

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 893
99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, February 22, 2018, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

5287S.03C

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof thirteen new sections relating to the petition process for amending the law, with penalty provisions and a delayed effective date.

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116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.050, 116.080, 116.100, 116.110, 116.160, 116.230, 116.270, 116.275, 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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

30 (Official Ballot title) _____

31 CIRCULATOR'S AFFIDAVIT

32 State Of Missouri,

33 County Of _____

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

35 REGISTERED

| | | | | | |
|----|-------------|--------|------------------|--------|-------------|
| 36 | DATE | VOTING | ZIP | CONGR. | |
| 37 | NAME | SIGNED | ADDRESS | CODE | DIST. NAME |
| 38 | (Signature) | | (Street)(City, | | (Printed or |
| 39 | | | Town or Village) | | Typed) |

40 (Here follow numbered lines for signers)

41 signed this page of the foregoing petition, and each of them signed
42 his or her name thereto in my presence; I believe that each has
43 stated his or her name, registered voting address and city, town or
44 village correctly, and that each signer is a registered voter of the
45 state of Missouri and _____ County.

46 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER
47 PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY
48 ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER
49 BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY
50 TO ANY OFFENSE INVOLVING FORGERY.

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

53 _____

54 Signature of Affiant

55 (Person obtaining signatures)

56 _____

57 (Printed Name of Affiant)

58 _____

59 Address of Affiant

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

61 _____

62 Signature of Notary

63 Address of Notary

64 Notary Public (Seal)

65 My commission expires _____

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

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

4 County _____

5 Page No. _____

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

14 INITIATIVE PETITION

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

17 We, the undersigned, registered voters of the state of Missouri and
18 _____ County (or City of St. Louis), respectfully order that the

19 following proposed law (or amendment to the constitution) shall be
 20 submitted to the voters of the state of Missouri, for their approval
 21 or rejection, at the general election to be held on the ____ day of
 22 ____, ____, and each for himself or herself says: I have
 23 personally signed this petition; I am a registered voter of the state
 24 of Missouri and ____ County (or City of St. Louis); my registered
 25 voting address and the name of the city, town or village in which
 26 I live are correctly written after my name.

27 (Official Ballot title) _____

28 CIRCULATOR'S AFFIDAVIT

29 State Of Missouri,

30 County Of _____

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

33 REGISTERED

| | | | | | |
|----|-------------|--------|------------------|------|-------------------|
| 34 | | DATE | VOTING | ZIP | CONGR. NAME |
| 35 | NAME | SIGNED | ADDRESS | CODE | DIST. (Printed or |
| 36 | (Signature) | | (Street)(City, | | Typed) |
| 37 | | | Town or Village) | | |

38 (Here follow numbered lines for signers)

39 signed this page of the foregoing petition, and each of them signed
 40 his or her name thereto in my presence; I believe that each has
 41 stated his or her name, registered voting address and city, town or
 42 village correctly, and that each signer is a registered voter of the
 43 state of Missouri and ____ County.

44 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER
 45 PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY
 46 ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER
 47 BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY
 48 TO ANY OFFENSE INVOLVING FORGERY.

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

51 _____
 52 Signature of Affiant
 53 (Person obtaining signatures)
 54 _____

55 (Printed Name of Affiant)

56 _____

57 Address of Affiant

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

59 _____

60 Signature of Notary

61 Address of Notary

62 Notary Public (Seal)

63 My commission expires _____

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

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
4 inches. **The text of the measure shall be double-spaced, in font no**
5 **smaller than 12 point Times New Roman, and have a top, bottom, left,**
6 **and right margin of no less than one inch. Page numbers may appear**
7 **in the bottom margin.** Each page of an initiative petition shall be attached to
8 or shall contain a full and correct text of the proposed measure. Each page of a
9 referendum petition shall be attached to or shall contain a full and correct text
10 of the measure on which the referendum is sought.

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

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

24 (1) Contain all matter which is to be deleted included in its proper place

25 enclosed in brackets and all new matter shown underlined;

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

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

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

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

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

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

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

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

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

116.090. 1. Any person who commits any of the following actions is guilty
2 of the crime of petition signature fraud:

3 (1) Signs any name other than his or her own to any petition, or who
4 knowingly signs his or her name more than once for the same measure for the
5 same election, or who knows he or she is not at the time of signing or circulating
6 the same a Missouri registered voter and a resident of this state; or

7 (2) Intentionally submits petition signature sheets with the knowledge
8 that the person whose name appears on the signature sheet did not actually sign
9 the petition; or

10 (3) Causes a voter to sign a petition other than the one the voter intended
11 to sign; or

12 (4) Forges or falsifies signatures; or

13 (5) Knowingly accepts or offers money or anything of value to another
14 person in exchange for a signature on a petition.

15 2. Any person who knowingly causes a petition circulator's signatures to
16 be submitted for counting, and who either knows that such circulator has violated
17 subsection 1 of this section or, after receiving notice of facts indicating that such
18 person may have violated subsection 1 of this section, causes the signatures to be
19 submitted with reckless indifference as to whether such circulator has complied
20 with subsection 1 of this section, shall also be deemed to have committed the
21 crime of petition signature fraud.

