

FIRST REGULAR SESSION

# HOUSE BILL NO. 318

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

0723H.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 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Section A. Section 115.306, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.306, to read as follows: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. ~~[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.]~~ **(1) This subsection shall be known as the "Donald J. Trump Election Qualification Act".**

**(2) A person 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 shall not be disqualified as a candidate for elective public office in the state of Missouri if otherwise qualified.**

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.

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

21 AFFIRMATION OF TAX PAYMENTS AND BONDING  
22 REQUIREMENTS:

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

32 \_\_\_\_\_ Candidate's Signature

33 \_\_\_\_\_ Printed Name of Candidate

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

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