

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 438

100TH GENERAL ASSEMBLY

0980H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 51.050, 55.060, 58.030, 60.010, 115.306, 115.357, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, RSMo, and to enact in lieu thereof fourteen new sections relating to requirements to run for certain public offices.

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

Section A. Sections 51.050, 55.060, 58.030, 60.010, 115.306, 115.357, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 51.050, 55.060, 58.030, 60.010, 105.035, 115.306, 115.357, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, to read as follows:

51.050. No person shall be elected or appointed clerk of the county commission unless such person be a citizen of the United States, ~~[over the age of twenty-one years]~~ **twenty-one years of age or older**, and shall have resided within the state one whole year, and within the county for which the person is elected one year just prior to such person's election; and every clerk shall after the election continue to reside within the county for which such person is clerk.

55.060. No person shall be elected or appointed county auditor of a county of the first class not having a charter form of government or of a county of the second class unless he **or she** is a citizen of the United States ~~[above the age of twenty-one years]~~ , **twenty-one years of age or older**, and has resided within the state for one whole year and within the county for which he **or she** is elected or appointed for three months immediately preceding the election or his **or her** appointment. He **or she** shall also be a person familiar with the theory and practice of accounting by education, training, and experience and able to perform the duties imposed upon

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.

8 the county auditor by the provisions of this chapter. The county auditor shall, after his **or her**
9 appointment or election, reside in the county for which he **or she** is auditor.

58.030. No person shall be elected or appointed to the office of coroner unless he **or she**
2 be a citizen of the United States, [~~over the age of twenty-one years~~] **twenty-one years of age or**
3 **older**, and shall have resided within the state one whole year, and within the county for which
4 he **or she** is elected, six months next preceding the election.

60.010. 1. At the regular general election in the year 1948, and every four years
2 thereafter, the voters of each county of this state in counties of the second, third, and fourth
3 classification shall elect a registered land surveyor as county surveyor, who shall hold office for
4 four years and until a successor is duly elected, commissioned and qualified. The person elected
5 shall be commissioned by the governor.

6 2. No person shall be elected or appointed surveyor unless such person is a citizen of the
7 United States, [~~over the age of twenty-one years~~] **twenty-one years of age or older**, a registered
8 land surveyor, and shall have resided within the state one whole year. An elected surveyor shall
9 have resided within the county for which the person is elected six months immediately prior to
10 election and shall after election continue to reside within the county for which the person is
11 surveyor. An appointed surveyor need not reside within the county for which the person is
12 surveyor.

13 3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the
14 contrary, the county commission of any county of the third or fourth classification may appoint
15 a surveyor following the deadline for filing for the office of surveyor, if no qualified candidate
16 files for the office in the general election in which the office would have been on the ballot,
17 provided that the notice required by section 115.345 has been published in at least one newspaper
18 of general circulation in the county. The appointed surveyor shall serve at the pleasure of the
19 county commission, however, an appointed surveyor shall forfeit said office once a qualified
20 individual, who has been duly elected at a regularly scheduled general election where the office
21 of surveyor is on the ballot and who has been commissioned by the governor, takes office. The
22 county commission shall fix appropriate compensation, which need not be equal to that of an
23 elected surveyor.

105.035. No person shall be appointed to an elected public office in the state of
2 **Missouri who is delinquent in the payment of state income tax, personal property tax, or**
3 **real property tax on the person's place of residence. A candidate for such appointed public**
4 **office shall provide the appointing authority thereof with a signed and notarized affidavit**
5 **stating that all state income taxes and property taxes, both personal property and real**
6 **property, have been paid or the fact that no taxes were owed for the two fiscal years**
7 **immediately prior to the filing deadline for the requisite elective public office.**

115.306. 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 or misdemeanor 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.

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 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 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

36 participating in the current election and barred from refiling for an entire election cycle even if
37 the individual pays all of the outstanding taxes that were the subject of the complaint.

