

SECOND REGULAR SESSION

HOUSE BILL NO. 1525

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCAHERTY.

4659H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.305, 115.325, 115.342, 115.346, and 115.363, RSMo, and to enact in lieu thereof four new sections relating to candidate qualifications.

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

Section A. Sections 115.305, 115.325, 115.342, 115.346, and 115.363, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.325, 115.342, 115.346, and 115.363, to read as follows:

115.325. 1. Each petition filed pursuant to sections [115.305] **115.307** to 115.405 shall consist of pages of uniform size. The space for signatures on either side of a petition page shall be no larger than eight and one-half by fourteen inches, and each page shall contain signatures of registered voters from only one county. When submitted for filing, the pages of each petition shall be numbered in sequence for each county.

2. Each page of each petition for the formation of a new party shall be in substantially the following form: It is a felony for anyone to sign any petition for the formation of a new party with any name other than his or her own, or knowingly to sign his or her name more than once to the same petition, or to sign a petition when he or she knows he or she is not a registered voter. Signing this petition does not obligate you to vote for any candidate or party.

PETITION FOR PLACING A NEW PARTY ON THE BALLOT

To the Honorable (title of official with whom petition is to be filed) for (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, County and (district if appropriate), respectfully order that the (name of new political party) and its candidates be placed on the ballot, for election or rejection to such public

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.

17 offices at the next election, to be held on the day of, and each for
 18 himself or herself says: I have personally signed this petition; I am a registered voter of the state
 19 of Missouri, County and (district if appropriate); my registered voting
 20 address and the name of the city, town or village in which I live are correctly written after my
 21 name.

22 Circulator's Affidavit

23 State Of Missouri,

24 County Of

25 I,, a resident of the state of Missouri, being first duly sworn, say (print or type
 26 names of signers)

27 NAME	DATE	REGISTERED VOTING	ZIP	CONGR.	NAME
28 (Signature)	SIGNED	ADDRESS	CODE	DIST.	(Printed
		(Street)(City,			or Typed)
		Town or Village)			

31 (Here follow numbered lines for signers)

32 signed this page of the foregoing petition, and each of them signed his or her name thereto in my
 33 presence; I believe that each has stated his or her name, registered voting address and city, town
 34 or village correctly, and that each signer is a registered voter of the state of Missouri and
 35 County.

36
 37 Signature of Affiant
 38 (Person obtaining signatures)

39
 40 Address of Affiant

41 Subscribed and sworn to before me this day of, A.D.

42
 43 Signature of Notary

44 Notary Public (Seal)

45 My commission expires

46

47 If this form is followed substantially, it shall be sufficient, disregarding clerical and merely
 48 technical errors.

49 3. Each sheet of each petition for nomination of an independent candidate for public
 50 office shall be in substantially the following form: It is a felony for anyone to sign any petition
 51 for the nomination of an independent candidate with any name other than his or her own, or

52 knowingly to sign his or her name more than once to the same petition, or to sign a petition when
 53 he or she knows he or she is not a registered voter.

54 PETITION FOR THE NOMINATION OF AN
 55 INDEPENDENT CANDIDATE

56 To the Honorable (title of official with whom petition is to be filed)
 57 for (the state of Missouri or appropriate county):

58 We, the undersigned, citizens and registered voters of the state of Missouri,
 59 County and (district if appropriate), nominate (name of independent
 60 candidate), residing at (address of candidate), as an independent candidate for
 61 (name of public office for which candidate is to be nominated) and respectfully
 62 order that the name of (name of candidate) be placed on the ballot, for election or
 63 rejection to such office at the next election, to be held on the day of,
 64, and each for himself or herself says: I have personally signed this petition; I am a registered
 65 voter of the state of Missouri, County and (district if appropriate); my
 66 registered voting address and the name of the city, town or village in which I live are correctly
 67 written after my name.

68 Circulator's Affidavit

69 State Of Missouri,
 70 County Of

71 I,, a resident of the state of Missouri, being first duly sworn, say (print or type
 72 names of signers)

73 NAME	DATE	REGISTERED VOTING	ZIP	CONGR.	NAME
74 (Signature)	SIGNED	ADDRESS	CODE	DIST.	(Printed
75		(Street)(City,			or Typed)
76		Town or Village)			

77 (Here follow numbered lines for signers)

78 signed this page of the foregoing petition, and each of them signed his or her name thereto in my
 79 presence; I believe that each has stated his or her name, registered voting address and city, town
 80 or village correctly, and that each signer is a registered voter of the state of Missouri and
 81 County.

82
 83 Signature of Affiant

84 (Person obtaining signatures)

85
 86 Address of Affiant

87 Subscribed and sworn to before me this day of, A.D.

88

.....

89

Signature of Notary

90 Notary Public (Seal)

91 My commission expires.....

92

93 If this form is followed substantially, it shall be sufficient, disregarding clerical and merely
94 technical errors.

95 4. When any registered voter wishes to sign a petition for the formation of a new party
96 or nomination of an independent candidate and is unable to sign his or her name, the required
97 information shall be printed on the petition by the circulator of the petition page. The voter shall
98 then sign the petition by making his or her mark, witnessed by the signature of the circulator.
99 For purposes of [this subchapter] **sections 115.307 to 115.405**, all marks made and witnessed
100 in accordance with this subsection shall be considered signatures.

