

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 165 & 196
101ST GENERAL ASSEMBLY

0052H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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
2 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
2 of the first classification may be removed by the qualified voters of such county by recall
3 petition in accordance with the procedures under sections 49.055 to 49.057, subject to the
4 following limitations:**

5 **(1) The commissioner shall have held office for at least six months;**

6 **(2) The recall election shall be held at least nine months before the end of the
7 commissioner's term; and**

8 **(3) A recalled commissioner shall not be a candidate to succeed himself or herself
9 at a special election held to fill the vacancy created by the commissioner's recall and shall
10 not be appointed to fill the vacancy.**

11 **2. A petition, signed by voters eligible to vote for a successor to the commissioner
12 sought to be removed, that demands the recall of the commissioner may be filed with the
13 county election authority. The petition shall have a number of signatures equal to at least
14 ten percent of the total number of registered voters in such county voting in the last
15 election at which the commissioner was elected. The petition shall contain a statement of
16 the reason recall is sought, which shall not be more than two hundred words in length. The
17 petition for recall shall be filed no later than sixty days after the date of the earliest
18 signature on the petition. A reason for recall may be misconduct in office, incompetence,**

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.

19 or failure to perform duties prescribed by law. The signatures to the petition need not all
20 be appended to one page. Each signer to the petition shall add his or her signature; the
21 signer's place of residence, including street and number; and the date signed. One of the
22 signers of each page shall make an oath before an officer competent to administer oaths
23 that the statements made therein are true, as he or she believes, and that each signature to
24 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 a petition, the county election authority
2 shall examine and, from the voters' register, ascertain whether the petition is signed by the
3 requisite number of voters. The commission shall allow the election authority extra help
4 for this purpose. The election authority shall attach to the petition a certificate that states
5 the result of the examination. If the election authority's certificate states the petition is
6 insufficient, the petition may be amended for ten days after the date of the certificate. If
7 the petition is amended, the election authority shall examine the amendment within ten
8 days of the amendment submission. If the election authority issues a certificate stating the
9 amended petition is insufficient, the petition shall be returned to the person who filed the
10 petition without prejudice to filing a new petition to the same effect. Upon certification of
11 the petition as sufficient, the election authority shall submit the petition to the commission
12 without delay, and the commission shall order the question to be submitted to the voters
13 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 at least sixty percent of the qualified voters voting on the question at such
10 election vote for the removal of the commissioner, a vacancy shall exist in such office. If
11 less than sixty percent of the qualified voters voting on the question at such election vote
12 for the removal of the commissioner, the commissioner shall continue to serve for the
13 remainder of the term for which he or she was elected.

✓