38 **3. In addition to the requirements of subsections 1 and 2 of this section, the election**
39 **authority of any city, town, village, or township shall require proof that a candidate for**
40 **elective public office within the city, town, village, or township is not delinquent in the**
41 **payment of state income tax, personal property tax, or real property tax on the candidate's**
42 **place of residence. A candidate for such elective public office shall provide the election**
43 **authority thereof with a signed and notarized affidavit stating that all state income taxes**
44 **and property taxes, both personal property and real property, have been paid or the fact**
45 **that no taxes were owed for the two fiscal years immediately prior to the filing deadline for**
46 **the requisite elective public office.**

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for
2 federal, state or county office shall, before filing his **or her** declaration of candidacy, pay to the
3 treasurer of the state or county committee of the political party upon whose ticket he **or she** seeks
4 nomination a certain sum of money as follows:

5 (1) To the treasurer of the state central committee, two hundred dollars if he or she is a
6 candidate for statewide office or for United States senator, one hundred dollars if he or she is a
7 candidate for representative in Congress, circuit judge or state senator, and fifty dollars if he or
8 she is a candidate for state representative;

9 (2) To the treasurer of the county central committee, [~~fifty~~] **twenty-five** dollars if he or
10 she is a candidate for county office.

11 2. The required sum may be submitted by the candidate to the official accepting his **or**
12 **her** declaration of candidacy. All sums so submitted shall be forwarded promptly by the official
13 to the treasurer of the appropriate party committee.

14 3. Any person who cannot pay the fee required to file as a candidate may have the fee
15 waived by filing a declaration of inability to pay and a petition with his **or her** declaration of
16 candidacy. Each such declaration shall be in substantially the following form:

17 **DECLARATION OF INABILITY TO PAY FILING FEE**

18 I, _____, do hereby swear that I am financially unable to pay the fee of _____ (amount
19 of fee) to file as a candidate for nomination to the office of _____ at the primary election to be
20 held on the _____ day of _____, 20____.

21

22 _____
23 Signature of candidate

Subscribed and sworn
to before me this
_____ day of
_____, 20____.

24

25

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Residence address

Signature of election
official or officer
authorized to
administer oaths

33 If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to
34 pay shall be subscribed and sworn to by the candidate before the election official who witnesses
35 the candidate's declaration of candidacy. If his **or her** declaration of candidacy is to be filed by
36 certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall
37 be subscribed and sworn to by the candidate before the notary or other officer who witnesses the
38 candidate's declaration of candidacy. With his **or her** declaration of inability to pay, the
39 candidate shall submit a petition endorsing his **or her** candidacy. Except for the number of
40 signatures required, each such petition shall, insofar as practicable, be in the form provided in
41 sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate
42 for statewide office, his **or her** petition shall be signed by the number of registered voters in the
43 state equal to at least one-half of one percent of the total number of votes cast in the state for the
44 office at the last election in which a candidate ran for the office. If the person filing a declaration
45 of indigence is to be a candidate for any other office, the petition shall be signed by the number
46 of registered voters in the district or political subdivision which is equal to at least one percent
47 of the total number of votes cast for the office at the last election in which a candidate ran for the
48 office. The candidate's declaration of inability to pay and the petition shall be filed at the same
49 time and in the same manner as his **or her** declaration of candidacy is filed. The petition shall
50 be checked and its sufficiency determined in the same manner as new party and independent
51 candidate petitions.

52 4. No filing fee shall be required of any person who proposes to be an independent
53 candidate, the candidate of a new party or a candidate for presidential elector.

54 5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall
55 be printed on any official ballot until the required fee has been paid.

