

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 389
99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, March 2, 2017, with recommendation that the Senate Committee Substitute do pass.

0254S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 116.050 and 116.080, RSMo, and to enact in lieu thereof two new sections relating to initiative petitions, with existing penalty provisions.

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

Section A. Sections 116.050 and 116.080, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 116.050 and 116.080, to
3 read as follows:

116.050. 1. Initiative and referendum petitions filed under the provisions
2 of this chapter shall consist of pages of a uniform size. Each page, excluding the
3 text of the measure, shall be no larger than eight and one-half by fourteen inches
4 **and the font shall be at least fourteen point and in times new**
5 **roman.** Each page of an initiative petition shall be attached to or shall contain
6 a full and correct text of the proposed measure. Each page of a referendum
7 petition shall be attached to or shall contain a full and correct text of the measure
8 on which the referendum is sought.

9 2. **The secretary of state shall collect a filing fee of five hundred**
10 **dollars for each initiative petition filed. Each fee collected under this**
11 **section shall be placed in a trust fund established by the state treasurer**
12 **and shall be refunded if the initiative petition qualifies for the ballot**
13 **within two years after a summary statement has been prepared by the**
14 **secretary under section 116.334. Any fees that are not refunded shall**
15 **revert to the general revenue.**

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

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

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21 be repealed by the measure; and

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

24 **4. Initiative petitions shall be filed no earlier than January**
25 **thirty-first following a general election and no later than nine months**
26 **prior to the election at which the proposed measure is to be submitted**
27 **for a vote.**

116.080. 1. Each petition circulator shall be at least eighteen years of
2 age, **a Missouri resident, registered to vote in Missouri**, and registered to
3 **circulate petitions** with the secretary of state. Signatures collected by any
4 circulator who has not registered with the secretary of state pursuant to this
5 chapter on or before 5:00 p.m. on the final day for filing petitions with the
6 secretary of state shall not be counted. A petition circulator shall be deemed
7 registered at the times such circulator delivers a signed circulator's affidavit
8 pursuant to section 116.030, with respect to a referendum petition, or section
9 116.040, with respect to an initiative petition, to the office of the secretary of
10 state. No person shall qualify as a petition circulator who has been convicted of,
11 found guilty of, or pled guilty to an offense involving forgery under the laws of
12 this state or an offense under the laws of any other jurisdiction if that offense
13 would be considered forgery under the laws of this state.

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

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

25 **4. (1) Each petition circulator who is not paid for the purpose**
26 **of circulating a petition shall display an identification badge while**
27 **circulating petitions. Such badge shall include the words "VOLUNTEER**
28 **CIRCULATOR" in bold-faced type that is clearly legible.**

29 **(2) Each petition circulator who is paid for the purpose of**
30 **circulating a petition shall display an identification badge while**
31 **circulating petitions. Such badge shall include the words "PAID**
32 **CIRCULATOR" in bold-faced type that is clearly legible and the name**
33 **and telephone number of the individual employing the circulator.**

34 **5. It shall be unlawful for any individual, campaign committee,**
35 **as that term is defined in section 130.011, or other organization to pay**
36 **or offer to pay any petition circulator on a basis related to the number**
37 **of signatures obtained for circulating a petition.**

Unofficial ✓

Bill

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