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

6 2. Each potential candidate for election to a public office shall file an affidavit with the
7 department of revenue and include a copy of the affidavit with the declaration of candidacy
8 required under section 115.349. Such affidavit shall be in substantially the following form:

9 **AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:**

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

17 Candidate's Signature

18 Printed Name of Candidate.

19 3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
20 payment of any state income taxes, personal property taxes, real property taxes on the place of
21 residence, as stated on the declaration of candidacy, or if the person is a past or present corporate
22 officer of any fee office that owes any taxes to the state, the department of revenue shall
23 investigate such potential candidate to verify the claim contained in the complaint. If the

24 department of revenue finds a positive affirmation to be false, the department shall contact the
25 secretary of state, or the election official who accepted such candidate's declaration of candidacy,
26 and the potential candidate. The department shall notify the candidate of the outstanding tax
27 owed and give the candidate thirty days to remit any such outstanding taxes owed which are not
28 the subject of dispute between the department and the candidate. If the candidate fails to remit
29 such amounts in full within thirty days, the candidate shall be disqualified from participating in
30 the current election and barred from refiling for an entire election cycle even if the individual
31 pays all of the outstanding taxes that were the subject of the complaint.

32 **4. Notwithstanding any other provision of law to the contrary, no person shall be**
33 **appointed to any public office if the person is delinquent in the payment of any state**
34 **income taxes, personal property taxes, real property taxes on the place of residence, or any**
35 **county or municipal taxes or user fees.**

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

5 **2. Notwithstanding any other provision of law to the contrary, no person shall be**
6 **appointed to any public office if the person is delinquent in the payment of any state**
7 **income taxes, personal property taxes, real property taxes on the place of residence, or any**
8 **county or municipal taxes or user fees.**

115.363. 1. Except as provided in section 115.361, a party nominating committee of a
2 political party may select a party candidate for nomination to an office on the primary election
3 ballot in the following cases:

4 (1) If there are no candidates for nomination as the party candidate due to death of all
5 the party's candidates after 5:00 p.m. on the last day in which a person may file as a candidate
6 for nomination and at or before 5:00 p.m. on the fourth Tuesday prior to the primary election;

7 (2) If there are no candidates for nomination as the party candidate due to withdrawal
8 after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at
9 or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a
10 candidate for the office;

11 (3) If there are no candidates for nomination as the party candidate due to death or
12 disqualification of all candidates within seven days prior to the filing deadline and if no person
13 has filed for the party nomination within that time;

14 (4) If there are no candidates for nomination as the party candidate due to
15 disqualification of all party candidates after 5:00 p.m. on the last day on which a person may file

16 as a candidate for nomination, and at or before 5:00 p.m. on the sixth Tuesday prior to the
17 primary election; or

18 (5) If a candidate for the position of political party committeeman or committeewoman
19 dies or withdraws as provided in subsection 1 or 2 of section 115.359 after the eighth Tuesday
20 prior to the primary election, leaving no candidate.

21 2. Any established political party may select a candidate for nomination, if a candidate
22 who is the incumbent or only candidate dies, is disqualified or withdraws pursuant to subsection
23 1 or 2 of section 115.359 after 5:00 p.m. on the eighth Tuesday prior to the primary election, and
24 at or before 5:00 p.m. on whatever day is fixed by law as the final date for withdrawing as a
25 candidate for the office.

26 3. A party nominating committee may select a party candidate for election to an office
27 on the general election ballot in the following cases:

28 (1) If the person nominated as the party candidate shall die at or before 5:00 p.m. on the
29 fourth Tuesday prior to the general election;

30 (2) If the person nominated as the party candidate is disqualified at or before 5:00 p.m.
31 on the sixth Tuesday prior to the general election;

32 (3) If the person nominated as the party candidate shall withdraw at or before 5:00 p.m.
33 on whatever day may be fixed by law as the final date for withdrawing as a candidate for the
34 office;

35 (4) If a candidate for nomination to an office in which the person is the party's only
36 candidate dies after 5:00 p.m. on the fourth Tuesday prior to any primary election, withdraws as
37 provided in subsection 1 of section 115.359 after 5:00 p.m. on the fourth Tuesday prior to any
38 primary election, or is disqualified after 5:00 p.m. on the sixth Tuesday before any primary
39 election.

40 4. If a person nominated as a party's candidate who is unopposed shall die at or before
41 5:00 p.m. on the fourth Tuesday prior to the general election, is disqualified at or before 5:00
42 p.m. on the sixth Tuesday prior to the general election, or shall withdraw at or before 5:00 p.m.
43 on whatever day may be fixed by law as the final date for withdrawing as a candidate for the
44 office, the party nominating committee for any established political party may select a party
45 candidate.

46 5. A party nominating committee may select a party candidate for election to an office
47 in the following cases:

48 (1) For an election called to fill a vacancy in an office;

49 (2) For an election held pursuant to the provisions of section 105.030 to fill an unexpired
50 term resulting from a vacancy in an office that occurs within fourteen days prior to the filing
51 deadline for the primary election and not later than the eighth Tuesday prior to the general

52 election. If such vacancy occurs prior to the fourteenth day before the filing deadline for a
53 primary election, filing for the office shall be as provided for in sections [115.305] **115.307** to
54 115.359.

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

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