

SECOND REGULAR SESSION

SENATE BILL NO. 796

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time January 19, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4521S.011

AN ACT

To repeal sections 116.080, 116.090, 116.180, 116.332, and 116.334, RSMo, and to enact in lieu thereof seven new sections relating to initiative and referendum petitions, with penalty provisions.

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

Section A. Sections 116.080, 116.090, 116.180, 116.332, and 116.334, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 116.075, 116.080, 116.090, 116.180, 116.332, 116.333, and 116.334, to read as follows:

116.075. No person or organization shall compensate or offer to compensate any person, nor shall any person or organization receive compensation or agree to receive compensation, for collecting signatures on an initiative or referendum petition if such compensation is based on the number of signatures obtained. Nothing in this section shall prohibit compensation for collection of signatures on an initiative or referendum petition that is not based on the number of signatures obtained.

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. **No person shall qualify as a petition circulator who has been convicted of, or 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.** 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

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

9 with the secretary of state shall not be counted.

10 2. Each petition circulator shall supply the following information to the
11 secretary of state's office:

12 (1) Name of petition;

13 (2) Name of circulator;

14 (3) Residential address, including street number, city, state and zip code;

15 (4) Mailing address, if different;

16 (5) Have you been or do you expect to be paid for soliciting signatures for
17 this petition?

18 YES NO;

19 (6) If the answer to subdivision (5) is yes, then identify the payor;

20 (7) Signature of circulator.

21 3. The circulator information required in subsection 2 of this section shall
22 be submitted to the secretary of state's office with the following oath and
23 affirmation:

24 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT
25 ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT, THAT I HAVE
26 NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY
27 TO ANY OFFENSE INVOLVING FORGERY AND THAT I HAVE NOT AND
28 WILL NOT ACCEPT COMPENSATION FOR COLLECTING SIGNATURES
29 BASED ON THE NUMBER OF SIGNATURES I OBTAIN.

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

36 5. Any circulator who falsely swears to a circulator's affidavit knowing it
37 to be false is guilty of a class A misdemeanor punishable, notwithstanding the
38 provisions of section [560.021, RSMo,] **560.016** to the contrary, for a term of
39 imprisonment not to exceed one year in the county jail or a fine not to exceed ten
40 thousand dollars or both.

116.090. 1. Any person who **knowingly** signs any name other than his
2 own to any petition[, or] **shall, upon conviction thereof, be guilty of a class**
3 **one election offense, as defined in section 115.631.**

4 2. **Any person** who knowingly signs his or her name more than once for

5 the same measure for the same election, or who knows he or she is not at the
6 time of signing or circulating the same a Missouri registered voter and a resident
7 of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor
8 punishable, notwithstanding the provisions of section [560.021, RSMo,] **560.016**
9 to the contrary, for a term of imprisonment not to exceed one year in the county
10 jail or a fine not to exceed ten thousand dollars or both.

11 [2.] **3.** Any person who knowingly accepts or offers money or anything of
12 value to another person in exchange for a signature on a petition is guilty of a
13 class A misdemeanor punishable, notwithstanding the provisions of section
14 [560.021, RSMo,] **560.016** to the contrary, for a term of imprisonment not to
15 exceed one year in the county jail or a fine not to exceed ten thousand dollars or
16 both.

116.180. **1.** Within three days after receiving the official summary
2 statement the approved fiscal note summary and the fiscal note relating to any
3 statewide ballot measure, the secretary of state shall certify the official ballot
4 title in separate paragraphs with the fiscal note summary immediately following
5 the summary statement of the measure and shall deliver a copy of the official
6 ballot title and the fiscal note to the speaker of the house or the president pro
7 tem of the legislative chamber that originated the measure or, in the case of
8 initiative or referendum petitions, to the person whose name and address are
9 designated under section 116.332. Persons circulating the petition shall affix the
10 official ballot title to each page of the petition prior to circulation and signatures
11 shall not be counted if the official ballot title is not affixed to the page containing
12 such signatures.

