

SECOND REGULAR SESSION

HOUSE BILL NO. 1428

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MUNTZEL.

4049H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.030, RSMo, and to enact in lieu thereof one new section relating to vacancies in county elected offices.

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

Section A. Section 105.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.030, to read as follows:

105.030. **1.** Whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, other than in the offices of lieutenant governor, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that when a vacancy occurs in the office of county assessor after a general election at which a person other than the incumbent has been elected, the person so elected shall be appointed to fill the remainder of the unexpired term; and the person appointed after duly qualifying and entering upon the discharge of his duties under the appointment shall continue in office until the first Monday in January next following the first ensuing general election, at which general election a person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the person so elected shall enter upon the discharge of the duties of the office the first Monday in January next following his election, except that when the term to be filled begins on any day other than the first Monday in January, the appointee of the governor shall be entitled to hold the office until such other date.

2. (1) Notwithstanding subsection 1 of this section or any other provision of law to the contrary, when any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any county office, the county commission of all noncharter counties

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, no later than fourteen days after the occurrence of the vacancy, fill the vacancy by
19 appointment, and the person so appointed by the county commission, after duly qualifying
20 and entering upon the discharge of his or her duties under the appointment, shall continue
21 in office until the governor fills the vacancy by appointment under subsection 1 of this
22 section or until the vacancy is filled by operation of another provision of law.

23 (2) In any county with only two county commissioners, if the commissioners cannot
24 agree upon an appointee, the acting presiding commissioner shall fill the appointment
25 required under subdivision (1) of this subsection.

26 3. The provisions of this section shall not apply to:

27 (1) Vacancies in county offices in any county which has adopted a charter for its own
28 government under Section 18, Article VI of the Constitution; or

29 (2) Vacancies in the office of any associate circuit judge, circuit clerk, prosecuting
30 attorney, or circuit attorney.

31 4. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled
32 by appointment by the mayor of that city.

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