

FIRST REGULAR SESSION

HOUSE BILL NO. 692

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

1730H.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 qualifications for elective public office.

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Section A. Section 115.306, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.306, to read as follows: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. **(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 **until the person has served the sentence for such felony or, if the person is placed on probation or parole after conviction of such felony, until the person has been finally discharged from probation or parole.****

(2) Any person who files as a candidate for election to a public office shall be asked by the secretary of state, or the secretary of state's designee, whether such person 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. If the person filing for candidacy answers this question affirmatively, the person's answer and details concerning the offense shall be recorded and published on the secretary of state's website in a location accessible to the public.

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

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 is delinquent in the payment of any state income taxes, personal property taxes, municipal
19 taxes, real property taxes on the place of residence, as stated on the declaration of candidacy,
20 or if the person is a past or present corporate officer of any fee office that owes any taxes to
21 the state.

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

<p>26 AFFIRMATION OF TAX PAYMENTS AND BONDING</p> <p>27 REQUIREMENTS:</p> <p>28 I hereby declare under penalties of perjury that I am not currently</p> <p>29 aware of any delinquency in the filing or payment of any state income</p> <p>30 taxes, personal property taxes, municipal taxes, real property taxes on</p> <p>31 the place of residence, as stated on the declaration of candidacy, or that</p> <p>32 I am a past or present corporate officer of any fee office that owes any</p> <p>33 taxes to the state, other than those taxes which may be in dispute. I</p> <p>34 declare under penalties of perjury that I am not aware of any</p> <p>35 information that would prohibit me from fulfilling any bonding</p> <p>36 requirements for the office for which I am filing.</p> <p>37 _____ Candidate's Signature</p> <p>38 _____ Printed Name of Candidate</p>

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

✓