

# HOUSE BILL NO. 1124

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREGORY.

2278H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 56, RSMo, by adding thereto one new section relating to the circuit attorney of a city not within a county.

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

Section A. Chapter 56, RSMo, is amended by adding thereto one new section, to be known as section 56.575, to read as follows:

**56.575. 1. The circuit attorney of a city not within a county shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings may be commenced for the recall of any such circuit attorney by the filing of a notice of intention to circulate a recall petition under this section.**

**2. Proceedings may not be commenced against the circuit attorney if, at the time of commencement, such member:**

**(1) Has not held office during his or her current term for a period of more than one hundred eighty days;**

**(2) Has one hundred eighty days or less remaining in his or her term; or**

**(3) Has had a recall election determined in his or her favor within the current term of office.**

**3. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the circuit attorney sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115. A separate notice shall be filed for the circuit attorney sought to be recalled and shall contain all of the following:**

**(1) The name of the circuit attorney sought to be recalled;**

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.

18           (2) A statement, not exceeding two hundred words in length, of the reasons for the  
19 proposed recall; and

20           (3) The names and business or residential addresses of at least one but not more  
21 than five proponents of the recall.

22           4. Within seven days after the filing of the notice of intention, the circuit attorney  
23 may file with the election authority a statement, not exceeding two hundred words in  
24 length, in answer to the statement of the proponents. If an answer is filed, the circuit  
25 attorney shall also serve a copy of it, personally or by certified mail, on at least one of the  
26 proponents named in the notice of intention. The statement and answer are intended solely  
27 to be used for the information of the voters. No insufficiency in form or substance of such  
28 statements shall affect the validity of the election proceedings.

29           5. Before any signature may be affixed to a recall petition, the petition is required  
30 to bear all of the following:

31           (1) A request that an election be called to elect a successor to the circuit attorney;

32           (2) A copy of the notice of intention, including the statement of grounds for recall;

33           (3) The answer of the circuit attorney sought to be recalled, if any exists. If the  
34 circuit attorney has not answered, the petition shall so state; and

35           (4) A place for each signer to affix his or her signature, printed name, and  
36 residential address, including any address in a city, town, village, or unincorporated  
37 community.

38           6. Each section of the petition, when submitted to the election authority, shall have  
39 attached to it an affidavit signed by the person circulating such section, setting forth all of  
40 the following:

41           (1) The printed name of the affiant;

42           (2) The residential address of the affiant;

43           (3) That the affiant circulated that section and saw the appended signatures be  
44 written;

45           (4) That according to the best information and belief of the affiant, each signature  
46 is the genuine signature of the person whose name it purports to be;

47           (5) That the affiant is a registered voter of the election district of the circuit  
48 attorney sought to be recalled; and

49           (6) The dates between which all the signatures to the petition were obtained.

50           7. A recall petition shall be filed with the election authority no more than one  
51 hundred eighty days after the filing of the notice of intention.

52           **8. The number of qualified signatures required in order to recall a circuit attorney**  
53 **shall be equal in number to at least twenty percent of the number of voters who voted in**  
54 **the most recent gubernatorial election in such election district.**

55           **9. Within twenty days from the filing of the recall petition, the election authority**  
56 **shall determine whether or not the petition was signed by the required number of qualified**  
57 **signatures. The election authority shall file with the petition a certificate showing the**  
58 **results of the examination. The election authority shall give the proponents a copy of the**  
59 **certificate upon their request.**

60           **10. If the election authority certifies the petition to be insufficient, it may be**  
61 **supplemented within ten days of the date of certification by filing additional petition**  
62 **sections containing all of the information required by this section. Within ten days after**  
63 **the supplemental copies are filed, the election authority shall file with them a certificate**  
64 **stating whether the petition as supplemented is sufficient.**

65           **11. If the certificate shows that the petition as supplemented is insufficient, no**  
66 **action shall be taken on it; however, the petition shall remain on file.**

67           **12. If the election authority finds the signatures on the petition, together with the**  
68 **supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to**  
69 **the sufficiency of the petition to the attorney general. The certificate shall contain:**

70           **(1) The name of the circuit attorney whose recall is sought;**

71           **(2) The number of signatures required by law;**

72           **(3) The total number of signatures on the petition; and**

73           **(4) The number of valid signatures on the petition.**

74           **13. Following the attorney general's receipt of the certificate, the election authority**  
75 **shall order an election to be held on one of the election days specified in section 115.123.**  
76 **The election shall be held no less than forty-five days but no more than one hundred**  
77 **twenty days from the date the attorney general receives the petition. The vacancy in the**  
78 **office of circuit attorney shall be filled as provided in section 105.030.**

79           **14. At any time prior to forty-two days before the election, the circuit attorney**  
80 **sought to be recalled may offer his or her resignation. If his or her resignation is offered,**  
81 **the recall question shall be removed from the ballot and the office declared vacant. The**  
82 **circuit attorney who resigned shall not fill the vacancy, which shall be filled as otherwise**  
83 **provided by law.**

84           **15. The provisions of chapter 115 governing the conduct of elections shall apply,**  
85 **where appropriate, to recall elections held under this section. The costs of the election shall**  
86 **be paid as provided in chapter 115.**

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