

1 **BOARD BILL NO. 327 FS INTRODUCED BY ALDERMAN MATT VILLA,**
2 **ALDERMAN FREEMAN BOSLEY, SR, ALDERMAN FRED HEITERT,**
3 **ALDERMAN ALFRED WESSELS, ALDERWOMAN LYDA KREWSON**

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

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

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

9 1. Any person who files as a candidate for elective City office shall be disqualified
10 from participation in the election for which the candidate has filed if such person is
11 delinquent in the payment of any personal property taxes, real property taxes on any real
12 property located within the City and owned in whole or in part by the candidate, earnings
13 taxes, or city income taxes on the day that such person files their declaration of candidacy
14 for their respective office, so long as the person has failed to take remedial action as
15 detailed in subsections 3 and 4 below. This subsection does not include taxes owed by
16 any corporation, limited liability company, professional corporation, or other corporate
17 entity **unless any such corporation, limited liability company, professional**
18 **corporation, or other corporate entity is owned one hundred percent (100%) by the**
19 **candidate.**

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

23 "AFFIRMATION OF TAX PAYMENTS:

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

5 _____ Candidate's Signature

6 _____ Printed Name of Candidate.”

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

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

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

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

22 1. Any person who files as a candidate for elective City office shall be disqualified
23 from participation in the election for which the candidate has filed if such person is

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1 delinquent in the payment of any fees as determined by the Missouri Ethics Commission
2 on the day that such person files their declaration of candidacy for their respective office,
3 so long as the person has failed to take remedial action as detailed in subsections 3 and 4
4 below.

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

8 “AFFIRMATION OF MISSOURI ETHICS COMMISSION FEES PAYMENTS:

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

13 _____ Candidate’s Signature

14 _____ Printed Name of Candidate.”

15 3. Upon written receipt of a written complaint alleging a delinquency of the
16 candidate in the payment of fees as determined by the Missouri Ethics Commission under
17 Section 105.963 and Section 105.961.4 of the Missouri Revised Statutes, the Board of
18 Election Commissioners shall investigate such potential candidate to verify the claim(s)
19 contained in the complaint. If the Board of Election Commissioners finds such claim to
20 be true, they shall notify the candidate of the outstanding fee(s) due and give the
21 candidate seven (7) days to remit any such outstanding fees (s) owed which were not
22 heretofore the documented subject of dispute between the respective department and the
23 candidate. If the candidate fails to remit such amounts in full within seven (7) days, the

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1 candidate shall be disqualified from participating in the current election and barred from
2 refilling for an entire election cycle, even if the individual pays all outstanding fees (s)
3 that were the subject of the complaint. Any such complaint must be filed no later than
4 two (2) weeks prior to the election, provided that any complaint filed later than seven (7)
5 weeks before the election that is later found to be true will result in disqualification of the
6 candidate but may not necessarily result in the candidate's name being physically
7 removed from the ballot.

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

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

23 **SECTION FOUR.** Severability Clause.

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

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