

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 63

98TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 5, 2015, with recommendation that the Senate Committee Substitute do pass.

0545S.08C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 115.342, 115.348, 115.350, and 162.481, RSMo, and to enact in lieu thereof three new sections relating to requirements for candidates for certain elective public offices, with an emergency clause.

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

Section A. Sections 115.342, 115.348, 115.350, and 162.481, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be known as sections
3 115.306, 115.308, and 162.481, to read as follows:

**115.306. 1. No person shall qualify as a candidate for elective
2 public office in the state of Missouri who has been found guilty of or
3 pled guilty to a felony or misdemeanor under the federal laws of the
4 United States of America or to a felony under the laws of this state.**

**5 2. Notwithstanding any other provision of law to the contrary,
6 no person shall be appointed to any public office if the person is
7 delinquent in the payment of any state income taxes, personal property
8 taxes, real property taxes on the place of residence, or any county or
9 municipal taxes or user fees.**

**10 3. (1) Any person who files as a candidate for election to a public
11 office shall be disqualified from participation in the election for which
12 the candidate has filed if such person is delinquent in the payment of
13 any state income taxes, personal property taxes, municipal taxes, real
14 property taxes on the place of residence, as stated on the declaration
15 of candidacy, or if the person is a past or present corporate officer of**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 any fee office that owes any taxes to the state.

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

21 **AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:**

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

31 Candidate's Signature

32 Printed Name of Candidate.

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

115.308. Sections 115.307 to 115.405 shall not apply to candidates
 2 for special district offices; township offices in township organization

3 counties; or city, town, and village offices.

162.481. 1. Except as otherwise provided in this section **and in section**
2 **162.492**, all elections of school directors in urban **school** districts shall be held
3 biennially at the same times and places as municipal elections.

4 2. [In any urban district which includes all or the major part of a city
5 which first obtained a population of more than seventy-five thousand inhabitants
6 by reason of the 1960 federal decennial census, elections of directors shall be held
7 on municipal election days of even-numbered years. The directors of the prior
8 district shall continue as directors of the urban district until their successors are
9 elected as herein provided. On the first Tuesday in April, 1964, four directors
10 shall be elected, two for terms of two years to succeed the two directors of the
11 prior district who were elected in 1960 and two for terms of six years to succeed
12 the two directors of the prior district who were elected in 1961. The successors
13 of these directors shall be elected for terms of six years. On the first Tuesday in
14 April, 1968, two directors shall be elected for terms to commence on November 5,
15 1968, and to terminate on the first Tuesday in April, 1974, when their successors
16 shall be elected for terms of six years. No director shall serve more than two
17 consecutive six-year terms after October 13, 1963.

18 3.] Except as otherwise provided in subsections **3**, **4**, and **5** of this section,
19 hereafter when a seven-director district becomes an urban **school** district, the
20 directors of the prior seven-director district shall continue as directors of the
21 urban **school** district until the expiration of the terms for which they were
22 elected and until their successors are elected as provided in this subsection. The
23 first biennial school election for directors shall be held in the urban **school**
24 district at the time provided in subsection 1 which is on the date of or subsequent
25 to the expiration of the terms of the directors of the prior district which are first
26 to expire, and directors shall be elected to succeed the directors of the prior
27 district whose terms have expired. If the terms of two directors only have
28 expired, the directors elected at the first biennial school election in the urban
29 **school** district shall be elected for terms of six years. If the terms of four
30 directors have expired, two directors shall be elected for terms of six years and
31 two shall be elected for terms of four years. At the next succeeding biennial
32 election held in the urban district, successors for the remaining directors of the
33 prior seven-director district shall be elected. If only two directors are to be
34 elected they shall be elected for terms of six years each. If four directors are to
35 be elected, two shall be elected for terms of six years and two shall be elected for

36 terms of two years. After seven directors of the urban district have been elected
37 under this subsection, their successors shall be elected for terms of six years.

38 [4.] **3.** In any school district in [any city with a population of one
39 hundred thousand or more inhabitants which is located within a county of the
40 first classification that adjoins no other county of the first classification, or any
41 school district which becomes an urban school district by reason of the 2000
42 federal decennial census] **which a majority of the district is located in any**
43 **home rule city with more than one hundred fifty-five thousand but**
44 **fewer than two hundred thousand inhabitants**, elections shall be held
45 annually at the same times and places as general municipal elections for all years
46 where one or more terms expire, and the terms shall be for three years and until
47 their successors are duly elected and qualified for all directors elected on and
48 after August 28, 1998.

49 **4. For any school district which becomes an urban school district**
50 **by reason of the 2000 federal decennial census, elections shall be held**
51 **annually at the same times and places as general municipal elections**
52 **for all years where one or more terms expire, and the terms shall be for**
53 **three years and until their successors are duly elected and qualified for**
54 **all directors elected on and after August 28, 2001.**

55 5. In any school district in any county with a charter form of government
56 and with more than three hundred thousand but fewer than four hundred fifty
57 thousand inhabitants which becomes an urban school district by reason of the
58 2010 federal decennial census, elections shall be held annually at the same times
59 and places as general municipal elections for all years where one or more terms
60 expire, and the terms shall be for three years and until their successors are duly
61 elected and qualified for all directors elected on and after April 2, 2012.

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

9 2. Each potential candidate for election to a public office
10 shall file an affidavit with the department of revenue and include

11 a copy of the affidavit with the declaration of candidacy required
12 under section 115.349. Such affidavit shall be in substantially the
13 following form:

14 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

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

25 Candidate's Signature

26 Printed Name of Candidate.

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

[115.348. No person shall qualify as a candidate for elective

2 public office in the state of Missouri who has been found guilty of
3 or pled guilty to a felony or misdemeanor under the federal laws of
4 the United States of America.]

[115.350. No person shall qualify as a candidate for elective
2 public office in the state of Missouri who has been convicted of or
3 found guilty of or pled guilty
4 to a felony under the laws of this state.]

Section B. Because of the need to ensure uniform and final election
2 practices in township organization counties, and cities, towns, and villages,
3 section A of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act
6 shall be in full force upon its passage and approval.

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