

HCS SB 741 -- ELECTIONS

SPONSOR: Griesheimer (Dugger)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 9 to 0.

This substitute changes the laws regarding special elections for statewide offices and political subdivision and special district elections. In its main provisions, the substitute:

(1) Requires a special election to be held for a vacancy in the offices of United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, or State Treasurer. If there is an impeachment proceeding for one of these officers, the Governor will temporarily administer the duties of the office until the trial; and if there is a conviction, the special election process will be used to fill the vacancy. In the case of a vacancy in the Office of the Attorney General, the Office of the State Auditor, or the Office of a United States Senator, the Governor will appoint a temporary acting attorney general, auditor, or senator who will serve until a special election for the office is held. Currently, the Office of United States Senator and most statewide offices, except for the Office of the Governor, may be filled by a gubernatorial appointment when there is a vacancy;

(2) Allows a city with a population of up to 7,500 to use the nonpartisan election procedures of Section 115.124, RSMo, which allows nonpartisan candidates to take office without an election if the number of candidates is equal to the number of positions to be filled and proper notice has been published in at least one newspaper of general circulation in the district; and

(3) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member's election district. No board member can be recalled during the first or last 180 days of the member's current term or if a previous recall election was decided in the member's favor during the current term. The requirements for a notice of intention to circulate a recall petition are specified as well as the procedures for signature certification by the election authority. The number of qualified signatures needed to recall a board member must be equal to at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district. The election authority must order a recall election on a statutory election day, not less than 45 days but not more than 120 days from the date the ambulance board receives the certified petition. If the ambulance district board member being recalled resigns at any time prior to 42 days before the

election, the recall question will be removed from the ballot and the vacant seat will be filled as specified by law. The resigning member cannot fill the vacancy.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of \$0 or a cost of More than \$7,000,000 in FY 2011, FY 2012, and FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that there needs to be a recall procedure for board members of ambulance districts. In rare cases, disruptive members have caused substantial problems in small communities. The voter recall process ensures that the general public has the ultimate authority.

Testifying for the bill were Senator Griesheimer; and Missouri Ambulance Association.

OPPOSERS: There was no opposition voiced to the committee.