162.291. The voters of each seven-director district other than urban districts shall, at
2 municipal elections, elect two directors who are citizens of the United States and resident
3 taxpayers of the district, who have resided in this state for one year next preceding their election
4 or appointment, and who are ~~[at least twenty-four years of age]~~ **twenty-one years of age or**
5 **older.**

190.050. 1. After the ambulance district has been declared organized, the declaring
2 county commission, except in counties of the second class having more than one hundred five
3 thousand inhabitants located adjacent to a county of the first class having a charter form of
4 government which has a population of over nine hundred thousand inhabitants, shall divide the
5 district into six election districts as equal in population as possible, and shall by lot number the
6 districts from one to six inclusive. The county commission shall cause an election to be held in
7 the ambulance district within ninety days after the order establishing the ambulance district to
8 elect ambulance district directors. Each voter shall vote for one director from the ambulance
9 election district in which the voter resides. The directors elected from districts one and four shall
10 serve for a term of one year, the directors elected from districts two and five shall serve for a
11 term of two years, and the directors from districts three and six shall serve for a term of three
12 years; thereafter, the terms of all directors shall be three years. All directors shall serve the term
13 to which they were elected or appointed, and until their successors are elected and qualified,
14 except in cases of resignation or disqualification. The county commission shall reapportion the
15 ambulance districts within sixty days after the population of the county is reported to the
16 governor for each decennial census of the United States. Notwithstanding any other provision
17 of law, if the number of candidates for the office of director is no greater than the number of
18 directors to be elected, no election shall be held, and the candidates shall assume the
19 responsibilities of their offices at the same time and in the same manner as if they have been
20 elected.

21 2. In all counties of the second class having more than one hundred five thousand
22 inhabitants located adjacent to a county of the first class having a charter form of government
23 which has a population of over nine hundred thousand inhabitants, the voters shall vote for six
24 directors elected at large from within the district for a term of three years. Those directors
25 holding office in any district in such a county on August 13, 1976, shall continue to hold office
26 until the expiration of their terms, and their successors shall be elected from the district at large
27 for a term of three years. In any district formed in such counties after August 13, 1976, the
28 governing body of the county shall cause an election to be held in that district within ninety days
29 after the order establishing the ambulance district to elect ambulance district directors. Each
30 voter shall vote for six directors. The two candidates receiving the highest number of votes at
31 such election shall be elected for a term of three years, the two candidates receiving the third and
32 fourth highest number of votes shall be elected for a term of two years, the two candidates
33 receiving the fifth and sixth highest number of votes shall be elected for a term of one year;
34 thereafter, the term of all directors shall be three years.

35 3. A candidate for director of the ambulance district shall, at the time of filing, be a
36 citizen of the United States, a qualified voter of the election district as provided in subsection 1

37 of this section, a resident of the district for two years next preceding the election, and shall be
38 ~~[at least twenty-four years of age]~~ **twenty-one years of age or older**. In an established district
39 which is located within the jurisdiction of more than one election authority, the candidate shall
40 file his or her declaration of candidacy with the secretary of the board. In all other districts, a
41 candidate shall file a declaration of candidacy with the county clerk of the county in which he
42 or she resides. A candidate shall file a statement under oath that he or she possesses the required
43 qualifications. No candidate's name shall be printed on any official ballot unless the candidate
44 has filed a written declaration of candidacy pursuant to subsection 5 of section 115.127. If the
45 time between the county commission's call for a special election and the date of the election is
46 not sufficient to allow compliance with subsection 5 of section 115.127, the county commission
47 shall, at the time it calls the special election, set the closing date for filing declarations of
48 candidacy.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the
2 circuit court decree or amended decree of incorporation for a reorganized common sewer district,
3 who shall reside within the boundaries of the district. Each trustee shall be a voter of the district
4 and shall have resided in said district for twelve months immediately prior to the trustee's
5 election or appointment. A trustee shall be ~~[at least twenty-five years of age]~~ **twenty-one years**
6 **of age or older** and shall not be delinquent in the payment of taxes at the time of the trustee's
7 election or appointment. Regardless of whether or not the trustees are elected or appointed, in
8 the event the district extends into any county bordering the county in which the greater portion
9 of the district lies, the presiding commissioner or other chief executive officer of the adjoining
10 county shall be an additional member of the board of trustees, or the governing body of such
11 bordering county may appoint a citizen from such county to serve as an additional member of
12 the board of trustees. Said additional trustee shall meet the qualifications set forth in this section
13 for a trustee.

