

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 19

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

5822H.011

DANA RADEMAN MILLER, ChiefClerk

AN ACT

To amend chapter 56, RSMo, by adding thereto one new section relating to procedures for recalling the circuit attorney of St. Louis City, with an emergency clause.

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

Section A. Chapter 56, RSMo, is amended by adding thereto one new section, to be
2 known as section 56.435, to read as follows:

3 **56.435. 1. The registered voters of the City of St. Louis may recall the circuit**
4 **attorney of the city for the causes and by the procedures provided in this section.**

5 **2. A recall may be held under this section if the circuit attorney:**

6 **(1) Has failed personally to devote the circuit attorney's time to the performance**
7 **of the duties of the office;**

8 **(2) Is guilty of any willful or fraudulent violation or neglect of any official duty;**

9 **(3) Has knowingly or willfully failed or refused to perform any official act or duty**
10 **that, by law, is the circuit attorney's duty to perform;**

11 **(4) Engages in misconduct in office; or**

12 **(5) Is incompetent.**

13 **3. Any petition for recall filed under this section shall contain a written statement**
14 **of the causes for which the recall is sought. The statement shall not exceed two hundred**
15 **words.**

16 **4. (1) A petition for recall shall be signed by registered voters of the city entitled**
17 **to vote for a successor to the circuit attorney sought to be removed. The petition shall be**

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.

16 signed by twenty percent of the registered voters in each of at least two-thirds of the wards
17 of the city, and the total number of registered voters signing the petition shall be equal to
18 at least twenty percent of the total number of registered voters of the city at the time of the
19 last preceding regular mayoral election. Any person whose name has not been removed
20 from the city's voter rolls shall be deemed a registered voter.

21 (2) The signatures need not all be appended to one page, but all pages composing
22 the petition shall be uniform in character. Each page shall be verified by affidavit stating
23 that each signature on the petition was made in the affiant's presence and that, according
24 to the best information and belief of the affiant, each signature is the genuine signature of
25 the person whose name it purports to be. Each signer shall state, opposite the signature,
26 the signer's residential address.

27 5. Each of the pages composing the petition shall state the name of the circuit
28 attorney whose recall is sought and ask for the circuit attorney's recall before any
29 signature is appended to the petition.

30 6. All pages composing the petition shall be assembled by the petitioners and filed
31 with the city board of election commissioners as one instrument. Within ten days after the
32 filing, the board shall find and certify as to the sufficiency of the petition, stating the
33 number of registered voters signing. If the board finds and certifies the petition to be
34 insufficiently signed, the petitioners may file supplemental pages conforming to the
35 requirements for the originals within twenty days after the certification of insufficiency.
36 Within ten days after any supplements are filed, the board shall find and certify as to the
37 sufficiency of the supplemented petition. If the board finds and certifies that the petition
38 is still insufficiently signed, no further supplement shall be allowed, but a new petition may
39 be filed.

40 7. (1) If the board finds and certifies the recall petition, along with any
41 supplements, to be sufficient, the board shall mail a certificate of sufficiency to the circuit
42 attorney. If the circuit attorney does not resign within ten days after the board mails the
43 certificate, the board shall provide for submitting the question of the circuit attorney's
44 recall. The question shall be submitted at the first election at which the recall may lawfully
45 be submitted if there is such an election within no fewer than thirty nor more than ninety
46 days after mailing the certificate. If there is no such election, the board shall provide for
47 a special election to be held within such ninety days if legally possible; otherwise, the board
48 shall provide for submitting the question on the earliest day at which the question may be
49 submitted at either a general or special election.

50 **(2) Any election held under this section, at any stage thereof, shall at once be**
51 **discontinued upon the death, resignation, or removal of the circuit attorney whose recall**
52 **is in question.**

53 **8. The ballot shall state the question in substantially the following form: "Shall**
54 **(name of circuit attorney) be removed from the office of circuit attorney of the City of St.**
55 **Louis?". To the right of the question, in bold type, the words "YES" and "NO" shall**
56 **appear one above the other. To vote in favor of the recall of the circuit attorney, the voter**
57 **shall strike out the word "NO", and to vote against the recall, the voter shall strike out the**
58 **word "YES". If the majority of the votes cast at the election are in favor of the recall, the**
59 **office shall be declared vacant five days after the vote.**

60 **9. A vacancy resulting from a recall under this section shall be filled as provided**
61 **by law. No person who was removed from office under this section shall be eligible to fill**
62 **the vacancy.**

63 **10. No recall petition shall be filed under this section within the first six months or**
64 **the last six months of the circuit attorney's term, nor within six months after a proposition**
65 **for the circuit attorney's recall has been defeated at an election.**

 Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and residents
3 due to the recent unprecedented wave of violent crime across our nation and state, and because
4 the circuit attorney of the City of St. Louis has failed and refused to prosecute a number of
5 violent criminals without public accountability, section A of this act is deemed necessary for the
6 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
7 to be an emergency act within the meaning of the constitution, and section A of this act shall be
8 in full force and effect upon its passage and approval.

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