

SECOND REGULAR SESSION

HOUSE BILL NO. 1811

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

3186H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof ten new sections relating to initiative petitions and referendums.

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

Section A. Sections 116.030, 116.040, 116.050, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.045, 116.050, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, to read as follows:

116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County _____

Page No. _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section ~~560.021~~ **558.002**, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable _____, Secretary of State for the state of Missouri:

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.

14 We, the undersigned, registered voters of the state of Missouri and _____ County (or City of
 15 St. Louis), respectfully order that the Senate (or House) Bill No. _____ entitled (title of law),
 16 passed by the _____ general assembly of the state of Missouri, at the _____ regular (or
 17 special) session of the _____ general assembly, shall be referred to the voters of the state of
 18 Missouri, for their approval or rejection, at the general election to be held on the _____ day of
 19 _____, _____, unless the general assembly shall designate another date, and each for himself
 20 or herself says: I have personally signed this petition; I am a registered voter of the state of
 21 Missouri and _____ County (or City of St. Louis); my registered voting address and the name
 22 of the city, town or village in which I live are correctly written after my name.

23 (Official Ballot title) _____

24 CIRCULATOR'S AFFIDAVIT

25 State Of Missouri,

26 County Of _____

27 I, _____, being first duly sworn, say (print or type names of signers)

28 NAME	DATE SIGNED	REGISTERED VOTING ADDRESS	ZIP CODE
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29 CONGR. DIST.	NAME		
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30 (Signature)	(Street) (City,	(Printed or	
----------------	-----------------	-------------	--

31 Town or Village)	(Typed)		
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32 (Here follow numbered lines for signers)

33 signed this page of the foregoing petition, and each of them signed his or her name thereto in my
 34 presence; I believe that each has stated his or her name, registered voting address and city, town
 35 or village correctly, and that each signer is a registered voter of the state of Missouri and _____
 36 County. FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF
 37 PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND
 38 THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY
 39 TO ANY OFFENSE INVOLVING FORGERY.

40 I am at least 18 years of age. I do _____ do not _____ (check one) expect to be paid for
 41 circulating this petition. If paid, list the payer _____

42

43 Signature of Affiant
 44 (Person obtaining signatures)

45

46 (Printed Name of Affiant)

47

48 Address of Affiant

49 Subscribed and sworn to before me this _____ day of _____, A.D. _____

50

51 Signature of Notary

52 Address of Notary

53 Notary Public (Seal)

54 My commission expires _____

55 If this form is followed substantially and the requirements of ~~[section]~~ **sections 116.045,**
56 **116.050,** and ~~[section]~~ 116.080 are met, it shall be sufficient, disregarding clerical and merely
57 technical errors.

116.040. The following shall be substantially the form of each page of each petition for
2 any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

3

4 County _____

5 Page No. _____

6 It is a class A misdemeanor punishable, notwithstanding the provisions of section ~~[560.021]~~
7 **558.021**, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county
8 jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition
9 with any name other than his or her own, or knowingly to sign his or her name more than once
10 for the same measure for the same election, or to sign a petition when such person knows he or
11 she is not a registered voter.

12 INITIATIVE PETITION

13 To the Honorable _____, Secretary of State for the state of Missouri:

14 We, the undersigned, registered voters of the state of Missouri and _____ County (or City of
15 St. Louis), respectfully order that the following proposed law (or amendment to the constitution)
16 shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the
17 general election to be held on the _____ day of _____, _____, and each for himself or herself
18 says: I have personally signed this petition; I am a registered voter of the state of Missouri and
19 _____ County (or City of St. Louis); my registered voting address and the name of the city,
20 town or village in which I live are correctly written after my name.

21 (Official Ballot title) _____

22 CIRCULATOR'S AFFIDAVIT

23 State Of Missouri,

24 County Of _____

25 I, _____, being first duly sworn, say (print or type names of signers)

26 NAME DATE SIGNED REGISTERED VOTING ADDRESS ZIP CODE

27 CONGR. DIST. NAME

28 (Signature) (Street) (City, (Printed or

29 Town or Village) Typed)
 30 (Here follow numbered lines for signers)
 31 signed this page of the foregoing petition, and each of them signed his or her name thereto in my
 32 presence; I believe that each has stated his or her name, registered voting address and city, town
 33 or village correctly, and that each signer is a registered voter of the state of Missouri and _____
 34 County.

35 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY
 36 THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I
 37 HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY
 38 OFFENSE INVOLVING FORGERY.