22 3. A person who violates subsection 1 or 2 of this section, shall, upon
23 conviction thereof, be guilty of a class A misdemeanor punishable,
24 notwithstanding the provisions of section [560.021] **558.002** to the contrary, by
25 a term of imprisonment not to exceed one year in the county jail or a fine not to
26 exceed ten thousand dollars or both.

27 4. Any person employed by or serving as an election authority, that has
28 reasonable cause to suspect a person has committed petition signature fraud,
29 shall immediately report or cause a report to be made to the appropriate
30 prosecuting authorities. Failure to so report or cause a report to be made shall
31 be a class A misdemeanor.

116.100. 1. The secretary of state shall not accept any referendum
2 petition submitted later than 5:00 p.m. on the final day for filing referendum
3 petitions. The secretary of state shall not accept any initiative petition submitted
4 later than 5:00 p.m. on the final day for filing initiative petitions. All pages shall
5 be submitted at one time. When an initiative or referendum petition is submitted

6 to the secretary of state, the signature pages shall be in order and numbered
7 sequentially by county, except in counties that include multiple congressional
8 districts, the signatures may be ordered and numbered using an alternate
9 numbering scheme approved in writing by the secretary of state prior to
10 submission of the petition. Any petition that is not submitted in accordance with
11 this section, disregarding clerical and merely technical errors, shall be rejected
12 as insufficient. After verifying the count of signature pages, the secretary of state
13 shall issue a receipt indicating the number of pages presented from each
14 county. When a person submits a petition he or she shall designate to the
15 secretary of state the name and the address of the person to whom any notices
16 shall be sent under sections 116.140 and 116.180.

17 **2. If any page of an initiative or referendum petition is marked,**
18 **pursuant to sections 116.030 or 116.040, that the circulator expects to**
19 **be paid for circulating the petition, the secretary of state shall collect,**
20 **at the time of submission of the petition, a fee in an amount equal to**
21 **eighty cents per signature based on the minimum number of signatures**
22 **required by Article III, Section 50 of the Missouri Constitution. The fee**
23 **shall be deposited in the state treasury and credited to the secretary**
24 **of state's petition signature verification fund established pursuant to**
25 **section 116.275. The secretary of state shall not accept any petitions**
26 **that are not accompanied by the required fee.**

116.110. Any voter who has signed an initiative or referendum petition
2 may withdraw his or her signature from that petition by submitting to the
3 secretary of state, before the petition is filed with the secretary of state, a sworn
4 statement requesting that his or her signature be withdrawn and affirming the
5 name of the petition signed, the name the voter used when signing the petition,
6 the address of the voter and the county of residence. It is a class A misdemeanor
7 punishable, notwithstanding the provisions of section [560.021] **558.002** to the
8 contrary, for a term of imprisonment not to exceed one year in the county jail or
9 a fine not to exceed ten thousand dollars or both, to knowingly file a false
10 withdrawal statement with the secretary of state.

116.160. 1. If the general assembly adopts a joint resolution proposing a
2 constitutional amendment or a bill without a fiscal note summary, which is to be
3 referred to a vote of the people, after receipt of such resolution or bill the
4 secretary of state shall promptly forward the resolution or bill to the state
5 auditor. If the general assembly adopts a joint resolution proposing a

6 constitutional amendment or a bill without an official summary statement, which
7 is to be referred to a vote of the people, within twenty days after receipt of the
8 resolution or bill, the secretary of state shall prepare and transmit to the attorney
9 general a summary statement of the measure as the proposed summary
10 statement. The secretary of state may seek the advice of the legislator who
11 introduced the constitutional amendment or bill and the speaker of the house or
12 the president pro tem of the legislative chamber that originated the
13 measure. The summary statement may be distinct from the legislative title of the
14 proposed constitutional amendment or bill. The attorney general shall within ten
15 days approve the legal content and form of the proposed statement.

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

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

3 2. The top of the ballot shall read:

4 "OFFICIAL BALLOT STATE OF MISSOURI"

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

7 "CONSTITUTIONAL AMENDMENTS"

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

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

17 "STATUTORY MEASURES"

18 There shall follow the letters assigned under section 116.220, the official ballot
19 titles prepared under section 116.160 or 116.334, and the fiscal note summaries
20 prepared under section 116.170. Statutory initiative measures shall be designated
21 "Proposed by initiative petition". Referendum measures shall be designated

22 "Referendum ordered by petition".

