

FIRST REGULAR SESSION

HOUSE BILL NO. 1235

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TERRY.

2566H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 78, 79, and 80, RSMo, by adding thereto nine new sections relating to recalls of elected city officials.

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

Section A. Chapters 78, 79, and 80, RSMo, are amended by adding thereto nine new sections, to be known as sections 78.650, 78.655, 78.660, 79.650, 79.655, 79.660, 80.562, 80.564, and 80.566, to read as follows:

78.650. 1. The holder of any elective office in a city of the third classification with an optional form of government organized under this chapter may be removed by the qualified voters of such city by recall petition in accordance with the procedure set out in sections 78.650 to 78.660 subject to the following limitations:

(1) The officer has held office for at least six months;

(2) More than one recall petition may be filed for each officer but not less than six months after voter disapproval of the officer's most recent recall petition; and

(3) The recalled officer shall not be a candidate for a special election held to fill the vacancy created by such officer's recall, nor shall such recalled officer be appointed by the appointing authority to fill the vacancy.

2. (1) A petition demanding the recall of an individual from elective office shall be signed by voters entitled to vote for a successor to the incumbent sought to be recalled, equal in number to at least twenty-five percent of the total number of registered voters in such city eligible to vote for such successor. The signatures to the petition need not all be appended to one paper but each signer shall include with the signature the street and number of the signer's place of residence and the date signed.

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.

17 **(2) Such petition for recall shall be filed with the election authority of the county**
18 **in which the city is located within sixty days after the date of the earliest signature on**
19 **the petition.**

20 **(3) One of the signers of each such petition shall swear or affirm before an**
21 **officer competent to administer oaths that the statements made in the petition are true**
22 **as such signer believes and that each signature appended to the petition is the genuine**
23 **signature of the individual whose name such signature purports to be.**

24 **(4) Such petition shall contain a statement of the reasons for which recall is**
25 **sought, which shall not be more than two hundred words in length. The authorized**
26 **reasons for recall are misconduct in office, incompetence, or failure to perform duties**
27 **prescribed by law.**

78.655. 1. Within ten days after the date of filing such recall petition, the election
2 **authority of the county in which such city is located shall examine and ascertain from**
3 **the voters' register whether the petition is signed by the requisite number of voters. If**
4 **necessary, the board of alders shall allow the election authority extra help for such**
5 **purpose. The election authority shall attach the election authority's certificate showing**
6 **the result of the examination to the petition.**

7 **2. If, by the election authority's certificate, the petition is shown to be**
8 **insufficient, the petition may be amended within ten days after the date of the**
9 **certificate. The election authority shall, within ten days after such amendment, conduct**
10 **a similar examination of the amended petition. If the election authority certifies that the**
11 **amended petition is insufficient, the petition shall be returned to the individual filing the**
12 **petition, without prejudice to the filing of a new petition to the same effect.**

13 **3. If the petition is deemed to be sufficient, the election authority shall submit the**
14 **petition to the board of alders without delay and the board of alders shall order the**
15 **question to be submitted to the voters of the city.**

78.660. 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.**

3 **2. The question to be submitted to the voters at such election shall be in**
4 **substantially the following form:**

- 5 **FOR the removal of _____ (name of officer) from the**
6 **office of _____ (title of office)**
7 **AGAINST the removal of _____ (name of officer) from**
8 **the office of _____ (title of office)**

9 **3. If a majority of the qualified electors voting on the question at such election**
10 **vote for the removal of such officer, a vacancy shall exist in such office. If a majority of**

11 the qualified electors voting on the question at such election vote against the removal of
12 such officer, such officer shall continue to serve during the term for which elected.

79.650. 1. The holder of any elective office in a city of the fourth classification
2 may be removed by the qualified voters of such city by recall petition in accordance with
3 the procedure set out in sections 79.650 to 79.660 subject to the following limitations:

4 (1) The officer has held office for at least six months;

5 (2) In the case of an office for a term of two years only, one recall petition may be
6 filed during such term;

7 (3) For a term of office more than two years, additional recall petitions may be
8 filed but not less than six months after voter disapproval of the officer's most recent
9 recall petition; and

10 (4) The recalled officer shall not be a candidate for a special election held to fill
11 the vacancy created by such officer's recall, nor shall such recalled officer be appointed
12 by the appointing authority to fill the vacancy.

13 2. (1) A petition demanding the recall of an individual from elective office shall
14 be signed by voters entitled to vote for a successor to the incumbent sought to be
15 recalled, equal in number to at least twenty-five percent of the total number of
16 registered voters in such city eligible to vote for such successor. The signatures to the
17 petition need not all be appended to one paper but each signer shall include with the
18 signature the street and number of the signer's place of residence and the date signed.

19 (2) Such petition for recall shall be filed with the election authority of the county
20 in which the city is located within sixty days after the date of the earliest signature on
21 the petition.