39 I am at least 18 years of age. I do _____ do not _____ (check one) expect to be paid for
 40 circulating this petition. If paid, list the payer _____

41
 42 Signature of Affiant
 43 (Person obtaining signatures)

44
 45 (Printed Name of Affiant)

46
 47 Address of Affiant

48 Subscribed and sworn to before me this _____ day of _____, A.D. _____

49
 50 Signature of Notary
 51 Address of Notary

52 Notary Public (Seal)
 53 My commission expires _____

54 If this form is followed substantially and the requirements of ~~[section]~~ sections 116.045,
 55 116.050, and ~~[section]~~ 116.080 are met, it shall be sufficient, disregarding clerical and merely
 56 technical errors.

**116.045. Initiative and referendum petition signature pages shall be printed on a
 2 form prescribed by the secretary of state, which shall include all of the information and
 3 statements set forth in section 116.030 or 116.040, as applicable, and comply with section
 4 116.050. The form shall be made available in electronic format for printing and circulating
 5 petitions.**

116.050. 1. Initiative and referendum petitions filed under the provisions of this chapter
 2 shall consist of pages of a uniform size. Each page, excluding the text of the measure, shall be
 3 no larger than eight and one-half by fourteen inches. **The text of the proposed measure shall**

4 **be in a font that is not smaller than twelve-point Times New Roman and have top, bottom,**
5 **left, and right margins of no less than one inch. Page numbers may appear in the bottom**
6 **margin.** Each page of an initiative petition shall be attached to or shall contain a full and correct
7 text of the proposed measure. Each page of a referendum petition shall be attached to or shall
8 contain a full and correct text of the measure on which the referendum is sought.

9 2. **The secretary of state shall collect an initiative and referendum petition filing fee**
10 **of five hundred dollars for each petition sample sheet filed. An additional filing fee of**
11 **twenty-five dollars shall be collected for each page of text of the measure in excess of two**
12 **pages. The filing fee shall be deposited in the state treasury and credited to the secretary**
13 **of state's petition publication fund established under section 116.270. The filing fee shall**
14 **be refunded from the fund to the person designated as the recipient of notices under**
15 **section 116.332 if the initiative or referendum petition is certified under section 116.150.**
16 **The secretary of state shall reject any petition sample sheet that is not accompanied by the**
17 **required fee.**

18 3. The full and correct text of all initiative and referendum petition measures shall:

19 (1) Contain all matter which is to be deleted included in its proper place enclosed in
20 brackets and all new matter shown underlined;

21 (2) Include all sections of existing law or of the constitution which would be repealed
22 by the measure; and

23 (3) Otherwise conform to the provisions of Article III, [~~Section~~] Sections 28, [~~and~~
24 ~~Article III, Section~~] 49, 50, 51, and 52(a) of the Constitution of Missouri and those of this
25 chapter.

26 4. **The full and correct text of all initiative petition measures shall not purport to:**

27 **(1) Declare any federal statute, regulation, executive order, or court decision to be**
28 **void or in violation of the Constitution of the United States;**

29 **(2) Amend any federal law or the Constitution of the United States; or**

30 **(3) Accomplish an act that the Constitution of the United States requires to be**
31 **accomplished by the general assembly.**

116.130. 1. The secretary of state may send copies of petition pages to election
2 authorities to verify that the persons whose names are listed as signers to the petition are
3 registered voters. Such verification may either be of each signature or by random sampling as
4 provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent
5 to an election authority for verification, such copies shall be sent pursuant to the following
6 schedule:

7 (1) Copies of all pages from not less than one petition shall be received in the office of
8 the election authority not later than two weeks after the petition is filed in the office of secretary
9 of state;

10 (2) Copies of all pages of a total of three petitions shall be received in the office of the
11 election authority not later than three weeks after the petition is filed in the office of the secretary
12 of state;

13 (3) If more than three petitions are filed, all copies of petition pages, including those
14 petitions selected for verification by random sample pursuant to section 116.120, shall be
15 received in the office of the election authority not later than the fourth week after the petition is
16 filed in the office of the secretary of state. Each election authority shall check the signatures
17 against voter registration records in the election authority's jurisdiction, but the election authority
18 shall count as valid only the signatures of persons registered as voters in the county named in the
19 circulator's affidavit. Signatures shall not be counted as valid if they have been struck through
20 or crossed out. **Signatures not in black or blue ink shall be counted as invalid without**
21 **verification.**

22 2. If the election authority is requested to verify the petition by random sampling, such
23 verification shall be completed and certified not later than thirty days from the date that the
24 election authority receives the petition from the secretary of state. If the election authority is to
25 verify each signature, such verification ~~must~~ **shall** be completed, certified and delivered to the
26 secretary of state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event of
27 complete verification of signatures after a failed random sample, full verification shall be
28 completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in
29 July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local
30 election authority, whichever is later.

