

SENATE BILL NO. 335

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

0087S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 28.190, 29.280, 30.060, 30.070, 105.030, and 105.050, RSMo, and to enact in lieu thereof five new sections relating to special elections for vacancies in certain statewide offices.

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

Section A. Sections 28.190, 29.280, 30.060, 30.070, 2 105.030, and 105.050, RSMo, are repealed and five new sections 3 enacted in lieu thereof, to be known as sections 28.190, 30.060, 4 105.025, 105.030, and 105.050, to read as follows:

28.190. In case of death, resignation, removal from 2 office, impeachment or vacancy from any cause in the office 3 of secretary of state, [the governor shall immediately 4 appoint a qualified person to fill such vacancy for the 5 remainder of the term in which such vacancy occurred and 6 until his successor is elected or appointed, commissioned 7 and qualified; and] the governor shall take charge of the 8 office and superintend its business until [such person is 9 appointed, commissioned and qualified; except that] a 10 **successor is elected pursuant to section 105.025.** In case 11 of impeachment, the governor shall appoint a qualified 12 person to serve only until such impeachment is determined, 13 when the suspended officer, if acquitted, shall be 14 reinstated in office, or if the suspended officer is 15 convicted, a [new appointment] **writ of election** shall be

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 [made] issued by the governor [as in the case of other
17 vacancies] pursuant to section 105.025.

30.060. In case of death, resignation, removal from
2 office, impeachment or vacancy from any cause, in the office
3 of the state treasurer, the governor shall take charge of
4 such office and superintend the business thereof until a
5 successor is [appointed, commissioned and qualified except]
6 elected pursuant to section 105.025. In case of
7 impeachment, [when] no [appointment shall be made] writ of
8 election shall be issued until a determination of the matter
9 is had[, when,]. In the event of an acquittal, the
10 suspended officer shall be reinstated in office. In the
11 event of conviction, the governor shall issue a writ of
12 election pursuant to section 105.025.

105.025. Whenever any vacancy, caused in any manner or
2 by any means whatsoever, occurs or exists in the office of
3 lieutenant governor, secretary of state, state auditor,
4 state treasurer, or attorney general, the vacancy shall be
5 filled by special election. The governor shall, not later
6 than thirty days after receiving notice of the vacancy,
7 issue a writ of election to the secretary of state or, as
8 the case may be, the acting secretary of state in the event
9 of a vacancy in the office of secretary of state. The
10 special election shall be held not later than sixty days
11 after the issuance of the writ of election.

105.030. 1. Whenever any vacancy, caused in any
2 manner or by any means whatsoever, occurs or exists in any
3 state or county office originally filled by election of the
4 people, other than in the offices of [lieutenant governor,]
5 state senator or representative, sheriff, or recorder of
6 deeds in the City of St. Louis, the vacancy shall be filled
7 by appointment by the governor except that when a vacancy

8 occurs in the office of county assessor after a general
9 election at which a person other than the incumbent has been
10 elected, the person so elected shall be appointed to fill
11 the remainder of the unexpired term; and the person
12 appointed after duly qualifying and entering upon the
13 discharge of his duties under the appointment shall continue
14 in office until the first Monday in January next following
15 the first ensuing general election, at which general
16 election a person shall be elected to fill the unexpired
17 portion of the term, or for the ensuing regular term, as the
18 case may be, and the person so elected shall enter upon the
19 discharge of the duties of the office the first Monday in
20 January next following his election, except that when the
21 term to be filled begins on any day other than the first
22 Monday in January, the appointee of the governor shall be
23 entitled to hold the office until such other date.

24 2. (1) Notwithstanding subsection 1 of this section
25 or any other provision of law to the contrary, when any
26 vacancy, caused in any manner or by any means whatsoever,
27 occurs or exists in any county office, the county commission
28 of all noncharter counties shall, no later than fourteen
29 days after the occurrence of the vacancy, fill the vacancy
30 by appointment, and the person so appointed by the county
31 commission, after duly qualifying and entering upon the
32 discharge of his or her duties under the appointment, shall
33 continue in office until the governor fills the vacancy by
34 appointment under subsection 1 of this section or until the
35 vacancy is filled by operation of another provision of law.

36 (2) In any county with only two county commissioners,
37 if the commissioners cannot agree upon an appointee, the two
38 remaining county commissioners and the presiding judge of

39 the circuit court shall vote to make the appointment
40 required under subdivision (1) of this subsection.

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

42 (1) Vacancies in county offices in any county which
43 has adopted a charter for its own government under [Section
44 18] Sections 18(a) to 18(r), Article VI of the Constitution;
45 [or]

46 (2) Vacancies in the office of any associate circuit
47 judge, circuit judge, circuit clerk, prosecuting attorney,
48 or circuit attorney; or

49 (3) Vacancies in the offices of lieutenant governor,
50 secretary of state, state auditor, state treasurer, or
51 attorney general.

52 4. Any vacancy in the office of recorder of deeds in
53 the City of St. Louis shall be filled by appointment by the
54 mayor of that city.

105.050. If any vacancy shall happen from any cause in
2 the office of the [attorney general,] circuit attorney,
3 prosecuting attorney or assistant prosecuting attorney, the
4 governor, upon being satisfied that such vacancy exists,
5 shall appoint some competent person to fill the same until
6 the next regular election for [attorney general,]
7 prosecuting attorney or assistant prosecuting attorney, as
8 the case may be; provided, in the case of a vacancy in the
9 office of prosecuting attorney, if there is no qualified
10 person in the county who can or will accept such
11 appointment, then the governor may appoint any person who
12 possesses all the qualifications set forth in section
13 56.010, except the qualification as to residence.

2 [29.280. When a vacancy occurs in the
3 office of state auditor the governor shall
immediately appoint an auditor to fill such

4 vacancy for the residue of the term in which the
5 vacancy occurred, and until his successor is
6 elected or appointed, commissioned and
7 qualified.]

2 [30.070. When a vacancy occurs in the
3 office of state treasurer, the governor shall
4 immediately appoint a state treasurer to fill
5 such vacancy for the residue of the term in
6 which the vacancy occurred, and until his
7 successor is elected or appointed, commissioned
and qualified.]

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