

# HOUSE BILL NO. 2341

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

5152H.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 fourth class city may be removed by the qualified voters of such city by recall petition in accordance with the procedure set out in 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 less than six months later after voter disapproval of the last recall petition;**

**(4) The recalled officer may 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 which 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 reasons for recall are 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 place of residence, giving the street and number and the date signed. One of  
 23 the signers of each such paper shall make oath before an officer competent to administer  
 24 oaths that the statements therein made are true as he or she believes and that each  
 25 signature to the paper appended is the genuine signature of the person whose name it  
 26 purports to be.

79.655. Within ten days from the date of filing such petition, the county clerk of  
 2 such fourth class city shall examine and from the voters' register ascertain whether or not  
 3 said petition is signed by the requisite number of voters, and if necessary, the council shall  
 4 allow him or her extra help for the purpose; and he or she shall attach to said petition his  
 5 certificate, showing the result of said examination. If by the clerk's certificate the petition  
 6 is shown to be insufficient, it may be amended within ten days from the date of said  
 7 certificate. The clerk shall, within ten days after such amendment, make like examination  
 8 of the amended petition, and if his certificate shall show the same to be insufficient, it shall  
 9 be returned to the person filing the same, without prejudice, however, to the filing of a new  
 10 petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall  
 11 submit the same to the council without delay. If the petition shall be found to be sufficient,  
 12 the council shall order the question to 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        FOR the removal of . . . . . (name of officer) from the office of . . . . .  
 6 . . . . . (title of office)

7        AGAINST the removal of . . . . . (name of officer) from the office of . . . . .  
 8 . . . . . (title of office)

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

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