

SENATE BILL NO. 1307

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4941S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 115.306, RSMo, and to enact in lieu thereof one new section relating to eligibility for public office, with an emergency clause.

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Section A. Section 115.306, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 115.306,
3 to read as follows:

115.306. 1. No person shall qualify as a candidate
2 for elective public office in the state of Missouri who has
3 been found guilty of or pled guilty to a felony under the
4 federal laws of the United States of America or to a felony
5 under the laws of this state or an offense committed in
6 another state that would be considered a felony in this
7 state.

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

17 (2) Each potential candidate for election to a public
18 office, except candidates for a county or city committee of

19 a political party, shall file an affidavit with the
20 department of revenue and include a copy of the affidavit
21 with the declaration of candidacy required under section
22 115.349. Such affidavit shall be in substantially the
23 following form:

24 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

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

36 _____ Candidate's
37 Signature

38 _____ Printed Name of Candidate

39 (3) Upon receipt of a complaint alleging a delinquency
40 of the candidate in the filing or payment of any state
41 income taxes, personal property taxes, municipal taxes, real
42 property taxes on the place of residence, as stated on the
43 declaration of candidacy, or if the person is a past or
44 present corporate officer of any fee office that owes any
45 taxes to the state, the department of revenue shall
46 investigate such potential candidate to verify the claim
47 contained in the complaint. If the department of revenue
48 finds a positive affirmation to be false, the department
49 shall contact the secretary of state, or the election
50 official who accepted such candidate's declaration of
51 candidacy, and the potential candidate. The department

52 shall notify the candidate of the outstanding tax owed and
53 give the candidate thirty days to remit any such outstanding
54 taxes owed which are not the subject of dispute between the
55 department and the candidate. If the candidate fails to
56 remit such amounts in full within thirty days, the candidate
57 shall be disqualified from participating in the current
58 election and barred from refiling for an entire election
59 cycle even if the individual pays all of the outstanding
60 taxes that were the subject of the complaint.

61 **3. No person shall qualify as a candidate for**
62 **president of the United States after the governor has**
63 **declared the state to be under a state of actual or**
64 **threatened invasion of illegal immigrants into this state,**
65 **and such person has been identified by the governor as being**
66 **associated with such invasion. The governor shall issue a**
67 **proclamation not less than eight months prior to the general**
68 **election identifying any person associated with such**
69 **invasion. The general assembly, by concurrent resolution**
70 **approved by two-thirds of the members elected to each**
71 **chamber, may remove such disability.**

Section B. Because of the need to ensure that
2 candidates for public office in Missouri have not engaged in
3 threatened or actual invasion of this state, section A of
4 this act is deemed necessary for the immediate preservation
5 of the public health, welfare, peace, and safety, and is
6 hereby declared to be an emergency act within the meaning of
7 the constitution, and section A of this act shall be in full
8 force and effect upon its passage and approval.

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