

SENATE SUBSTITUTE  
 FOR  
 HOUSE COMMITTEE SUBSTITUTE  
 FOR  
 HOUSE BILL NO. 1106

AN ACT

To repeal sections 52.010, 54.033, 54.330, and 115.342, RSMo, and to enact in lieu thereof four new sections relating to certain public offices that have statutory bond requirements.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
 AS FOLLOWS:

1           Section A. Sections 52.010, 54.033, 54.330, and 115.342,  
 2 RSMo, are repealed and four new sections enacted in lieu thereof,  
 3 to be known as sections 52.010, 54.033, 54.330, and 115.342, to  
 4 read as follows:

5           52.010. 1. At the general election in 1906, and every four  
 6 years thereafter, a collector, to be styled the collector of the  
 7 revenue, shall be elected in each of the counties of this state,  
 8 except counties under township organization, who shall hold his  
 9 or her office for four years and until his successor is duly  
 10 elected and qualified. The collector shall [be a resident of]  
 11 reside in the county from which such person [was] is elected  
 12 throughout his or her term in office.

13           2. Except in any county with a charter form of government,  
 14 a candidate for the office of collector shall be at least twenty-  
 15 one years of age and a resident of the state and the county in

1 which he or she is a candidate for at least one year prior to the  
2 date of filing for such office. The candidate shall be a  
3 registered voter and current in the payment of all state income  
4 taxes and personal and real property taxes.

5 54.033. In the event of a vacancy caused by death,  
6 resignation, or otherwise, in the office of county treasurer in  
7 any county except a county having a township form of government  
8 with an office of collector-treasurer and any county with a  
9 charter form of government, the county commission shall appoint a  
10 deputy treasurer or a qualified person to serve as an interim  
11 treasurer until said treasurer returns or the unexpired term is  
12 filled under section 105.030. Such individual must be eligible  
13 to serve as a county treasurer under section 54.040, and must  
14 comply with section 54.090.

15 54.330. 1. A candidate for county collector-treasurer  
16 shall be at least twenty-one years of age and a resident of the  
17 county in which he or she is a candidate for at least one year  
18 prior to the date of filing for the office. The candidate shall  
19 also be a registered voter and shall be current in the payment of  
20 all state income taxes and personal and real property taxes. A  
21 collector-treasurer shall reside in the county throughout his or  
22 her term in office and shall remain in office until a successor  
23 is duly elected and qualified.

24 2. County collector-treasurers [in a county having township  
25 organization], shall be required to give bonds as other county  
26 collectors under the general revenue law, and shall have the sole  
27 authority to appoint deputies as provided to other county  
28 collectors under section 52.300.

1           [2.] 3. Before entering upon the duties for which they are  
2 employed, deputies and assistants employed in the office of any  
3 collector-treasurer shall give bond and security to the  
4 satisfaction of the collector-treasurer. The bond for each  
5 individual deputy or assistant shall not exceed one-half of the  
6 amount of the maximum bond required for any collector-treasurer.  
7 The official bond required pursuant to this section shall be a  
8 surety bond with a surety company authorized to do business in  
9 this state. The premium of the bond shall be paid by the county  
10 or city being protected.

11           4. In the event of a vacancy caused by death, resignation,  
12 or otherwise, in the office of collector-treasurer, the county  
13 clerk shall follow the procedures in section 52.180 that apply  
14 when there is a vacancy in the office of collector in other  
15 counties.

16           115.342. 1. Any person who files as a candidate for  
17 election to a public office shall be disqualified from  
18 participation in the election for which the candidate has filed  
19 if such person is delinquent in the payment of any state income  
20 taxes, personal property taxes, real property taxes on the place  
21 of residence, as stated on the declaration of candidacy, or if  
22 the person is a past or present corporate officer of any fee  
23 office that owes any taxes to the state.

24           2. Each potential candidate for election to a public office  
25 shall file an affidavit with the department of revenue and  
26 include a copy of the affidavit with the declaration of candidacy  
27 required under section 115.349. Such affidavit shall be in  
28 substantially the following form: "AFFIRMATION OF TAX PAYMENTS

1 AND BONDING REQUIREMENTS:

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

12 ..... Candidate's Signature

13 ..... Printed Name of Candidate."

14 3. Upon receipt of a complaint alleging a delinquency of  
15 the candidate in the filing or payment of any state income taxes,  
16 personal property taxes, real property taxes on the place of  
17 residence, as stated on the declaration of candidacy, or if the  
18 person is a past or present corporate officer of any fee office  
19 that owes any taxes to the state, the department of revenue shall  
20 investigate such potential candidate to verify the claim  
21 contained in the complaint. If the department of revenue finds a  
22 positive affirmation to be false, the department shall contact  
23 the secretary of state, or the election official who accepted  
24 such candidate's declaration of candidacy, and the potential  
25 candidate. The department shall notify the candidate of the  
26 outstanding tax owed and give the candidate thirty days to remit  
27 any such outstanding taxes owed which are not the subject of  
28 dispute between the department and the candidate. If the

1 candidate fails to remit such amounts in full within thirty days,  
2 the candidate shall be disqualified from participating in the  
3 current election and barred from refiling for an entire election  
4 cycle even if the individual pays all of the outstanding taxes  
5 that were the subject of the complaint.

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