

FIRST REGULAR SESSION

HOUSE BILL NO. 416

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SANDER.

1123H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.306, RSMo, and to enact in lieu thereof one new section relating to candidate qualifications.

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

Section A. Section 115.306, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.306, to read as follows:

115.306. 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state.

2. (1) Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

(2) Each potential candidate for election to a public office, except candidates for a county or city committee of a political party, shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING
REQUIREMENTS:

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 I hereby declare under penalties of perjury that I am not currently
 18 aware of any delinquency in the filing or payment of any state income
 19 taxes, personal property taxes, municipal taxes, real property taxes on
 20 the place of residence, as stated on the declaration of candidacy, or that
 21 I am a past or present corporate officer of any fee office that owes any
 22 taxes to the state, other than those taxes which may be in dispute. I
 23 declare under penalties of perjury that I am not aware of any
 24 information that would prohibit me from fulfilling any bonding
 25 requirements for the office for which I am filing.

26 _____ Candidate's Signature
 27 _____ Printed Name of Candidate

28 (3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing
 29 or payment of any state income taxes, personal property taxes, municipal taxes, real property
 30 taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a
 31 past or present corporate officer of any fee office that owes any taxes to the state, the
 32 department of revenue shall investigate such potential candidate to verify the claim contained
 33 in the complaint. If the department of revenue finds a positive affirmation to be false, the
 34 department shall contact the secretary of state, or the election official who accepted such
 35 candidate's declaration of candidacy, and the potential candidate. The department shall notify
 36 the candidate of the outstanding tax owed and give the candidate thirty days to remit any such
 37 outstanding taxes owed which are not the subject of dispute between the department and the
 38 candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate
 39 shall be disqualified from participating in the current election and barred from refileing for an
 40 entire election cycle even if the individual pays all of the outstanding taxes that were the
 41 subject of the complaint.

42 **3. (1) No person shall qualify for elective public office in the state of Missouri if**
 43 **he or she currently holds another elective public office at the federal, state, district,**
 44 **county, or municipal level and the term of the office currently held would run**
 45 **concurrently, in whole or in part, with the term of the elective public office the person**
 46 **seeks to declare candidacy for. This subsection shall also apply to a person who was**
 47 **appointed to an elective public office to fulfill the term of another.**

48 **(2) A person currently holding an elective public office shall resign from his or**
 49 **her office before qualifying to file a declaration of candidacy for another elective public**
 50 **office if the term of such office would run concurrently with the elective public office he**
 51 **or she currently holds. The resignation shall be submitted to the appropriate official ten**
 52 **days before the person files a declaration of candidacy.**

53 **(3) The provisions of this subsection shall not apply to officers of political parties**
54 **or members of boards, commissions, councils, and task forces who serve without**
55 **compensation.**

✓