

SECOND REGULAR SESSION

SENATE BILL NO. 881

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Read 1st time February 3, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4868S.011

AN ACT

To repeal sections 115.305, 115.342, 115.346, 321.130, and 321.711, RSMo, and to enact in lieu thereof five new sections relating to political subdivisions.

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

Section A. Sections 115.305, 115.342, 115.346, 321.130, and 321.711, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.305, 115.342, 321.018, 321.130, and 321.711, to read as follows:

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

115.342. 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, **city taxes, municipal user fees**, personal property 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 shall file an affidavit with the department of revenue and include a copy of the affidavit with

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

10 the declaration of candidacy required under section 115.349. Such affidavit shall
11 be in substantially the following form:

12 "AFFIRMATION OF TAX PAYMENTS:

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

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

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

**321.018. Persons contracting to provide professional services for
2 a fire protection district shall not receive compensation after
3 termination of such contract by the governing body of such fire
4 protection district, except for services actually rendered.**

321.130. 1. A person, to be qualified to serve as a director, shall be a
2 voter of the district at least one year before the election or appointment and be
3 over the age of twenty-five years; except as provided in subsections 2 and 3 of this
4 section. The person shall also be a resident of such fire protection district. In the
5 event the person is no longer a resident of the district, the person's office shall

6 be vacated, and the vacancy shall be filled as provided in section
7 321.200. Nominations and declarations of candidacy shall be filed at the
8 headquarters of the fire protection district by paying a ten dollar filing fee and
9 filing a statement under oath that such person possesses the required
10 qualifications.

11 2. In any fire protection district located in more than one county one of
12 which is a first class county without a charter form of government having a
13 population of more than one hundred ninety-eight thousand and not adjoining
14 any other first class county or located wholly within a first class county as
15 described herein, a resident shall have been a resident of the district for more
16 than one year to be qualified to serve as a director.

17 3. In any fire protection district located in a county of the third or fourth
18 classification, a person to be qualified to serve as a director shall be over the age
19 of twenty-five years and shall be a voter of the district for more than one year
20 before the election or appointment, except that for the first board of directors in
21 such district, a person need only be a voter of the district for one year before the
22 election or appointment.

23 4. A person desiring to become a candidate for the first board of directors
24 of the proposed district shall pay the sum of five dollars as a filing fee to the
25 treasurer of the county and shall file with the election authority a statement
26 under oath that such person possesses all of the qualifications set out in this
27 chapter for a director of a fire protection district. Thereafter, such candidate
28 shall have the candidate's name placed on the ballot as a candidate for director.

29 **5. Any director who has been found guilty of or pleads guilty to**
30 **any felony shall immediately forfeit the office.**

321.711. 1. A recall petition shall be filed with the election authority not
2 more than one hundred eighty days after the filing of the notice of intention.

3 2. The number of qualified signatures required in order to recall an officer
4 shall be equal in number to at least [twenty-five] **twenty** percent of the number
5 of voters who voted in the most recent gubernatorial election in that district.

6 3. Within twenty days from the filing of the recall petition the election
7 authority shall determine whether or not the petition was signed by the required
8 number of qualified signatures. The election authority shall file with the petition
9 a certificate showing the results of the examination. The authority shall give the
10 proponents a copy of the certificate upon their request.

11 4. If the election authority certifies the petition to be insufficient, it may

12 be supplemented within ten days of the date of certificate by filing additional
13 petition sections containing all of the information required by section 321.709 and
14 this section. Within ten days after the supplemental copies are filed, the election
15 authority shall file with it a certificate stating whether or not the petition as
16 supplemented is sufficient.

17 5. If the certificate shows that the petition as supplemented is
18 insufficient, no action shall be taken on it; however, the petition shall remain on
19 file.

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

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Bill

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