

FIRST REGULAR SESSION

# SENATE BILL NO. 435

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Read 1st time February 27, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1902S.011

## AN ACT

To repeal sections 115.305, 115.346, 115.350, and 561.021, RSMo, and to enact in lieu thereof four new sections relating to disqualification from public office.

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

Section A. Sections 115.305, 115.346, 115.350, and 561.021, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 115.305, 115.346, 115.350, and 561.021, to read as follows:

115.305. **With the exception of sections 115.342, 115.346, 115.348,**  
2 **and 115.350**, this subchapter shall not apply to candidates for special district  
3 offices, township offices in township organization counties, or city, town and  
4 village offices; provided that, cities of the fourth class, except those in a county  
5 of the first class with a charter form of government and which adjoins a city not  
6 within a county, may elect, only by ordinance, to hold primary elections in  
7 accordance with the provisions of sections 115.305 to 115.405 or in accordance  
8 with the provisions of sections 78.470, 78.480 and 78.510, and the ordinance shall  
9 state which of these provisions of law are being adopted.

115.346. Notwithstanding any other provisions of law to the contrary, no  
2 person shall be certified as a candidate for a [municipal] **public** office, nor shall  
3 such person's name appear on the ballot as a candidate for such office, who shall  
4 be in arrears for any unpaid city taxes or municipal user fees on the last day to  
5 file a declaration of candidacy for the office.

115.350. No person shall qualify as a candidate for **or hold any** elective  
2 public office in the state of Missouri who has been convicted of or found guilty of  
3 or pled guilty **or nolo contendere** to a felony under the laws of this state **or**  
4 **under the laws of another jurisdiction of a crime which, if committed**

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

5 **within this state, would be a felony.**

6 561.021. [1.] A person holding any public office, elective or appointive,  
7 under the government of this state or any agency or political subdivision thereof,  
8 who is convicted of a crime shall, upon sentencing, forfeit such office if:

9 (1) He is convicted under the laws of this state of a felony or under the  
10 laws of another jurisdiction of a crime which, if committed within this state,  
11 would be a felony, or he pleads guilty or nolo contendere of such a crime; or

12 (2) He is convicted of or pleads guilty or nolo contendere to a crime  
13 involving misconduct in office, or dishonesty; or

14 (3) The constitution or a statute other than the code so provides.

15 [2. Except as provided in subsection 3 of this section, a person who pleads  
16 guilty or nolo contendere or is convicted under the laws of this state of a felony  
17 or under the laws of another jurisdiction of a crime which, if committed within  
18 this state, would be a felony, shall be ineligible to hold any public office, elective  
19 or appointive, under the government of this state or any agency or political  
20 subdivision thereof, until the completion of his sentence or period of probation.

3. A person who pleads guilty or nolo contendere or is convicted under the  
laws of this state or under the laws of another jurisdiction of a felony connected  
with the exercise of the right of suffrage shall be forever disqualified from holding  
any public office, elective or appointive, under the government of this state or any  
agency or political subdivision thereof.]

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