22 (3) One of the signers of each such petition shall swear or affirm before an
23 officer competent to administer oaths that the statements made in the petition are true
24 as such signer believes and that each signature appended to the petition is the genuine
25 signature of the individual whose name such signature purports to be.

26 (4) Such petition shall contain a statement of the reasons for which recall is
27 sought, which shall not be more than two hundred words in length. The authorized
28 reasons for recall are misconduct in office, incompetence, or failure to perform duties
29 prescribed by law.

79.655. 1. Within ten days after the date of filing such recall petition, the election
2 authority of the county in which such city is located shall examine and ascertain from
3 the voters' register whether the petition is signed by the requisite number of voters. If
4 necessary, the board of alders shall allow the election authority extra help for such
5 purpose. The election authority shall attach the election authority's certificate showing
6 the result of the examination to the petition.

7 2. If, by the election authority's certificate, the petition is shown to be
8 insufficient, the petition may be amended within ten days after the date of the
9 certificate. The election authority shall, within ten days after such amendment, conduct
10 a similar examination of the amended petition. If the election authority certifies that the
11 amended petition is insufficient, the petition shall be returned to the individual filing the
12 petition, without prejudice to the filing of a new petition to the same effect.

13 3. If the petition is deemed to be sufficient, the election authority shall submit the
14 petition to the board of alders without delay and the board of alders shall order the
15 question to be submitted to the voters of the city.

 79.660. 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.

3 2. The question to be submitted to the voters at such election shall be in
4 substantially the following form:

- 5 FOR the removal of _____ (name of officer) from the
6 office of _____ (title of office)
7 AGAINST the removal of _____ (name of officer) from
8 the office of _____ (title of office)

9 3. If a majority of the qualified electors voting on the question at such election
10 vote for the removal of such officer, a vacancy shall exist in such office. If a majority of
11 the qualified electors voting on the question at such election vote against the removal of
12 such officer, such officer shall continue to serve during the term for which elected.

 80.562. 1. The holder of any elective office in a village may be removed by the
2 qualified voters of such village by recall petition in accordance with the procedure set
3 out in sections 80.562 to 80.566 subject to the following limitations:

- 4 (1) The officer has held office for at least six months;
5 (2) More than one recall petition may be filed for each officer but not less than
6 six months after voter disapproval of the officer's most recent recall petition; and
7 (3) The recalled officer shall not be a candidate for a special election held to fill
8 the vacancy created by such officer's recall, nor shall such recalled officer be appointed
9 by the appointing authority to fill the vacancy.

10 2. (1) A petition demanding the recall of an individual from elective office shall
11 be signed by voters entitled to vote for a successor to the incumbent sought to be
12 recalled, equal in number to at least twenty-five percent of the total number of
13 registered voters in such village eligible to vote for such successor. The signatures to the
14 petition need not all be appended to one paper but each signer shall include with the
15 signature the street and number of the signer's place of residence and the date signed.

16 (2) Such petition for recall shall be filed with the election authority of the county
17 in which the village is located within sixty days after the date of the earliest signature on
18 the petition.

19 (3) One of the signers of each such petition shall swear or affirm before an
20 officer competent to administer oaths that the statements made in the petition are true
21 as such signer believes and that each signature appended to the petition is the genuine
22 signature of the individual whose name such signature purports to be.

23 (4) Such petition shall contain a statement of the reasons for which recall is
24 sought, which shall not be more than two hundred words in length. The authorized
25 reasons for recall are misconduct in office, incompetence, or failure to perform duties
26 prescribed by law.

80.564. 1. Within ten days after the date of filing such recall petition, the election
2 authority of the county in which such village is located shall examine and ascertain from
3 the voters' register whether the petition is signed by the requisite number of voters. If
4 necessary, the board of trustees shall allow the election authority extra help for such
5 purpose. The election authority shall attach the election authority's certificate showing
6 the result of the examination to the petition.

7 2. If, by the election authority's certificate, the petition is shown to be
8 insufficient, the petition may be amended within ten days after the date of the
9 certificate. The election authority shall, within ten days after such amendment, conduct
10 a similar examination of the amended petition. If the election authority certifies that the
11 amended petition is insufficient, the petition shall be returned to the individual filing the
12 petition, without prejudice to the filing of a new petition to the same effect.

13 3. If the petition is deemed to be sufficient, the election authority shall submit the
14 petition to the board of trustees without delay and the board of trustees shall order the
15 question to be submitted to the voters of the village.

80.566. 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.

3 2. The question to be submitted to the voters at such election shall be in
4 substantially the following form:

- 5 FOR the removal of _____ (name of officer) from the
6 office of _____ (title of office)
7 AGAINST the removal of _____ (name of officer) from
8 the office of _____ (title of office)

9 3. If a majority of the qualified electors voting on the question at such election
10 vote for the removal of such officer, a vacancy shall exist in such office. If a majority of

11 **the qualified electors voting on the question at such election vote against the removal of**
12 **such officer, such officer shall continue to serve during the term for which elected.**

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