

SECOND REGULAR SESSION

HOUSE BILL NO. 2079

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

4678H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.130, 116.153, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof eleven 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A. Sections 116.030, 116.040, 116.050, 116.130, 116.153, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.045, 116.050, 116.130, 116.153, 116.160, 116.230, 116.270,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:

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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.

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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 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)

REGISTERED

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

(Here follow numbered lines for signers)

signed this page of the foregoing petition, 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 _____

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Signature of Affiant (Person obtaining signatures)

(Printed Name of Affiant)

Address of Affiant
Subscribed and sworn to before me this _____ day of _____, A.D. _

Signature of Notary
Address of Notary
Notary Public (Seal)
My commission expires _____

66 If this form is followed substantially and the requirements of ~~[section]~~ **sections 116.045,**
67 **116.050,** and ~~[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 petition
2 for any law or amendment to the Constitution of the state of Missouri proposed by the
3 initiative:

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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 initiative 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.
INITIATIVE PETITION
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 following
proposed law (or amendment to the constitution) shall be submitted to

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the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the _____ day of _____, _____, 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)

REGISTERED

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

(Here follow numbered lines for signers)

signed this page of the foregoing petition, 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)

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(Printed Name of Affiant)

Address of Affiant
Subscribed and sworn to before me this _____ day of _____, A.D. _

Signature of Notary
Address of Notary
Notary Public (Seal)
My commission expires _____

67 If this form is followed substantially and the requirements of ~~[section]~~ sections 116.045,
68 116.050, and ~~[section]~~ 116.080 are met, it shall be sufficient, disregarding clerical and merely
69 technical errors.

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

2 116.050. 1. Initiative and referendum petitions filed under the provisions of this
3 chapter shall consist of pages of a uniform size. Each page, excluding the text of the measure,
4 shall be no larger than eight and one-half by fourteen inches. **The text of the proposed**
5 **measure shall be in a font that is not smaller than twelve-point Times New Roman and**
6 **have top, bottom, left, and right margins of no less than one inch. Page numbers may**
7 **appear in the bottom margin.** Each page of an initiative petition shall be attached to or shall
8 contain a full and correct text of the proposed measure. Each page of a referendum petition
9 shall be attached to or shall contain a full and correct text of the measure on which the
referendum is sought.

10 2. **The secretary of state shall collect an initiative and referendum petition filing**
11 **fee of five hundred dollars for each petition sample sheet filed. An additional filing fee**
12 **of twenty-five dollars shall be collected for each page of text of the measure in excess of**
13 **two pages. The filing fee shall be deposited in the state treasury and credited to the**
14 **secretary of state's petition publication fund established under section 116.270. The**
15 **filing fee shall be refunded from the fund to the person designated as the recipient of**
16 **notices under section 116.332 if the initiative or referendum petition is certified under**

17 **section 116.150. The secretary of state shall reject any petition sample sheet that is not**
18 **accompanied by the required fee.**

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

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

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

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

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

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

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

31 **(3) Accomplish an act that the Constitution of the United States requires to be**
32 **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
5 sent to an election authority for verification, such copies shall be sent pursuant to the
6 following schedule:

7 (1) Copies of all pages from not less than one petition shall be received in the office
8 of the election authority not later than two weeks after the petition is filed in the office of
9 secretary 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
12 secretary 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
16 is filed in the office of the secretary of state. Each election authority shall check the
17 signatures against voter registration records in the election authority's jurisdiction, but the
18 election authority shall count as valid only the signatures of persons registered as voters in the
19 county named in the circulator's affidavit. Signatures shall not be counted as valid if they
20 have been struck through or crossed out. **Signatures not in black or blue ink shall be**
21 **counted as invalid without verification.**

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

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

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

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

116.153. Within thirty days of issuing certification that the petition contains a
2 sufficient number of valid signatures pursuant to section 116.150, the joint committee on
3 legislative research shall hold a public hearing in Jefferson City to take public comments
4 concerning the proposed measure. Such hearing shall be a public meeting under chapter 610.
5 Within five business days after the end of the public hearing, the joint committee on
6 legislative research shall provide a ~~[summary of the hearing]~~ **report of the hearing to the**
7 **general assembly and** to the secretary of state or his or her designee ~~[and the secretary of~~
8 ~~state shall post a copy of the summary on the website of the office of the secretary of state].~~
9 **The report shall be completed prior to the placement of the petition on the ballot and**

