

SECOND REGULAR SESSION

HOUSE BILL NO. 2679

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WINDHAM.

5557H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.133 and 115.306, RSMo, and to enact in lieu thereof two new sections relating to elections.

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

Section A. Sections 115.133 and 115.306, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.133 and 115.306, to read as follows:

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the
2 United States who is a resident of the state of Missouri and seventeen years and six months of
3 age or older shall be entitled to register and to vote in any election which is held on or after
4 his eighteenth birthday.

5 2. No person who is adjudged incapacitated shall be entitled to register or vote. No
6 person shall be entitled to vote:

7 (1) While confined under a sentence of imprisonment; **or**

8 (2) ~~While on probation or parole after conviction of a felony, until finally discharged~~
9 ~~from such probation or parole; or~~

10 ~~(3)]~~ **After conviction of a felony or misdemeanor connected with the right of suffrage**
11 **until a period of thirty years after the person has served the sentence for such felony or**
12 **misdemeanor or, if the person is placed on probation or parole after conviction of such**
13 **felony or misdemeanor, until the person has been finally discharged from probation or**
14 **parole for a period of thirty years.**

15 3. Except as provided in federal law or federal elections and in section 115.277, no
16 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
17 or her residence prior to the deadline to register to vote.

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.

115.306. 1. **(1)** No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state **until the person has served the sentence for such felony or, if the person is placed on probation or parole after conviction of such felony, until the person has been finally discharged from probation or parole. If the felony was connected to the right of suffrage, the person shall be ineligible for office until a period of thirty years after serving the sentence for such felony or, if the person is placed on probation or parole after conviction of such felony, until the person has been finally discharged from probation or parole for a period of thirty years.**

(2) Any person who files as a candidate for election to a public office shall be asked by the secretary of state, or the secretary of state's designee, whether such person has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state. **If the person filing for candidacy answers this question affirmatively, the person's answer and details concerning the offense shall be recorded and published on the secretary of state's website in a location accessible to the public.**

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

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

AFFIRMATION OF TAX PAYMENTS AND BONDING
REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I

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declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing. _____ Candidate's Signature _____ Printed Name of Candidate

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

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