

**ORDINANCE #68605**  
**Board Bill No. 327**  
**Floor Substitute**

An Ordinance pertaining to election rules and procedures relating to the payment of all taxes and Missouri Ethics Commission fees by candidates for elective City offices; containing an emergency clause and a severability clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Payment of all taxes by candidates for elective City offices.

1. Any person who files as a candidate for elective City 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 personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes on the day that such person files their declaration of candidacy for their respective office, so long as the person has failed to take remedial action as detailed in subsections 3 and 4 below. This subsection does not include taxes owed by any corporation, limited liability company, professional corporation, or other corporate entity **unless any such corporation, limited liability company, professional corporation, or other corporate entity is owned one hundred percent (100%) by the candidate.**

2. Each potential candidate for elective City office shall file an affidavit with the Board of Election Commissioners at the time the potential candidate files his or her declaration of candidacy. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes.

\_\_\_\_\_ Candidate’s Signature

\_\_\_\_\_ Printed Name of Candidate.”

3. Upon written receipt of a [written] complaint alleging a delinquency of the candidate in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes, the Board of Election Commissioners shall investigate such potential candidate to verify the claim(s) contained in the complaint. If the Board of Election Commissioners finds such claim to be true, they shall notify the candidate of the outstanding tax(es) or fee(s) due and give the candidate seven (7) days to remit any such outstanding tax(es) or fee(s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even if the individual pays all outstanding tax(es) or fee(s) that were the subject of the complaint. Any such complaint must be filed no later than two (2) weeks prior to the election, provided that any complaint filed later than seven (7) weeks before the election that is later found to be true will result in disqualification of the candidate but may not necessarily result in the candidate’s name being physically removed from the ballot.

4. Nothing herein shall either preclude or require the Board of Election Commissioners from independently investigating all candidates in any given election to determine if any such candidates are delinquent in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by any candidate, earnings taxes, or city income taxes. If the Board of Election Commissioners commences such an investigation and discovers that any candidates are delinquent in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or city income taxes, the Board of Election Commissioners shall notify the candidate of the outstanding tax(es) or fee(s) due and give the candidate seven (7) days to remit any such outstanding tax(es) or fee(s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even in the individual pays all outstanding taxes that were the subject of the complaint.

**SECTION TWO.** The Board of Election Commissioners shall confirm the filing of an affidavit with the department of revenue as defined in Section 115.342 of the Missouri Revised Statutes.

**SECTION THREE.** Payment of all Missouri Ethics Commission fees by candidates for elective City offices.

1. Any person who files as a candidate for elective City 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 fees as determined by the Missouri Ethics Commission on the day that such person files their declaration of candidacy for their respective office, so long as the person has failed to take remedial action as detailed in subsections 3 and 4 below.

2. Each potential candidate for elective City office shall file an affidavit with the Board of Election Commissioners at the time the potential candidate files his or her declaration of candidacy. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF MISSOURI ETHICS COMMISSION FEES PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the payment of any fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes.

\_\_\_\_\_ Candidate’s Signature

\_\_\_\_\_ Printed Name of Candidate.”

3. Upon written receipt of a written complaint alleging a delinquency of the candidate in the payment of fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes, the Board of Election Commissioners shall investigate such potential candidate to verify the claim(s) contained in the complaint. If the Board of Election Commissioners finds such claim to be true, they shall notify the candidate of the outstanding fee(s) due and give the candidate seven (7) days to remit any such outstanding fees (s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even if the individual pays all outstanding fees (s) that were the subject of the complaint. Any such complaint must be filed no later than two (2) weeks prior to the election, provided that any complaint filed later than seven (7) weeks before the election that is later found to be true will result in disqualification of the candidate but may not necessarily result in the candidate’s name being physically removed from the ballot.

4. Nothing herein shall either preclude or require the Board of Election Commissioners from independently investigating all candidates in any given election to determine if any such candidates are delinquent in the payment of any fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes.

If the Board of Election Commissioners commences such an investigation and discovers that any candidates are delinquent in the payment of any fees as determined by the Missouri Ethics Commission under Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes, the Board of Election Commissioners shall notify the candidate of the outstanding fees (s) due and give the candidate seven (7) days to remit any such outstanding fees (s) owed which were not heretofore the documented subject of dispute between the respective department and the candidate. If the candidate fails to remit such amounts in full within seven (7) days, the candidate shall be disqualified from participating in the current election and barred from refilling for an entire election cycle, even if the individual pays all outstanding taxes that were the subject of the complaint.

**SECTION FOUR.** Severability Clause.

The sections, subsections and clauses of this ordinance shall be severable. In the event that any section, subsection or clause of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections, subsection, or clauses of this ordinance are valid, unless the court finds the valid sections of the ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board of Alderman would have enacted the valid section without the void ones, or unless the court finds that the valid sections standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

**Approved: March 16, 2010**