

HOUSE JOINT RESOLUTION NO. 78

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POGUE.

5655H.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri, and adopting one new section relating to recall of elected public officials.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2016, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VII of the Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is amended by adding one new section, to be known as section 15, to read as follows:

Section 15. 1. (1) Except as provided in this subsection, any person holding any elective public office of this state or any political subdivision thereof may be removed by recall petition by the qualified voters of the state or of the political subdivision the person is elected to serve as provided in this section or as provided by state law.

(2) The following limitations shall apply to any recall under this section:

(a) No person holding any elective public office for less than six months shall be subject to recall;

(b) No person holding any elective public office with less than six months remaining in such person's term of office shall be subject to recall;

(c) In the case of an office with a term of two years only, no more than one recall petition shall be filed during such term;

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.

12 **(d) In the case of an office with a term of more than two years, additional recall**
13 **petitions may be filed, but no recall petition shall be filed within the six months after voter**
14 **disapproval of the last recall petition;**

15 **(e) No recalled public official shall be a candidate to fill any vacancy created by**
16 **such public official's recall, nor shall such person be appointed to fill such vacancy.**

17 **2. Any petition demanding the recall of a person from elective office under this**
18 **section shall be signed only by the qualified voters entitled to vote for a successor to the**
19 **incumbent sought to be removed. The number of signatures shall be equal to at least**
20 **twenty-five percent of the total number of such qualified voters voting in the last**
21 **gubernatorial election. The signatures to the petition need not all be appended to one**
22 **paper, but each signer shall add to the signer's signature the signer's place of residence,**
23 **giving the street and number and the date signed. One of the signers of each such paper**
24 **shall swear or affirm before an officer competent to administer oaths that the statements**
25 **therein made are true as the signer believes and that each signature to the paper appended**
26 **is the genuine signature of the person whose name it purports to be.**

27 **3. The petition shall contain a statement of the reasons for which recall is sought**
28 **that shall not be more than two hundred words in length. Reasons for recall under this**
29 **section shall be crimes, incompetence, misconduct, corruption in office, failure to perform**
30 **duties prescribed by law, willful neglect of duty, or any offense involving moral turpitude**
31 **or oppression in office.**

32 **4. The petition shall be filed with the secretary of state or the appropriate election**
33 **authority of the political subdivision the person is elected to serve within sixty days after**
34 **the date of the earliest signature on the petition.**

35 **5. Within twenty days from the filing of the recall petition, the secretary of state or**
36 **the appropriate election authority shall determine whether the petition was signed by the**
37 **required number of qualified signatures. If the secretary of state or the election authority**
38 **determines the number of qualified signatures to be insufficient, additional petition**
39 **sections containing all of the information required by this section and additional qualified**
40 **signatures may be filed within ten days of such determination of insufficiency. Within ten**
41 **days after any supplemental items are filed, the secretary of state or the election authority**
42 **shall determine whether the number of signatures as supplemented is sufficient.**

43 **6. If the secretary of state or the appropriate election authority finds the signatures**
44 **on the petition, together with any supplementary signature sections, to be sufficient, the**
45 **secretary of state or the election authority shall order an election to be held on the next day**
46 **available for elections as provided by law.**

47 **7. If any elected public official sought to be recalled under this section resigns from**
48 **the office before such recall election occurs, the office shall be declared vacant and shall**
49 **be filled on the election day scheduled for the recall election or as otherwise provided by**
50 **law.**

 Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of a joint resolution to the voters of this state, the official ballot title of the amendment proposed
4 in section A of this act shall be as follows:

5 "Shall the Missouri Constitution be amended to allow Missouri citizens to recall elected
6 public officials?".

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