21 3. Notwithstanding the provisions of subsection 1 of
22 this section, or any other law to the contrary, the county
23 commission of any county of the third or fourth
24 classification may appoint a surveyor following the deadline
25 for filing for the office of surveyor, if no qualified
26 candidate files for the office in the general election in
27 which the office would have been on the ballot, provided
28 that the notice required by section 115.345 has been
29 published in at least one newspaper of general circulation
30 in the county. The appointed surveyor shall serve at the

31 pleasure of the county commission, however, an appointed
32 surveyor shall forfeit said office once a qualified
33 individual, who has been duly elected at a regularly
34 scheduled general election where the office of surveyor is
35 on the ballot and who has been commissioned by the governor,
36 takes office. The county commission shall fix appropriate
37 compensation, which need not be equal to that of an elected
38 surveyor.

**67.025. No county, city, town, or village officer
2 elected shall have been required to register as a sexual
3 offender in this state, another state, or under federal law.**

77.040. A general election for the elective officers
2 of each city of the third class shall be held after the
3 organization of the city under the provisions of this
4 chapter and on municipal election days every two years
5 thereafter, the city council may by ordinance provide for
6 the nomination of officers by primary election; and
7 provided, that all certificates of nomination and petitions
8 therefor shall be filed with the city clerk and not with any
9 other officer. Any city organizing under the provisions of
10 this chapter may elect a mayor and may elect or provide for
11 the appointment of such other officers as may be necessary
12 to carry this chapter into effect, who shall hold office
13 until their successors are elected or appointed and
14 qualified; provided, that the assessor shall hold office
15 until the first day of September and until his successor is
16 elected or appointed and qualified, and the term of office
17 of the assessor in such cities shall commence on the first
18 day of September after the election at which he is elected
19 or at such time as the city shall set the beginning of his
20 appointive term, if appointed. **No elective officer under
21 the provisions of this chapter shall have been required to**

22 **register as a sexual offender in this state, another state,**
23 **or under federal law.**

79.070. No person shall be an alderman unless he or
2 she is at least eighteen years of age, a citizen of the
3 United States, and an inhabitant and resident of the city
4 for one year next preceding his or her election, and a
5 resident, at the time he or she files and during the time he
6 or she serves, of the ward from which he or she is elected.
7 **No person elected alderman shall have been required to**
8 **register as a sexual offender in this state, another state,**
9 **or under federal law.**

79.080. No person shall be mayor unless he be at least
2 twenty-five years of age, a citizen of the United States and
3 a resident of the city at the time of and for at least one
4 year next preceding his election. **No person elected mayor**
5 **shall have been required to register as a sexual offender in**
6 **this state, another state, or under federal law.**

105.017. No officers elected or appointed by the
2 authority of the laws of this state shall have been required
3 to register as a sexual offender in this state, another
4 state, or under federal law.

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