23 **5. Immediately following the official ballot title, the words "Shall**
24 **the measure summarized be approved?" shall appear with the options**
25 **to vote "YES" or "NO".**

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

4 2. The secretary of state shall certify to the commissioner of
5 administration all valid claims for payment from the publications fund. On
6 receiving the certified claims, the commissioner of administration shall issue
7 warrants on the state treasurer payable to each individual out of the publications
8 fund.] **There is hereby created in the state treasury the "Secretary of**
9 **State's Petition Publications Fund", which shall consist of money**
10 **collected under section 116.050. The state treasurer shall be custodian**
11 **of the fund. In accordance with sections 30.170 and 30.180, the state**
12 **treasurer may approve disbursements. The fund shall be a dedicated**
13 **fund and money in the fund shall be used solely by the secretary of**
14 **state for the purpose of making refunds as set forth in section 116.050**
15 **and to pay publication expenses incurred in submitting statewide ballot**
16 **measures to the voters. Any balance in the fund shall be used for the**
17 **purposes set forth herein before using a general revenue appropriation**
18 **for the same purpose.**

19 2. Notwithstanding the provisions of section 33.080 to the
20 contrary, any moneys remaining in the fund at the end of the biennium
21 shall not revert to the credit of the general revenue fund.

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

116.275. 1. There is hereby created in the state treasury the
2 "Secretary of State's Signature Verification Fund", which shall consist
3 of money collected under section 116.100. The state treasurer shall be
4 custodian of the fund. In accordance with sections 30.170 and 30.180,
5 the state treasurer may approve disbursements. The fund shall be a
6 dedicated fund and money in the fund shall be used solely by the
7 secretary of state for the purpose of making payments to local election
8 authorities that have verified signatures for one or more petitions in
9 the applicable two-year petition cycle pursuant to section 116.130.

10 **Payments shall be calculated based on each local election authority's**
11 **pro rata share of all signatures actually verified under section 116.130**
12 **for a petition, regardless of the outcome of the signature**
13 **verification. The payments shall be made after the secretary has**
14 **certified the petition as sufficient or insufficient pursuant to section**
15 **116.150. A local election authority's obligation to verify signatures**
16 **under section 116.130 shall not depend upon receipt of payments under**
17 **this subsection.**

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

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

116.332. 1. Before a constitutional amendment petition, a statutory
2 initiative petition, or a referendum petition may be circulated for signatures, a
3 sample sheet [must] **shall** be submitted to the secretary of state in the form in
4 which it will be circulated. **Sample initiative petition sheets shall be filed**
5 **no earlier than twelve weeks following a general election.** When a person
6 submits a sample sheet of a petition he or she shall designate to the secretary of
7 state the name and address of the person to whom any notices shall be sent
8 pursuant to sections 116.140 and 116.180 and, if a committee or person, except
9 the individual submitting the sample sheet, is funding any portion of the drafting
10 or submitting of the sample sheet, the person submitting the sample sheet shall
11 submit a copy of the filed statement of committee organization required under
12 subsection 5 of section 130.021 showing the date the statement was filed. The
13 secretary of state shall refer a copy of the petition sheet to the attorney general
14 for [his] approval and to the state auditor for purposes of preparing a fiscal note
15 and fiscal note summary. The secretary of state and attorney general [must]
16 **shall** each review the petition for [sufficiency as to form] **compliance with**
17 **section 116.050 and Article III, Sections 50, 52(a), and 53 of the Missouri**
18 **Constitution** and approve or reject [the form of] the petition, stating the reasons
19 for rejection, if any.

20 **2. Within two business days of receipt of any such sample sheet, the office**
21 **of the secretary of state shall conspicuously post on its website the text of the**
22 **proposed measure, a disclaimer stating that such text may not constitute the full**

23 and correct text as required under section 116.050, and the name of the person
24 or organization submitting the sample sheet. The secretary of state's failure to
25 comply with such posting shall be considered a violation of chapter 610 and
26 subject to the penalties provided under subsection 3 of section 610.027. The
27 posting shall be removed within three days of either the withdrawal of the
28 petition under section 116.115 or the rejection for any reason of the petition.

29 3. Upon receipt of a petition from the office of the secretary of state, the
30 attorney general shall examine the petition [as to form] **and determine**
31 **whether it complies with section 116.050 and Article III, Sections 50,**
32 **52(a), and 53 of the Missouri Constitution.** If the petition is rejected [as to
33 form], the attorney general shall forward his or her comments to the secretary of
34 state within ten days after receipt of the petition by the attorney general. If the
35 petition is approved [as to form], the attorney general shall forward his or her
36 approval [as to form] to the secretary of state within ten days after receipt of the
37 petition by the attorney general.

38 4. The secretary of state shall review the comments and statements of the
39 attorney general [as to form] and make a final decision as to the approval or
40 rejection [of the form of] the petition. The secretary of state shall send written
41 notice to the person who submitted the petition sheet of the approval within
42 fifteen days after submission of the petition sheet. The secretary of state shall
43 send written notice if the petition has been rejected, together with reasons for
44 rejection, within fifteen days after submission of the petition sheet.

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

14 2. Signatures obtained prior to the date the official ballot title is certified

15 by the secretary of state shall not be counted. **If a court orders a change to**
16 **the official ballot title under subsection 4 of section 116.190 all**
17 **signatures gathered before such change occurred shall be invalidated,**
18 **regardless of whether those signatures were gathered on petition pages**
19 **that displayed what was previously the official ballot title as certified**
20 **by the secretary of state.**

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

Section B. Section A of this act shall become effective on November 7,
2 2018.

✓

Bill

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