31 3. If the election authority or the secretary of state determines that the congressional
32 district number written after the signature of any voter is not the congressional district of which
33 the voter is a resident, the election authority or the secretary of state shall correct the
34 congressional district number on the petition page. Failure of a voter to give the voter's correct
35 congressional district number shall not by itself be grounds for not counting the voter's signature.

36 4. The election authority shall return the copies of the petition pages to the secretary of
37 state with annotations regarding any invalid or questionable signatures which the election
38 authority has been asked to check by the secretary of state. The election authority shall verify
39 the number of pages received for that county, and also certify the total number of valid signatures
40 of voters from each congressional district which the election authority has been asked to check
41 by the secretary of state.

42 5. The secretary of state is authorized to adopt rules to ensure uniform, complete, and
43 accurate checking of petition signatures either by actual count or random sampling. No rule or
44 portion of a rule promulgated pursuant to this section shall become effective unless it has been
45 promulgated pursuant to the provisions of chapter 536.

46 6. After a period of three years from the time of submission of the petitions to the
47 secretary of state, the secretary of state, if the secretary determines that retention of such petitions
48 is no longer necessary, may destroy such petitions.

 116.160. 1. If the general assembly adopts a joint resolution proposing a constitutional
2 amendment or a bill without a fiscal note summary, which is to be referred to a vote of the
3 people, after receipt of such resolution or bill the secretary of state shall promptly forward the
4 resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing
5 a constitutional amendment or a bill without an official summary statement, which is to be
6 referred to a vote of the people, within twenty days after receipt of the resolution or bill, the
7 secretary of state shall prepare and transmit to the attorney general a summary statement of the
8 measure as the proposed summary statement. The secretary of state may seek the advice of the
9 legislator who introduced the constitutional amendment or bill and the speaker of the house or
10 the president pro tem of the legislative chamber that originated the measure. The summary
11 statement may be distinct from the legislative title of the proposed constitutional amendment or
12 bill. The attorney general shall within ten days approve the legal content and form of the
13 proposed statement.

14 2. The official summary statement shall contain no more than **one hundred** fifty words[;
15 ~~excluding articles~~]. The title shall be a true and impartial statement of the purposes of the
16 proposed measure in language neither intentionally argumentative nor likely to create prejudice
17 either for or against the proposed measure.

 116.230. 1. The secretary of state shall prepare sample ballots in the following form.

2 2. The top of the ballot shall read:

3 "OFFICIAL BALLOT STATE OF MISSOURI"

4 3. When constitutional amendments are submitted, the first heading shall read:

5 "CONSTITUTIONAL AMENDMENTS" There shall follow the numbers assigned under section
6 116.210 the official ballot titles prepared under section 116.160 or 116.334, and the fiscal note
7 summaries prepared under section 116.170. Constitutional amendments proposed by the general
8 assembly shall be designated as "Proposed by the general assembly". Constitutional amendments
9 proposed by initiative petition shall be designated "Proposed by initiative petition".
10 Constitutional amendments proposed by constitutional convention shall be designated as
11 "Proposed by constitutional convention".

12 4. When statutory measures are submitted, the next heading shall read:

13 "STATUTORY MEASURES" There shall follow the letters assigned under section 116.220,
14 the official ballot titles prepared under section 116.160 or 116.334, and the fiscal note summaries
15 prepared under section 116.170. Statutory initiative measures shall be designated "Proposed by
16 initiative petition". Referendum measures shall be designated "Referendum ordered by petition".

17 **5. Immediately following the official ballot title, words "Shall the measure**
18 **summarized be approved?" shall appear with the options to vote "yes" or "no".**

116.270. 1. There is hereby created a "**Secretary of State's Petition Publications Fund**"
2 which shall ~~[be used only to pay printing, publication, and other expenses incurred in submitting~~
3 ~~statewide ballot measures to the voters.~~

4 ~~2. The secretary of state shall certify to the commissioner of administration all valid~~
5 ~~claims for payment from the publications fund. On receiving the certified claims, the~~
6 ~~commissioner of administration shall issue warrants on the state treasurer payable to each~~
7 ~~individual out of the publications fund.]~~ **consist of moneys collected under section 116.150.**
8 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
9 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated**
10 **fund, and moneys in the fund shall be used solely by the secretary of state for the purpose**
11 **of making refunds as set forth in section 116.150 and to pay publication expenses incurred**
12 **in submitting statewide ballot measures to the voters. Any balance in the fund shall be**
13 **used for the purposes set forth herein before using an appropriation from the general**
14 **revenue for the same purpose.**

