

FIRST REGULAR SESSION

# HOUSE BILL NO. 1183

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

0728H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 79, RSMo, by adding thereto three new sections relating to a recall process for elected officials.

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

Section A. Chapter 79, RSMo, is amended by adding thereto three new sections, to be known as sections 79.650, 79.655, and 79.660, to read as follows:

**79.650. 1. The holder of any elective office in a city of the fourth class may be removed by the qualified voters of such city by recall petition in accordance with the procedure under sections 79.650 to 79.660, subject to the following limitations:**

**(1) The officer has held office for at least six months;**

**(2) In the case of an office for a term of two years only, one recall petition may be filed during such term;**

**(3) For a term of office more than two years, additional recall petitions may be filed but not within six months of voter disapproval of the last recall petition;**

**(4) The recalled officer shall not be a candidate to succeed himself or herself at a special election held to fill the vacancy created by his or her recall, nor may he or she be appointed by the appointing authority to fill the vacancy.**

**2. A petition signed by voters entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five percent of the total number of registered voters in such city entitled to vote for a successor to the incumbent sought to be removed, demanding the recall of a person from elective office shall be filed with the county clerk, and such petition shall contain a statement of the reasons for which recall is sought, which shall not be more than two hundred words in length. Such petition for recall**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 shall be filed with the appropriate county clerk or election authority within sixty days after  
19 the date of the earliest signature on the petition. The reason for recall is misconduct in  
20 office, incompetence, or failure to perform duties prescribed by law. The signatures to the  
21 petition need not all be appended to one paper, but each signer shall add to his or her  
22 signature his or her place of residence, giving the street and number, and the date signed.  
23 One of the signers of each such paper shall make oath before an officer competent to  
24 administer oaths that the statements therein made are true as he or she believes and that  
25 each signature to the paper appended is the genuine signature of the person whose name  
26 it purports to be.

79.655. Within ten days from the date of filing such petition, the county clerk of  
2 such city of the fourth class shall examine and, from the voters' register, ascertain whether  
3 said petition is signed by the requisite number of voters, and the county clerk shall attach  
4 to said petition a certificate, showing the result of said examination. If necessary, the  
5 council shall allow the county clerk extra help for the purpose. If by the clerk's certificate  
6 the petition is shown to be insufficient, it may be amended within ten days from the date  
7 of said certificate. The clerk shall, within ten days after such amendment, make a like  
8 examination of the amended petition, and if the clerk's certificate shows the same to be  
9 insufficient, it shall be returned to the person filing the same, without prejudice to the filing  
10 of a new petition to the same effect. If the petition is deemed to be sufficient, the clerk shall  
11 submit the same to the council without delay, and the council shall order the question to  
12 be submitted to the voters of the city.

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

5  
6 ☐ FOR the removal of . . . . . (name of officer) from the office of . . . . .  
7 (title of office)

8  
9 ☐ AGAINST the removal of . . . . . (name of officer) from the office of . . . . .  
10 .(title of office)

11 2. If a majority of the qualified electors voting on the question at such election shall  
12 vote for the removal of such officer, a vacancy shall exist in such office. If a majority of the  
13 qualified electors voting on the question at such election shall vote against the removal of  
14 such officer, such officer shall continue to serve during the term for which elected.

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