14 2. The trustees shall receive no compensation for their services but may be compensated
15 for reasonable expenses normally incurred in the performance of their duties. The board of
16 trustees may employ and fix the compensation of such staff as may be necessary to discharge the
17 business and purposes of the district, including clerks, attorneys, administrative assistants, and
18 any other necessary personnel. The board of trustees may employ and fix the duties and
19 compensation of an administrator for the district. The administrator shall be the chief executive
20 officer of the district subject to the supervision and direction of the board of trustees. The
21 administrator of the district may, with the approval of the board of trustees, retain consulting
22 engineers for the district under such terms and conditions as may be necessary to discharge the
23 business and purposes of the district.

24 3. Except as provided in subsection 1 of this section, the term of office of a trustee shall
25 be five years. The remaining trustees shall appoint a person qualified under this section to fill
26 any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the
27 first Tuesday after the first Monday in June or until the first Tuesday after the first Monday in
28 April, depending upon the resolution of the trustees. In the event that the trustees are elected,
29 said elections shall be conducted by the appropriate election authority under chapter 115.
30 Otherwise, trustees shall be appointed by the county commission in accordance with the
31 qualifications set forth in subsection 1 of this section.

32 4. Notwithstanding any other provision of law, if there is only one candidate for the post
33 of trustee, then no election shall be held, and the candidate shall assume the responsibilities of
34 office at the same time and in the same manner as if elected. If there is no candidate for the post
35 of trustee, then no election shall be held for that post and it shall be considered vacant, to be
36 filled under the provisions of subsection 3 of this section.

 247.060. 1. The management of the business and affairs of the district is hereby vested
2 in a board of directors, who shall have all the powers conferred upon the district except as herein
3 otherwise provided. It shall be composed of five members, each of whom shall be a voter of the
4 district and shall have resided in said district one whole year immediately prior to his or her
5 election. A member shall be ~~[at least twenty-five years of age]~~ **twenty-one years of age or older**
6 and shall not be delinquent in the payment of taxes at the time of his **or her** election. Except as
7 provided in subsection 2 of this section, the term of office of a member of the board shall be
8 three years. The remaining members of the board shall appoint a qualified person to fill any
9 vacancy on the board. If no qualified person who lives in the subdistrict for which there is a
10 vacancy is willing to serve on the board, the board may appoint an otherwise qualified person
11 who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

12 2. After notification by certified mail that he or she has two consecutive unexcused
13 absences, any member of the board failing to attend the meetings of the board for three
14 consecutive regular meetings, unless excused by the board for reasons satisfactory to the board,
15 shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to
16 the board. The vacancy shall be filled as other vacancies occurring in the board.

17 3. The initial members of the board shall be appointed by the circuit court and one shall
18 serve until the immediately following first Tuesday after the first Monday in April, two shall
19 serve until the first Tuesday after the first Monday in April on the second year following their
20 appointment and the remaining appointees shall serve until the first Tuesday after the first
21 Monday in April on the third year following their appointment. On the expiration of such terms
22 and on the expiration of any subsequent term, elections shall be held as otherwise provided by
23 law, and such elections shall be held in April pursuant to section 247.180.

24 4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first
25 Tuesday after the first Monday in June until the first Tuesday in April of the third year following
26 the year of their election. All directors elected thereafter shall serve from the first Tuesday in
27 April until the first Tuesday in April of the third year following the year of their election.

28 5. Each member of the board may receive an attendance fee not to exceed one hundred
29 dollars for attending each regularly called board meeting, or special meeting, but shall not be
30 paid for attending more than two meetings in any calendar month, except that in a county of the
31 first classification, a member shall not be paid for attending more than four meetings in any
32 calendar month. However, no board member shall be paid more than one attendance fee if such
33 member attends more than one board meeting in a calendar week. In addition, the president of
34 the board of directors may receive fifty dollars for attending each regularly or specially called
35 board meeting, but shall not be paid the additional fee for attending more than two meetings in
36 any calendar month. Each member of the board shall be reimbursed for his or her actual
37 expenditures in the performance of his or her duties on behalf of the district.

