

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 104
98TH GENERAL ASSEMBLY

0229H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.342, 115.348, 115.350, 116.190, 162.481, and 162.491, RSMo, and section 162.025 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, and to enact in lieu thereof six new sections relating to elections, with an emergency clause.

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

Section A. Sections 115.342, 115.348, 115.350, 116.190, 162.481, and 162.491, RSMo, and section 162.025 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, are repealed and six new sections enacted in lieu thereof, to be known as sections 115.306, 115.308, 116.190, 162.481, 162.491, and 1, to read as follows:

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.

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:

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.

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

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

23 Candidate's Signature

24 Printed Name of Candidate

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

115.308. Sections 115.307 to 115.405 shall not apply to candidates for special
2 district offices; township offices in township organization counties; or city, town, and
3 village offices.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note
2 prepared for a proposed constitutional amendment submitted by the general assembly, by
3 initiative petition, or by constitutional convention, or for a statutory initiative or referendum
4 measure, may bring an action in the circuit court of Cole County. The action must be brought
5 within ten days after the official ballot title is certified by the secretary of state in accordance
6 with the provisions of this chapter.

7 2. The secretary of state shall be named as a party defendant in any action challenging
8 the official ballot title prepared by the secretary of state. When the action challenges the fiscal
9 note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as

10 a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor
11 of the measure and the secretary of state shall be the named party defendants in any action
12 challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant
13 to section 116.155.

14 3. The petition shall state the reason or reasons why the summary statement portion of
15 the official ballot title is insufficient or unfair and shall request a different summary statement
16 portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal
17 note or the fiscal note summary portion of the official ballot title is insufficient or unfair and
18 shall request a different fiscal note or fiscal note summary portion of the official ballot title.

19 4. The action shall be placed at the top of the civil docket. Insofar as the action
20 challenges the summary statement portion of the official ballot title, the court shall consider the
21 petition, hear arguments, and in its decision certify the summary statement portion of the official
22 ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal
23 note summary portion of the official ballot title, the court shall consider the petition, hear
24 arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion
25 of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note
26 summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to
27 the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme
28 court within ten days after a circuit court decision. In making the legal notice to election
29 authorities under section 116.240, and for the purposes of section 116.180, the secretary of state
30 shall certify the language which the court certifies to him.

31 5. Any action brought under this section that is not fully and finally adjudicated within
32 one hundred eighty days of filing, **and more than fifty-six days prior to election in which the**
33 **measure is to appear**, including all appeals, shall be extinguished, unless a court extends such
34 period upon a finding of good cause for such extension. Such good cause shall consist only of
35 court-related scheduling issues and shall not include requests for continuance by the parties.

162.481. 1. Except as otherwise provided in this section **and in section 162.492**, all
2 elections of school directors in urban **school** districts shall be held biennially at the same times
3 and places as municipal elections.

4 2. [In any urban district which includes all or the major part of a city which first obtained
5 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal
6 decennial census, elections of directors shall be held on municipal election days of even-
7 numbered years. The directors of the prior district shall continue as directors of the urban district
8 until their successors are elected as herein provided. On the first Tuesday in April, 1964, four
9 directors shall be elected, two for terms of two years to succeed the two directors of the prior
10 district who were elected in 1960 and two for terms of six years to succeed the two directors of

11 the prior district who were elected in 1961. The successors of these directors shall be elected for
12 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms
13 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when
14 their successors shall be elected for terms of six years. No director shall serve more than two
15 consecutive six-year terms after October 13, 1963.

16 3.] Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter
17 when a seven-director district becomes an urban **school** district, the directors of the prior seven-
18 director district shall continue as directors of the urban **school** district until the expiration of the
19 terms for which they were elected and until their successors are elected as provided in this
20 subsection. The first biennial school election for directors shall be held in the urban **school**
21 district at the time provided in subsection 1 which is on the date of or subsequent to the
22 expiration of the terms of the directors of the prior district which are first to expire, and directors
23 shall be elected to succeed the directors of the prior district whose terms have expired. If the
24 terms of two directors only have expired, the directors elected at the first biennial school election
25 in the urban **school** district shall be elected for terms of six years. If the terms of four directors
26 have expired, two directors shall be elected for terms of six years and two shall be elected for
27 terms of four years. At the next succeeding biennial election held in the urban district,
28 successors for the remaining directors of the prior seven-director district shall be elected. If only
29 two directors are to be elected they shall be elected for terms of six years each. If four directors
30 are to be elected, two shall be elected for terms of six years and two shall be elected for terms
31 of two years. After seven directors of the urban district have been elected under this subsection,
32 their successors shall be elected for terms of six years.

