

SECOND REGULAR SESSION

SENATE BILL NO. 671

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time January 17, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5044S.02I

AN ACT

To repeal sections 52.010, 54.033, 54.330, and 115.342, RSMo, and to enact in lieu thereof four new sections relating to certain public offices that have statutory bond requirements.

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

Section A. Sections 52.010, 54.033, 54.330, and 115.342, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 52.010, 54.033, 54.330, and 115.342, to read as follows:

52.010. 1. At the general election in 1906, and every four years
2 thereafter, a collector, to be styled the collector of the revenue, shall be elected
3 in each of the counties of this state, except counties under township organization,
4 who shall hold his **or her** office for four years and until his successor is duly
5 elected and qualified. The collector shall [be a resident of] **reside in** the county
6 from which such person [was] **is elected throughout his or her term in office.**

7 **2. A candidate for the office of collector shall be at least twenty-**
8 **one years of age and a resident of the state and the county in which he**
9 **or she is a candidate for at least one year prior to the date of filing for**
10 **such office. The candidate shall be a registered voter and current in**
11 **the payment of all state income taxes and personal and real property**
12 **taxes.**

13 **3. The candidate shall present to the election authority a copy**
14 **of a signed affidavit from a surety company authorized to do business**
15 **in this state, indicating that the candidate meets the statutory bond**
16 **requirements for the office for which the candidate is filing.**

54.033. In the event of a vacancy caused by death, resignation, or

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

2 otherwise, in the office of county treasurer in any county except a county **having**
3 **a township form of government with an office of collector-treasurer and**
4 **any county** with a charter form of government, the county commission shall
5 appoint a deputy treasurer or a qualified person to serve as an interim treasurer
6 until said treasurer returns or the unexpired term is filled under section
7 105.030. Such individual must be eligible to serve as a county treasurer under
8 section 54.040, and must comply with section 54.090.

54.330. 1. **A candidate for county collector-treasurer shall be at**
2 **least twenty-one years of age and a resident of the county in which he**
3 **or she is a candidate for at least one year prior to the date of filing for**
4 **the office. The candidate shall also be a registered voter and shall be**
5 **current in the payment of all state income taxes and personal and real**
6 **property taxes. The candidate shall present to the election authority**
7 **a copy of a signed affidavit from a surety company authorized to do**
8 **business in this state, indicating that the candidate meets the statutory**
9 **bond requirements for the office for which the candidate is filing. A**
10 **collector-treasurer shall reside in the county throughout his or her**
11 **term in office and shall remain in office until a successor is duly**
12 **elected and qualified.**

13 2. County collector-treasurers [in a county having township organization],
14 shall be required to give bonds as other county collectors under the general
15 revenue law, **and shall have the sole authority to appoint deputies as**
16 **provided to other county collectors under section 52.300.**

17 [2.] 3. Before entering upon the duties for which they are employed,
18 deputies and assistants employed in the office of any collector-treasurer shall give
19 bond and security to the satisfaction of the collector-treasurer. The bond for each
20 individual deputy or assistant shall not exceed one-half of the amount of the
21 maximum bond required for any collector-treasurer. The official bond required
22 pursuant to this section shall be a surety bond with a surety company authorized
23 to do business in this state. The premium of the bond shall be paid by the county
24 or city being protected.

25 4. **In the event of a vacancy caused by death, resignation, or**
26 **otherwise, in the office of collector-treasurer, the county clerk shall**
27 **follow the procedures in section 52.180 that apply when there is a**
28 **vacancy in the office of collector in other counties.**

115.342. 1. Any person who files as a candidate for election to a public

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

7 2. Each potential candidate for election to a public office shall file an
8 affidavit with the department of revenue and include a copy of the affidavit with
9 the declaration of candidacy required under section 115.349. Such affidavit shall
10 be in substantially the following form: "AFFIRMATION OF TAX PAYMENTS
11 **AND BONDING REQUIREMENTS:**

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

20 Candidate's Signature Printed Name of
21 Candidate."

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

38 4. Any person who files as a candidate for election to a public
39 office having a bond requirement shall file with the department of
40 revenue a signed affidavit from a surety company authorized to do
41 business in this state, indicating that the candidate meets the bond
42 requirements set by statute or by the county commission for the office
43 for which the candidate is filing. The candidate shall include a copy of
44 the surety company affidavit with the declaration of candidacy
45 required in this chapter.

Unofficial

Bill

Copy