

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 569, Page 1, Section A, Line 4, by inserting after all of said line the following:

“26.016. In the case of any vacancy for any cause in the office of lieutenant governor, the governor shall appoint an acting lieutenant governor to fill such vacancy for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the lieutenant governor under section 105.031. In cases of impeachment as provided in chapter 106, the lieutenant governor shall be suspended until the impeachment is determined. If the lieutenant governor is acquitted, the lieutenant governor shall be reinstated to office and the acting lieutenant governor shall be relieved of the duties of the office. If the lieutenant governor is convicted, the vacancy shall be filled in the same manner as provided in this section.

27.015. In the case of any vacancy for any cause in the office of attorney general, the governor shall appoint an acting attorney general to fill such vacancy for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the attorney general under section 105.031. The acting attorney general shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, the attorney general shall be suspended until the impeachment is determined. If the attorney general is acquitted, the attorney general shall be reinstated to office and the acting attorney general shall be relieved of the duties of the office. If the attorney general is convicted, the vacancy shall be filled in the same manner as provided in this section.

1 28.190. In case of death, resignation, removal from office, impeachment, or vacancy from
2 any cause in the office of secretary of state, the governor shall immediately appoint [a qualified
3 person] an acting secretary of state to fill such vacancy for the remainder of the term in which
4 such vacancy occurred [and] until [his] a successor is elected [or appointed, commissioned] and
5 qualified[; and the governor shall take charge of the office and superintend its business until such
6 person is appointed, commissioned and qualified; except that in case of impeachment the
7 governor shall appoint a qualified person to serve only until such impeachment is determined,
8 when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is
9 convicted, a new appointment shall be made by the governor as in the case of other vacancies] at
10 the next election scheduled for the secretary of state under section 105.031. In cases of
11 impeachment as provided in chapter 106, the secretary of state shall be suspended until the
12 impeachment is determined. If the secretary of state is acquitted, the secretary of state shall be
13 reinstated to office and the acting secretary of state shall be relieved of the duties of the office. If
14 the secretary of state is convicted, the vacancy shall be filled in the same manner as provided in
15 this section.

16 29.280. When a vacancy occurs in the office of state auditor, the governor shall
17 immediately appoint an acting auditor to fill such vacancy for the residue of the term in which the
18 vacancy occurred[, and] until [his] a successor is elected [or appointed, commissioned] and
19 qualified at the next election scheduled for the state auditor under section 105.031. The acting
20 auditor shall take charge of such office and superintend the business of the office until a successor
21 is elected and qualified. In cases of impeachment as provided in chapter 106, the auditor shall be
22 suspended until the impeachment is determined. If the auditor is acquitted, the auditor shall be
23 reinstated to office and the acting auditor shall be relieved of the duties of the office. If the
24 auditor is convicted, the vacancy shall be filled in the same manner as provided in this section.

25 30.060. In case of death, resignation, removal from office, impeachment, or vacancy from
26 any cause[,] in the office of the state treasurer, the governor shall appoint an acting state treasurer

1 to fill such vacancy for the remainder of the term in which such vacancy occurred until a
2 successor is elected and qualified at the next election scheduled for the state treasurer under
3 section 105.031. The acting state treasurer shall take charge of such office and superintend the
4 business thereof until a successor is [appointed, commissioned] elected and qualified [except]. In
5 case of impeachment, [when no appointment shall be made until a determination of the matter is
6 had, when, in the event of an acquittal, the suspended officer shall be reinstated in office] the state
7 treasurer shall be suspended until the impeachment is determined. If the state treasurer is
8 acquitted, the state treasurer shall be reinstated to office and the acting state treasurer shall be
9 relieved of the duties of the office. If the treasurer is convicted, the vacancy shall be filled in the
10 same manner as provided in this section.

11 30.080. Immediately after the appointment or election and qualification of a state
12 treasurer, made to fill any vacancy occurring in said office, or the resumption of [his] duties by
13 said officer, after the removal of any disability or temporary suspension therefrom the general
14 assembly if in session, or, if such assembly be not in session, then the governor, shall cause a
15 settlement to be made of the accounts of the former state treasurer, or any such office ad interim,
16 remaining unsettled, and ascertain what balance, if any, is due the state or such officer, as the case
17 may be.”; and

18
19 Further amend said bill, Page 3, Section 78.090, Line 23, by inserting after all of said line the
20 following:

21 “105.030. 1. Whenever any vacancy, caused in any manner or by any means whatsoever,
22 occurs or exists in any state or county office originally filled by election of the people, other than
23 in the offices of lieutenant governor, attorney general, secretary of state, state auditor, state
24 treasurer, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the
25 vacancy shall only be filled by appointment by the governor except that when a vacancy occurs in
26 the office of county assessor after a general election at which a person other than the incumbent

1 has been elected, the person so elected shall be appointed to fill the remainder of the unexpired
2 term; and the person appointed after duly qualifying and entering upon the discharge of [his] the
3 duties under the appointment shall continue in office until the first Monday in January next
4 following the first ensuing general election, at which general election a person shall be elected to
5 fill the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the
6 person so elected shall enter upon the discharge of the duties of the office the first Monday in
7 January next following his election, except that when the term to be filled begins on any day other
8 than the first Monday in January, the appointee of the governor shall be entitled to hold the office
9 until such other date. This section shall not apply to vacancies in county offices in any county
10 which has adopted a charter for its own government under section 18, article VI of the
11 constitution. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled
12 by appointment by the mayor of that city.

13 2. Any vacancy occurring in the offices of lieutenant governor, attorney general, secretary
14 of state, state auditor, or state treasurer shall be filled by the appointment of an acting lieutenant
15 governor, acting attorney general, acting secretary of state, acting state auditor, or acting state
16 treasurer by the governor, or by a special election called for such purpose under section 105.031.
17 No person appointed by the governor under this subsection shall be eligible to be a candidate for
18 such office to which such person was appointed under this subsection at the election to fill such
19 office immediately following such person's appointment, but may be a candidate for such office
20 after one intervening election has been held.

21 105.031. In the case of a vacancy for cause in the offices of senator of the United States
22 from this state, lieutenant governor, attorney general, secretary of state, state auditor, or state
23 treasurer, such vacancy shall be filled by a special election called by the governor at the same time
24 as the general election when there is a general election scheduled before the expiration of the term
25 of such offices as required by section 17, article IV, Constitution of Missouri, or Amendment
26 XVII of the Constitution of the United States. If there is no general election scheduled prior to the

1 expiration of the term of such offices, then the acting official appointed by the governor shall
2 serve out the remainder of the full term in office. The candidate elected and qualified at a special
3 election held on the general election day shall take office on January first immediately following
4 such election, and shall relieve any acting official filling such vacancy of the duties of the office.

5 105.040. Whenever a vacancy in the office of senator of the United States from this state
6 exists, the governor [, unless otherwise provided by law,] shall appoint [a person to fill such
7 vacancy, who shall continue in office until a successor shall have been duly elected and qualified
8 according to law] an acting senator of the United States to fill the vacancy for the remainder of the
9 term in which the vacancy occurred until a successor is elected and qualified at the next election
10 under section 105.031.

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

19
20 Further amend said bill, Page 8, Section 115.761, Line 31, by inserting after all of said line the
21 following:

22 “[30.070. When a vacancy occurs in the office of state treasurer, the governor shall
23 immediately appoint a state treasurer to fill such vacancy for the residue of the term in which the
24 vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.]”;
25 and

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.