38 6. In no event, however, shall a board member receive any attendance fees or additional
39 compensation authorized in subsection 5 of this section until after such board member has
40 completed a minimum of six hours training regarding the responsibilities of the board and its
41 members concerning the basics of water treatment and distribution, budgeting and rates, water
42 utility planning, the funding of capital improvements, the understanding of water utility financial
43 statements, the Missouri sunshine law, and this chapter.

44 7. The circuit court of the county having jurisdiction over the district shall have
45 jurisdiction over the members of the board of directors to suspend any member from exercising
46 his or her office, whensoever it appears that he or she has abused his or her trust or become
47 disqualified; to remove any member upon proof or conviction of gross misconduct or
48 disqualification for his or her office; or to restrain and prevent any alienation of property of the
49 district by members, in cases where it is threatened, or there is good reason to apprehend that it
50 is intended to be made in fraud of the rights and interests of the district.

51 8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon
52 petition, filed by or at the instance of any member of the board, or at the instance of any ten
53 voters residing in the district who join in the petition, verified by the affidavit of at least one of
54 them. The petition shall be heard in a summary manner after ten days' notice in writing to the
55 member or officer complained of. An appeal shall lie from the judgment of the circuit court as
56 in other causes, and shall be speedily determined; but an appeal does not operate under any
57 condition as a supersedeas of a judgment of suspension or removal from office.

249.140. 1. Any candidate for the office of trustee in the district shall be an American
2 citizen [~~over the age of twenty-five years~~] **twenty-one years of age or older** and shall have been

3 a resident within the county within which the district is situated for more than four whole years
4 next before the date of the election at which he is a candidate and shall be a voter of the district.
5 Any person desiring to become a candidate for the office of trustee at the election held on the
6 original incorporation of the district, as provided in section 249.070, shall file with the county
7 commission or with the election commissioners a statement, under oath, that he possesses the
8 qualifications required by sections 249.010 to 249.420 for trustee and shall pay a filing fee of
9 five dollars, whereupon his name shall be placed on the ballot as candidate for trustee. Any
10 person desiring to become a candidate for the office of trustee in any subsequent election shall
11 file such statement, under oath, with and pay such filing fee to the secretary of the board of
12 trustees, whereupon his name shall be placed on the ballot as candidate for the office of trustee.

13 2. At such initial election the candidate who receives the highest number of votes shall
14 be elected for a six-year term as trustee; the candidate who receives the second highest number
15 of votes shall be elected for a four-year term as trustee; the candidate who receives the third
16 highest number of votes shall be elected for a two-year term as trustee.

17 3. After his election each trustee shall take and subscribe his oath or affirmation before
18 the clerk of the circuit court to the effect that he is qualified to act as trustee under the provisions
19 of sections 249.010 to 249.420 and that he will perform his duties as such trustee to the best of
20 his ability and impartially in the interest of the whole district.

321.130. A person, to be qualified to serve as a director, shall be a resident and voter of
2 the district for at least one year before the election or appointment and [~~be over the age of~~
3 ~~twenty-four years~~] **shall be twenty-one years of age or older.** In the event the person is no
4 longer a resident of the district, the person's office shall be vacated, and the vacancy shall be
5 filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed
6 at the headquarters of the fire protection district by paying a filing fee equal to the amount of a
7 candidate for county office as set forth under section 115.357, and filing a statement under oath
8 that such person possesses the required qualifications. Thereafter, such candidate shall have the
9 candidate's name placed on the ballot as a candidate for director.

483.010. No person shall be appointed or elected clerk of any court, unless he [~~be~~] **or**
2 **she is** a citizen of the United States, [~~above the age of twenty-one years~~] **twenty-one years of**
3 **age or older,** and shall have resided within the state one whole year, and within the geographical
4 area over which the court has jurisdiction or, in the case of circuit clerks, within the county from
5 which elected, three months before the appointment or election; and every clerk shall, after his
6 **or her** appointment or election, reside in the geographical area over which the court he **or she**
7 serves has jurisdiction or, in the case of circuit clerks, in the county for which he **or she** is clerk.

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