

SECOND REGULAR SESSION

# HOUSE BILL NO. 2080

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3417H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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 sections 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 demanding the recall of the commissioner may be filed with the county election authority. The petition shall have a number of signatures equal to at least ten percent of the total number of registered voters in such county voting in the last election at which the commissioner was elected. The petition shall contain a statement of the reason why 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 reason for recall may be misconduct in office, incompetence, or failure to perform duties prescribed by law. The signatures to the petition need not all**

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 be appended to one page. Each signer to the petition shall add his or her signature; the  
 19 signer's place of residence, including street and number; and the date signed. One of the  
 20 signers of each page shall make an oath before an officer competent to administer oaths  
 21 that the statements made therein are true, as he or she believes, and that each signature to  
 22 the page appended is the genuine signature of the person whose name it purports to be.

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

49.057. 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 commissioner) from the office  
 6 of county commissioner.
- 7  AGAINST the removal of \_\_\_\_\_ (name of commissioner) from the  
 8 office of county commissioner.

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

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