33 [4.] 3. In any school district in [any city with a population of one hundred thousand or
34 more inhabitants which is located within a county of the first classification that adjoins no other
35 county of the first classification, or any school district which becomes an urban school district
36 by reason of the 2000 federal decennial census] **which a majority of the district is located in**
37 **any home rule city with more than one hundred fifty-five thousand but fewer than two**
38 **hundred thousand inhabitants**, elections shall be held annually at the same times and places
39 as general municipal elections for all years where one or more terms expire, and the terms shall
40 be for three years and until their successors are duly elected and qualified for all directors elected
41 on and after August 28, 1998.

42 4. **For any school district which becomes an urban school district by reason of the**
43 **2000 federal decennial census, elections shall be held annually at the same times and places**
44 **as general municipal elections for all years where one or more terms expire, and the terms**
45 **shall be for three years and until their successors are duly elected and qualified for all**
46 **directors elected on and after August 28, 2001.**

47 5. In any school district in any county with a charter form of government and with more
48 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which
49 becomes an urban school district by reason of the 2010 federal decennial census, elections shall
50 be held annually at the same times and places as general municipal elections for all years where
51 one or more terms expire, and the terms shall be for three years and until their successors are
52 duly elected and qualified for all directors elected on and after April 2, 2012.

53 **6. In any urban school district in a county of the first classification with more than**
54 **eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home**
55 **rule city with more than seventy-six thousand but fewer than ninety-one thousand**
56 **inhabitants as the county seat, elections shall be held annually at the same times and places**
57 **as general municipal elections for all years where one or more terms expire, and upon**
58 **expiration of any term after August 28, 2015, the term of office shall be for three years and**
59 **until their successors are duly elected and qualified.**

 162.491. 1. Directors for urban school districts, other than those districts containing the
2 greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by
3 petition to be filed with the secretary of the board and signed by a number of voters in the district
4 equal to ten percent of the total number of votes cast for the director receiving the highest
5 number of votes cast at the next preceding biennial election, **except as provided in subsection**
6 **4 of this section.**

7 2. This section shall not be construed as providing the sole method of nominating
8 candidates for the office of school director in urban districts which do not contain the greater part
9 of a city of over three hundred thousand inhabitants.

10 3. A director for any urban school district containing a city of greater than one hundred
11 thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated
12 as an independent candidate by filing with the secretary of the board a petition signed by five
13 hundred registered voters of such school district.

14 **4. In any urban school district located in a home rule city with more than seventy-**
15 **one thousand but fewer than seventy-nine thousand inhabitants, a candidate for director**
16 **shall file a declaration of candidacy with the secretary of the board and shall not be**
17 **required to submit a petition.**

Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the
2 **provisions of this act shall be severable, and if any provision is for any reason held to be**
3 **invalid, such decision shall not invalidate all of the remaining provisions of this act.**
4

 [115.342. 1. Any person who files as a candidate for election to a public
2 office shall be disqualified from participation in the election for which the
3 candidate has filed if such person is delinquent in the payment of any state

4 income taxes, personal property taxes, municipal taxes, real property taxes on the
 5 place of residence, as stated on the declaration of candidacy, or if the person is
 6 a past or present corporate officer of any fee office that owes any taxes to the
 7 state.

8 2. Each potential candidate for election to a public office shall file an
 9 affidavit with the department of revenue and include a copy of the affidavit with
 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 AND BONDING REQUIREMENTS:**
 13 I hereby declare under penalties of perjury that I am not currently aware of any
 14 delinquency in the filing or payment of any state income taxes, personal property
 15 taxes, municipal taxes, real property taxes on the place of residence, as stated on
 16 the declaration of candidacy, or that I am a past or present corporate officer of
 17 any fee office that owes any taxes to the state, other than those taxes which may
 18 be in dispute. I declare under penalties of perjury that I am not aware of any
 19 information that would prohibit me from fulfilling any bonding requirements for
 20 the office for which I am filing.

21
 22 Candidate's Signature

23
 24 Printed Name of Candidate.

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

41
 2 [115.348. No person shall qualify as a candidate for elective public office
 3 in the state of Missouri who has been found guilty of or pled guilty to a felony or
 4 misdemeanor under the federal laws of the United States of America.]

2 [115.350. No person shall qualify as a candidate for elective public office
3 in the state of Missouri who has been convicted of or found guilty of or pled
4 guilty to a felony under the laws of this state.]

2 [162.025. No person shall be a candidate for a member or director of the
3 school board in any district in this state if such person has previously been
4 employed by the district as the district's superintendent.]

2 Section B. Because of the need to ensure uniform and final election practices in township
3 organization counties, and cities, towns, and villages, sections 115.308, 162.481, and 162.491
4 of section A of this act are deemed necessary for the immediate preservation of the public health,
5 welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning
6 of the constitution, and sections 115.308, 162.481, and 162.491 of section A of this act shall be
in full force upon its passage and approval.

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