10 **shall be available for inspection by the general public on the website of the office of the**
11 **secretary of state. The chair of the public hearing may inquire of the petition sponsors**
12 **or other witnesses regarding the history of the petition, methods of signature collection,**
13 **and the interpretation of petition language; however, the joint committee on legislative**
14 **research report shall take no position on the sufficiency or desirability of any petition,**
15 **and it shall be considered a directory duty of the joint committee that shall not**
16 **supersede time limits for placement of a petition on the ballot.**

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

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

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

14 4. When statutory measures are submitted, the next heading shall read:
15 "STATUTORY MEASURES"

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

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

116.270. 1. There is hereby created a "Secretary of State's Petition Publications
2 Fund", which shall ~~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 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**
8 **116.150. The state treasurer shall be custodian of the fund. In accordance with sections**
9 **30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a**
10 **dedicated fund, and moneys in the fund shall be used solely by the secretary of state for**
11 **the purpose of making refunds as set forth in section 116.150 and to pay publication**
12 **expenses incurred in submitting statewide ballot measures to the voters. Any balance in**
13 **the fund shall be used for the purposes set forth herein before using an appropriation**
14 **from the general 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**
19 **other funds are invested. Any interest and moneys earned on such investments shall be**
20 **credited 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**
4 **initiative petition sheets shall be filed no earlier than twelve weeks following a general**
5 **election.** When a person submits a sample sheet of a petition he or she shall designate to the
6 secretary of state the name and address of the person to whom any notices shall be sent
7 pursuant to sections 116.140 and 116.180 and, if a committee or person, except the individual
8 submitting the sample sheet, is funding any portion of the drafting or submitting of the sample

9 sheet, the person submitting the sample sheet shall submit a copy of the filed statement of
10 committee organization required under subsection 5 of section 130.021 showing the date the
11 statement was filed. The secretary of state shall refer a copy of the petition sheet to the
12 attorney general for his approval and to the state auditor for purposes of preparing a fiscal
13 note and fiscal note summary. The secretary of state and attorney general ~~must~~ shall each
14 review the petition for ~~[sufficiency as to form]~~ **compliance with section 116.050 and Article**
15 **III, Sections 28, 49, 50, 51, and 52(a) of the Constitution of Missouri** and approve or reject
16 ~~[the form of]~~ the petition, stating the 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
22 chapter 610 and subject to the penalties provided under subsection 3 of section 610.027. The
23 posting shall be removed within three days of either the withdrawal of the petition under
24 section 116.115 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
26 general shall examine the petition ~~[as to form]~~ **and determine whether it complies with**
27 **section 116.050 and Article III, Sections 28, 49, 50, 51, and 52(a) of the Constitution of**
28 **Missouri**. If the petition is rejected ~~[as to form]~~, the attorney general shall forward his or her
29 comments to the secretary of state within ten days after receipt of the petition by the attorney
30 general. If the petition is approved ~~[as to form]~~, the attorney general shall forward his or her
31 approval ~~[as to form]~~ to the secretary of state within ten days after receipt of the petition by
32 the attorney general.

33 4. The secretary of state shall review the comments and statements of the attorney
34 general ~~[as to form]~~ and make a final decision as to the approval or rejection ~~[of the form]~~ of
35 the petition. The secretary of state shall send written notice to the person who submitted the
36 petition sheet of the approval within fifteen days after submission of the petition sheet. The
37 secretary of state shall send written notice if the petition has been rejected, together with
38 reasons for 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.
3 For a period of fifteen days after the petition is approved ~~[as to form]~~ **under section 116.332**,
4 the secretary of state shall accept public comments regarding the proposed measure and
5 provide copies of such comments upon request. Within twenty-three days of receipt of such
6 approval, the secretary of state shall prepare and transmit to the attorney general a summary
7 statement of the measure which shall be a concise statement not exceeding one hundred **fifty**

8 words. This statement shall ~~[be in the form of a question using]~~ **use** language neither
9 intentionally argumentative nor likely to create prejudice either for or against the proposed
10 measure. The attorney general shall within ten days approve the legal content and form of the
11 proposed statement.

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

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

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