

SECOND REGULAR SESSION

# SENATE BILL NO. 774

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 6, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5361S.011

## AN ACT

To repeal section 105.030, RSMo, and to enact in lieu thereof one new section relating to vacancies in certain elected offices.

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

Section A. Section 105.030, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 105.030, to read as follows:

105.030. 1. Whenever any vacancy, caused in any manner or by any  
2 means whatsoever, occurs or exists in any state or county office originally filled  
3 by election of the people, other than in the offices of lieutenant governor, state  
4 senator or representative, sheriff, or recorder of deeds in [the] **any** city [of St.  
5 Louis] **not within a county**, the vacancy shall be filled by appointment by the  
6 governor [except that when a vacancy occurs in the office of county assessor after  
7 a general election at which a person other than the incumbent has been elected,  
8 the person so elected shall be appointed to fill the remainder of the unexpired  
9 term; and], **unless otherwise provided by law.**

10 2. The person appointed after duly qualifying and entering upon the  
11 discharge of his **or her** duties under the appointment shall continue in office  
12 until the first Monday in January next following the first ensuing general  
13 election, at which general election a person shall be elected to fill the unexpired  
14 portion of the term, or for the ensuing regular term, as the case may be, and the  
15 person so elected shall enter upon the discharge of the duties of the office the  
16 first Monday in January next following his **or her** election[, except that when the  
17 term to be filled begins on any day other than the first Monday in January, the  
18 appointee of the governor shall be entitled to hold the office until such other  
19 date].

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20           **3. (1) Notwithstanding subsection 1 of this section or any other**  
21 **provision of law to the contrary, when any vacancy, caused in any**  
22 **manner or by any means whatsoever, occurs or exists in any county**  
23 **office, the county commission shall, no later than fourteen days after**  
24 **the occurrence of the vacancy, fill the vacancy by appointment, and the**  
25 **person so appointed by the county commission after duly qualifying**  
26 **and entering upon the discharge of his or her duties under the**  
27 **appointment shall continue in office until the governor fills the vacancy**  
28 **by appointment under subsection 1 of this section or until the vacancy**  
29 **is filled by operation of another provision of law.**

30           **(2) In any county with only two county commissioners, if the**  
31 **commissioners cannot agree upon an appointee, the acting presiding**  
32 **commissioner shall fill the vacancy by appointment as required under**  
33 **subdivision (1) of this subsection.**

34           **4. The provisions of this section shall not apply to:**

35           **(1) Vacancies in county offices in any county which has adopted a charter**  
36 **for its own government under Section 18, Article VI of the Constitution; or**

37           **(2) Vacancies in the office of any associate circuit judge, circuit**  
38 **clerk, prosecuting attorney, or circuit attorney.**

39           **5. Any vacancy in the office of recorder of deeds in [the] any city [of St.**  
40 **Louis] not within a county shall be filled by appointment by the mayor of that**  
41 **city.**

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