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

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 be submitted to the secretary of state in the form in which it
4 will be circulated. When a person submits a sample sheet of a petition he or she
5 shall designate to the secretary of state the name and address of the person to
6 whom any notices shall be sent pursuant to sections 116.140 and 116.180. The
7 secretary of state shall refer a copy of the petition sheet to the attorney general
8 for his approval [and to the state auditor for purposes of preparing a fiscal note
9 and fiscal note summary]. The secretary of state and attorney general must each
10 review the petition for sufficiency as to form and approve or reject the form of the

11 petition, stating the reasons for rejection, if any.

12 2. Upon receipt of a petition from the office of the secretary of state, the
13 attorney general shall examine the petition as to form. If the petition is rejected
14 as to form, the attorney general shall forward his or her comments to the
15 secretary of state within ten days after receipt of the petition by the attorney
16 general. If the petition is approved as to form, the attorney general shall forward
17 his or her approval as to form to the secretary of state within ten days after
18 receipt of the petition by the attorney general.

19 3. The secretary of state shall review the comments and statements of the
20 attorney general as to form and make a final decision as to the approval or
21 rejection of the form of the petition. The secretary of state shall send written
22 notice to the person who submitted the petition sheet of the approval within
23 [thirty] **fifteen** days after submission of the petition sheet. The secretary of
24 state shall send written notice if the petition has been rejected, together with
25 reasons for rejection, within [thirty] **fifteen** days after submission of the petition
26 sheet.

116.333. 1. If the form of the petition is approved, within forty-
2 **five days of the date notice of the approval of form is sent to the person**
3 **who submitted the sample petition sheet, such person shall submit to**
4 **the secretary of state at least one thousand, but no more than two**
5 **thousand, sponsoring signatures of registered voters of the state in**
6 **support of the initiative. If such person fails to submit sponsoring**
7 **signatures under the provisions of this section, the secretary of state**
8 **shall send notice that the petition has been rejected.**

9 **2. For the purposes of this section:**

10 **(1) Sponsoring signatures shall be gathered and submitted on**
11 **pages in the form that was approved by the secretary of state under**
12 **section 116.332. Each petition page shall contain sponsoring signatures**
13 **of voters from only one county, which shall be designated in the upper**
14 **right-hand corner of the page. All pages shall be submitted at one time**
15 **and shall be in order and numbered sequentially by county. Sponsoring**
16 **signatures on pages that do not comply with these requirements shall**
17 **not be counted as valid; and**

18 **(2) Each person gathering sponsoring signatures shall meet the**
19 **requirements of section 116.080 except that signatures collected by any**
20 **circulator who has not registered with the secretary of state under**

21 section 116.080 on or before 5:00 p.m. on the day the sponsoring
22 signatures are submitted to the secretary of state shall not be counted.

23 3. Within five days of receipt of sponsoring signature pages
24 under this section, the secretary of state may send copies of the pages
25 to election authorities to verify that the persons whose names are listed
26 as sponsoring signers to the petition are registered voters. Such
27 verification may either be of each signature or by random sampling as
28 provided in section 116.120, as the secretary of state shall direct. Each
29 election authority shall check the signatures against voter registration
30 records in the election authority's jurisdiction under the rules adopted
31 by the secretary of state under subsection 5 of section 116.130.

32 4. Such verification shall be completed and certified to the
33 secretary of state not later than ten business days from the date the
34 election authority receives the sponsoring signature pages.

116.334. 1. If the [petition form is approved,] election authority
2 certifies that at least one thousand sponsoring signatures have been
3 verified as registered voters, within three days of receipt of the
4 certification from the election authority the secretary of state shall notify
5 the person who submitted the sponsoring signatures and refer a copy
6 of the sample petition to the state auditor for purposes of preparing a
7 fiscal note and fiscal note summary. Within [ten] twenty days of receipt
8 of such certification, the secretary of state shall prepare and transmit to
9 the attorney general a summary statement of the measure which shall be a
10 concise statement not exceeding one hundred words. This statement shall be in
11 the form of a question using language neither intentionally argumentative nor
12 likely to create prejudice either for or against the proposed measure. The
13 attorney general shall within ten days approve the legal content and form of the
14 proposed statement.

15 2. [Signatures obtained prior to the date the official ballot title is certified
16 by the secretary of state shall not be counted.] If the election authority
17 certifies that less than one thousand sponsoring signatures have been
18 verified as registered voters, within three days of receipt of the
19 certification from the election authority the secretary of state shall
20 notify the person who submitted the signatures that the petition has
21 been rejected.

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