

FIRST REGULAR SESSION

# HOUSE BILL NO. 704

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIDSON.

1366H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.080, and 116.334, RSMo, and to enact in lieu thereof six 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Section A. Sections 116.030, 116.040, 116.050, 116.080, and 116.334, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.050, 116.075, 116.080, and 116.334, to read as follows: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:

We, the undersigned, registered voters of the state of Missouri and \_\_\_\_\_ County (or City of St. Louis), respectfully order that the Senate (or House) Bill No. \_\_\_\_\_ entitled (title of law), passed by the \_\_\_\_\_ general assembly of the state of

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.

Missouri, at the \_\_\_\_\_ regular (or special) session of the \_\_\_\_\_ general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_ County (or City of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) \_\_\_\_\_

### CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

DATE	REGISTERED	ZIP	CONGR.	
NAME	SIGNED	VOTING ADDRESS	CODE	DIST. NAME
(Signature)	(Street) (City,			(Printed
	Town or Village)			or
				Typed)

(Here follow numbered lines for signers)

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

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

\_\_\_\_\_  
Signature of Affiant

(Person obtaining signatures)

\_\_\_\_\_  
(Printed Name of Affiant)

53 Address of Affiant  
 54 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_  
 55 \_\_\_\_\_  
 56 Signature of Notary  
 57 Address of Notary

58 Notary Public (Seal)  
 59 My commission expires \_\_\_\_\_

60 **Third-Party Witness Affidavit**

61 **State of Missouri,**

62 **County of \_\_\_\_\_**

63 **I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)**

64 **REGISTERED**

65	DATE	VOTING	ZIP	CONGR.	
66	NAME	SIGNED	ADDRESS	CODE	DIST. NAME
67			(Street)(City,		
68			Town, or		(Printed
69	(Signature)		Village)		or Typed)

70 **(Here follow numbered lines for signers)**

71 **signed this page of the foregoing petition, and each of them signed his or her**  
 72 **name thereto in my presence; I believe that each has stated his or her name,**  
 73 **registered voting address and city, town or village correctly, and that each**  
 74 **signer is a registered voter of the state of Missouri and \_\_\_\_\_ County.**

75 **FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF**  
 76 **PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND**  
 77 **CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND**  
 78 **GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING**  
 79 **FORGERY.**

80 **I am at least 18 years of age. I do \_\_\_\_\_ do not \_\_\_\_\_ (check one) expect to**  
 81 **be paid for circulating this petition. If paid, list the payer \_\_\_\_\_**

82 \_\_\_\_\_  
 83 **Signature of Affiant**  
 84 **(Third -Party Witness)**  
 85 \_\_\_\_\_  
 86 **(Printed Name of Affiant)**  
 87 \_\_\_\_\_  
 88 **Address of Affiant**

89       **Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ A.D.**

90

91

\_\_\_\_\_  
**Signature of Notary**

92

**Address of Notary**

93

**Notary Public (Seal)**

94

**My commission expires \_\_\_\_\_**

95

96 If this form is followed substantially and the requirements of section 116.050 and section  
97 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

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

4

County \_\_\_\_\_

5

Page No. \_\_\_\_\_

6

It is a class A misdemeanor punishable, notwithstanding the provisions of section  
7 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year  
8 in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to  
9 sign any initiative petition with any name other than his or her own, or knowingly to  
10 sign his or her name more than once for the same measure for the same election, or  
11 to sign a petition when such person knows he or 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  
15 (or City of St. Louis), respectfully order that the following proposed law (or  
16 amendment to the constitution) shall be submitted to the voters of the state of  
17 Missouri, for their approval or rejection, at the general election to be held on the \_\_\_\_  
18 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and each for himself or herself says: I have personally  
19 signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_  
20 County (or City of St. Louis); my registered voting address and the name of the city,  
21 town or village in which I live are correctly written after my name.

22

(Official Ballot title) \_\_\_\_\_

23

#### CIRCULATOR'S AFFIDAVIT

24

State Of Missouri,

25

County Of \_\_\_\_\_

26

I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

27		DATE	REGISTERED VOTING	ZIP	CONGR.	
28	NAME	SIGNED	ADDRESS	CODE	DIST.	NAME
29						(Printed
30	(Signature)		(Street) (City,			or
31			Town or Village)			Typed)

32 (Here follow numbered lines for signers)

33 signed this page of the foregoing petition, **each of them showed a form of**  
 34 **personal photo identification**, and each of them signed his or her name thereto in  
 35 my presence; I believe that each has stated his or her name, registered voting  
 36 address and city, town or village correctly, and that each signer is a registered voter  
 37 of the state of Missouri and \_\_\_\_\_ County.

