

FIRST REGULAR SESSION

# HOUSE BILL NO. 1064

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MURPHY.

2360H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 115.357, RSMo, and to enact in lieu thereof one new section relating to candidate filing fees.

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

Section A. Section 115.357, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.357, to read as follows:

115.357. 1. Except as provided in subsections [~~3 and~~] **4 and 5** of this section, each candidate for federal, state or county office shall, before filing his or her declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he or she seeks nomination a certain sum of money as follows:

(1) To the treasurer of the state central committee, five hundred dollars if he or she is a candidate for statewide office or for United States senator, three hundred dollars if he or she is a candidate for representative in Congress, circuit judge or state senator, and one hundred fifty dollars if he or she is a candidate for state representative;

(2) To the treasurer of the county central committee, one hundred dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his or her declaration of candidacy, except that a candidate required to file his or her declaration of candidacy with the secretary of state shall pay the required sum directly to the treasurer of the appropriate party committee. All sums submitted to the official accepting the candidate's declaration of candidacy shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

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           **3. The treasurer of the county central committee shall not reject the filing fee**  
 18 **from a candidate who has been affiliated, as described in section 115.155, with the party**  
 19 **for which he or she seeks to declare candidacy for at least twenty-six weeks prior to the**  
 20 **last Tuesday in February immediately preceding the primary election.**

21           **4.** Any person who cannot pay the fee required to file as a candidate may have the fee  
 22 waived by filing a declaration of inability to pay and a petition with his declaration of  
 23 candidacy. Each such declaration shall be in substantially the following form:

24                           DECLARATION OF INABILITY TO PAY FILING FEE

25           I, \_\_\_\_\_, do hereby swear that I am financially unable to pay the fee  
 26 of \_\_\_\_\_ (amount of fee) to file as a candidate for nomination to the  
 27 office of \_\_\_\_\_ at the primary election to be held on the \_\_\_\_\_ day  
 28 of \_\_\_\_\_, 20\_\_\_\_.

29           \_\_\_\_\_  
 30 Signature of candidate

Subscribed and sworn  
 to before me this  
 \_\_\_\_\_ day of  
 \_\_\_\_\_, 20\_\_\_\_.

31  
 32  
 33           \_\_\_\_\_  
 34 Residence address

\_\_\_\_\_  
 Signature of election  
 official or officer  
 authorized to  
 administer oaths

35  
 36  
 37  
 38  
 39 If the candidate's declaration of candidacy is to be filed in person, the declaration of inability  
 40 to pay shall be subscribed and sworn to by the candidate before the election official who  
 41 witnesses the candidate's declaration of candidacy. If his declaration of candidacy is to be  
 42 filed by certified mail pursuant to subsection 2 of section 115.355, the declaration of inability  
 43 to pay shall be subscribed and sworn to by the candidate before the notary or other officer  
 44 who witnesses the candidate's declaration of candidacy. With his declaration of inability to  
 45 pay, the candidate shall submit a petition endorsing his candidacy. Except for the number of  
 46 signatures required, each such petition shall, insofar as practicable, be in the form provided in  
 47 sections 115.321 and 115.325. If the person filing declaration of indigence is to be a  
 48 candidate for statewide office, his petition shall be signed by the number of registered voters  
 49 in the state equal to at least one-half of one percent of the total number of votes cast in the  
 50 state for the office at the last election in which a candidate ran for the office. If the person  
 51 filing a declaration of indigence is to be a candidate for any other office, the petition shall be  
 52 signed by the number of registered voters in the district or political subdivision which is equal  
 53 to at least one percent of the total number of votes cast for the office at the last election in

54 which a candidate ran for the office. The candidate's declaration of inability to pay and the  
55 petition shall be filed at the same time and in the same manner as his declaration of candidacy  
56 is filed. The petition shall be checked and its sufficiency determined in the same manner as  
57 new party and independent candidate petitions.

58 ~~[4.]~~ **5.** No filing fee shall be required of any person who proposes to be an  
59 independent candidate, the candidate of a new party or a candidate for presidential elector.

60 ~~[5.]~~ **6.** Except as provided in subsections ~~[3- and]~~ **4 and 5** of this section, no  
61 candidate's name shall be printed on any official ballot until the required fee has been paid.

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