

SECOND REGULAR SESSION

HOUSE BILL NO. 2895

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIMBLE.

4577H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 115.306, RSMo, and to enact in lieu thereof one new section relating to qualifications of candidates 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Section A. Section 115.306, RSMo, is repealed and one new section enacted in lieu
2 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
2 state of Missouri who has been found guilty of or pled guilty to a felony under the federal
3 laws of the United States of America or to a felony under the laws of this state or an offense
4 committed in another state that would be considered a felony in this state.

5 2. (1) Any person who files as a candidate for election to a public office shall be
6 disqualified from participation in the election for which the candidate has filed if such person
7 is delinquent in the payment of any state income taxes, personal property taxes, municipal
8 taxes, real property taxes on the place of residence, as stated on the declaration of candidacy,
9 or if the person is a past or present corporate officer of any fee office that owes any taxes to
10 the state.

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

15 AFFIRMATION OF TAX PAYMENTS AND BONDING
16 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 refiling 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 **(4) Any person who files as a candidate for election to a public office that**
43 **performs county functions in a city not within a county shall file an affidavit with the**
44 **election authority and shall attach thereto official copies of receipts or no-tax-due**
45 **statements received from the collector and official statements from the collector that**
46 **indicate the person has paid all taxes due and is not delinquent in any tax. The election**
47 **authority shall review such documentation and the affirmation of tax payments**
48 **required under subdivision (2) of this subsection.**

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