38 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF  
 39 PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND  
 40 CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND  
 41 GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.  
 42 I am at least 18 years of age. I do \_\_\_\_\_ do not \_\_\_\_\_ (check one) expect to be  
 43 paid for circulating this petition. If paid, list the payer \_\_\_\_\_

44 \_\_\_\_\_  
 45 Signature of Affiant  
 46 (Person obtaining signatures)

47 \_\_\_\_\_  
 48 (Printed Name of Affiant)

49 \_\_\_\_\_  
 50 Address of Affiant

51 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

52 \_\_\_\_\_  
 53 Signature of Notary  
 54 Address of Notary

55 Notary Public (Seal)

56 My commission expires \_\_\_\_\_

57 **Third-Party Witness Affidavit**

58 **State of Missouri**

59 **County of** \_\_\_\_\_

60 **I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)**

61 **REGISTERED**  
 62 **DATE VOTING ZIP CONGR.**  
 63 **NAME SIGNED ADDRESS CODE DIST. NAME**  
 64 **(Street)(City,**  
 65 **Town, or (Printed**  
 66 **(Signature) Village) or Typed)**  
 67 **(Here follow numbered lines for signers)**

68 **signed this page of the foregoing petition, and each of them signed his**  
 69 **or her name thereto in my presence; I believe that each has stated his**  
 70 **or her name, registered voting address and city, town or village**  
 71 **correctly, and that each signer is a registered voter of the state of**  
 72 **Missouri and \_\_\_\_\_ County. FURTHERMORE, I HEREBY**  
 73 **SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT**  
 74 **ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT**  
 75 **AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND**  
 76 **GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING**  
 77 **FORGERY.**

78 **I am at least 18 years of age. I do \_\_\_\_\_ do not \_\_\_\_\_ (check one)**  
 79 **expect to be paid for circulating this petition. If paid, list the payer \_\_\_\_**  
 80 **\_\_\_\_\_**

81 \_\_\_\_\_  
 82 **Signature of Affiant**  
 83 **(Third-Party Witness)**

84 \_\_\_\_\_  
 85 **(Printed Name of Affiant)**  
 86 **Address of Affiant**

87 **Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_**  
 88 **A.D.**

89 \_\_\_\_\_  
 90 **Signature of Notary**  
 91 **Address of Notary**

92 **Notary Public (Seal)**  
 93 **My commission expires \_\_\_\_\_**

94  
 95 If this form is followed substantially and the requirements of section 116.050 and section  
 96 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.050. 1. Initiative and referendum petitions filed under the provisions of this chapter shall consist of pages of a uniform size. Each page, excluding the text of the measure, shall be no larger than eight and one-half by fourteen inches. Each page of an initiative petition shall be attached to or shall contain a full and correct text of the proposed measure. Each page of a referendum petition shall be attached to or shall contain a full and correct text of the measure on which the referendum is sought.

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

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

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

(3) Otherwise conform to the provisions of Article III, Section 28 and Article III, Section 50 of the Constitution and those of this chapter.

**3. Initiative petitions filed under the provisions of this chapter shall not be filed for a measure that is substantially the same as a measure defeated in an election within the preceding five years.**

**116.075. Any voter who signs an initiative or referendum petition shall show a form of personal photo identification that meets the requirements of subdivisions (1) to (4) of subsection 1 of section 115.427 before signing the petition.**

116.080. 1. Each petition circulator shall be at least eighteen years of age, a registered voter in this state, a certified notary in this state, and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted. A petition circulator shall be deemed registered at the time such circulator delivers a signed circulator's affidavit pursuant to section 116.030, with respect to a referendum petition, or section 116.040, with respect to an initiative petition, to the office of the secretary of state. No person shall qualify as a petition circulator who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state.

2. **Each petition circulator shall read aloud the entire text of the proposed initiative or referendum prior to obtaining a signature from a prospective signatory.**

3. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his or her official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his or her presence.

19       [3-] 4. Any circulator who falsely swears to a circulator's affidavit knowing it to be  
20 false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section  
21 [560.021] **558.002** to the contrary, for a term of imprisonment not to exceed one year in the  
22 county jail or a fine not to exceed ten thousand dollars or both.

23       **5. A third-party witness shall observe and attest to each voter signature on a**  
24 **third-party witness affidavit.**

25       **6. A third-party witness shall be eighteen years of age or older and a registered**  
26 **voter in this state. No person shall qualify as a third-party witness who has been**  
27 **convicted of, found guilty of, or pled guilty to an offense involving forgery under the**  
28 **laws of this state or an offense under the laws of any other jurisdiction that would be**  
29 **considered forgery under the laws of this state.**

30       **7. Each third-party witness shall subscribe and swear to the proper affidavit on**  
31 **each petition page submitted by a circulator before a notary public commissioned in**  
32 **Missouri. When notarizing a third-party witness signature, a notary public shall sign**  
33 **his or her official signature and affix his or her official seal to the affidavit only if the**  
34 **third-party witness personally appears before the notary and subscribes and swears to**  
35 **the affidavit in his or her presence.**

36       **8. Petition circulators and third-party witnesses shall not receive or agree to**  
37 **receive payment on a basis related to the number of signatures obtained or witnessed for**  
38 **circulating a petition. This subsection shall not prohibit petition circulators or third-**  
39 **party witnesses from receiving hourly compensation, a salary, or other forms of**  
40 **compensation for circulating or witnessing a petition.**

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

11       2. Signatures obtained prior to the date the official ballot title is certified by the  
12 secretary of state shall not be counted.

13       3. Signatures for statutory initiative petitions shall be filed not later than six months  
14 prior to the general election during which the petition's ballot measure is submitted for a vote  
15 [~~and shall also be collected not earlier than the day after the day upon which the previous~~]



16 ~~general election was held~~. Signatures for initiative petitions shall not be collected earlier  
17 than one year prior to the general election during which the ballot measure on the  
18 petition will be submitted for a vote.

✓