15 **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
16 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
17 **general revenue fund.**

18 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
19 **funds are invested. Any interest and moneys earned on such investments shall be credited**
20 **to the fund.**

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition,
2 or a referendum petition may be circulated for signatures, a sample sheet ~~[must]~~ **shall** be
3 submitted to the secretary of state in the form in which it will be circulated. **Sample initiative**
4 **petition sheets shall be filed no earlier than twelve weeks following a general election.**
5 When a person submits a sample sheet of a petition he or she shall designate to the secretary of
6 state the name and address of the person to whom any notices shall be sent pursuant to sections
7 116.140 and 116.180 and, if a committee or person, except the individual submitting the sample
8 sheet, is funding any portion of the drafting or submitting of the sample sheet, the person
9 submitting the sample sheet shall submit a copy of the filed statement of committee organization
10 required under subsection 5 of section 130.021 showing the date the statement was filed. The

11 secretary of state shall refer a copy of the petition sheet to the attorney general for his approval
12 and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The
13 secretary of state and attorney general ~~[must]~~ **shall** each review the petition for ~~[sufficiency as~~
14 ~~to form]~~ **compliance with section 116.050 and Article III, Sections 28, 49, 50, 51, and 52(a)**
15 **of the Constitution of Missouri** and approve or reject ~~[the form of]~~ the petition, stating the
16 reasons for rejection, if any.

17 2. Within two business days of receipt of any such sample sheet, the office of the
18 secretary of state shall conspicuously post on its website the text of the proposed measure, a
19 disclaimer stating that such text may not constitute the full and correct text as required under
20 section 116.050, and the name of the person or organization submitting the sample sheet. The
21 secretary of state's failure to comply with such posting shall be considered a violation of chapter
22 610 and subject to the penalties provided under subsection 3 of section 610.027. The posting
23 shall be removed within three days of either the withdrawal of the petition under section 116.115
24 or the rejection for any reason of the petition.

25 3. Upon receipt of a petition from the office of the secretary of state, the attorney general
26 shall examine the petition ~~[as to form]~~ **and determine whether it complies with section**
27 **116.050 and Article III, Sections 28, 49, 50, 51, and 52(a) of the Constitution of Missouri.**
28 If the petition is rejected ~~[as to form]~~, the attorney general shall forward his or her comments to
29 the secretary of state within ten days after receipt of the petition by the attorney general. If the
30 petition is approved ~~[as to form]~~, the attorney general shall forward his or her approval ~~[as to~~
31 ~~form]~~ to the secretary of state within ten days after receipt of the petition by the attorney general.

32 4. The secretary of state shall review the comments and statements of the attorney
33 general ~~[as to form]~~ and make a final decision as to the approval or rejection ~~[of the form]~~ of the
34 petition. The secretary of state shall send written notice to the person who submitted the petition
35 sheet of the approval within fifteen days after submission of the petition sheet. The secretary of
36 state shall send written notice if the petition has been rejected, together with reasons for
37 rejection, within fifteen days after submission of the petition sheet.

116.334. 1. If the petition ~~[form]~~ is approved **under section 116.332**, the secretary of
2 state shall make a copy of the sample petition available on the secretary of state's website. For
3 a period of fifteen days after the petition is approved ~~[as to form]~~ **under section 116.332**, the
4 secretary of state shall accept public comments regarding the proposed measure and provide
5 copies of such comments upon request. Within twenty-three days of receipt of such approval,
6 the secretary of state shall prepare and transmit to the attorney general a summary statement of
7 the measure which shall be a concise statement not exceeding one hundred **fifty** words. This
8 statement shall ~~[be in the form of a question using]~~ **use** language neither intentionally
9 argumentative nor likely to create prejudice either for or against the proposed measure. The

10 attorney general shall within ten days approve the legal content and form of the proposed
11 statement.

12 2. Signatures obtained prior to the date the official ballot title is certified by the secretary
13 of state shall not be counted. **If a court orders a change that substantially alters the content**
14 **of the official ballot title under subsection 4 of section 116.190, then all signatures gathered**
15 **before such change occurred shall be invalidated, regardless of whether those signatures**
16 **were gathered on petition pages that displayed what was previously the official ballot title**
17 **as certified by the secretary of state.**

18 3. Signatures for statutory initiative petitions shall be filed not later than six months prior
19 to the general election during which the petition's ballot measure is submitted for a vote, and
20 shall also be collected not earlier than the day after the day upon which the previous general
21 election was held.

✓