

SECOND REGULAR SESSION

# HOUSE BILL NO. 1739

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WALSH (Sponsor), HUMMEL, MEINERS, STORCH, ATKINS, CASEY, NORR, CALLOWAY, KANDER, SPRENG, CARTER, ZIMMERMAN, LeVOTA, HUGHES, SCHOEMEHL, BRUNS, McNARY, ROORDA, CHAPPELLE-NADAL, WEBB, HOSKINS (80), COLONA, FUNDERBURK, KIRKTON AND COX (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 115.305, 115.342,  
3 321.018, 321.130, and 321.711, to read as follows:

115.305. **With the exception of section 115.342**, this subchapter shall not apply to  
2 candidates for special district offices, township offices in township organization counties, or city,  
3 town and village offices; provided that, cities of the fourth class, except those in a county of the  
4 first class with a charter form of government and which adjoins a city not within a county, may  
5 elect, only by ordinance, to hold primary elections in accordance with the provisions of sections  
6 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510,  
7 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  
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, **city taxes, municipal user fees**, personal  
4 property taxes, real property taxes on the place of residence, as stated on the declaration of  
5 candidacy, or if the person is a past or present corporate officer of any fee office that owes any  
6 taxes to the state.

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.

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

10 "AFFIRMATION OF TAX PAYMENTS:

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

16 ..... Candidate's Signature

17 ..... Printed Name of Candidate."

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

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

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district  
2 at least one year before the election or appointment and be over the age of twenty-five years;  
3 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of  
4 such fire protection district. In the event the person is no longer a resident of the district, the  
5 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.  
6 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection  
7 district by paying a ten dollar filing fee and filing a statement under oath that such person  
8 possesses the required qualifications.

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

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

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

24           **5. Any director who has been found guilty of or plead guilty to any felony shall**  
25 **immediately forfeit the office.**

321.711. 1. A recall petition shall be filed with the election authority not more than one  
2 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 shall be equal  
4 in number to at least [twenty-five] **twenty** percent of the number of voters who voted in the most  
5 recent gubernatorial election in that district.

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

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

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

2           [115.346. Notwithstanding any other provisions of law to the contrary,  
3 no person shall be certified as a candidate for a municipal office, nor shall such  
person's name appear on the ballot as a candidate for such office, who shall be in

4 arrears for any unpaid city taxes or municipal user fees on the last day to file a  
5 declaration of candidacy for the office.]

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