

SECOND REGULAR SESSION

HOUSE BILL NO. 2749

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

6856H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 106, RSMo, by adding thereto one new section relating to the removal of elected officials from public office.

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

Section A. Chapter 106, RSMo, is amended by adding thereto one new section, to be known as section 106.300, to read as follows:

- 106.300. 1. Except as provided in subsection 2 of this section, no political subdivision shall impose any rule, ordinance, law, or other instrument that allows for the removal of a duly elected representative of the people from a governing body other than by recall by the electors themselves.**
- 2. Political subdivisions may establish provisions to remove any elected official who is convicted of any felony, or of a misdemeanor involving election fraud, misuse of government office, or misuse or misappropriation of government funds.**
- 3. Election officials of the various political subdivisions shall be responsible for assuring the qualification for assuming office are met. After an elected official has assumed office, no claims of ineligibility shall be made absent incontrovertible proof that there was intentional fraud or deceit by the elected official to create an appearance of eligibility where none existed.**
- 4. The provisions of this section shall be construed to enable political subdivisions to allow for the removal of elected public officials as specified but shall not supersede or modify any statutory requirements or processes regulating the election or removal of such elected public officials.**

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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.