

SECOND REGULAR SESSION

HOUSE BILL NO. 1788

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PARSON (Sponsor), FUNDERBURK, SCHARNHORST,
SMITH (150), THOMSON, BIVINS, JONES (117), SCHAD AND MUNZLINGER (Co-sponsors).

4081L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 116.080, 116.090, and 116.332, RSMo, and to enact in lieu thereof four new sections relating to petition circulators, with penalty provisions.

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

Section A. Sections 116.080, 116.090, and 116.332, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 67.095, 116.080, 116.090, and 116.332, to read as follows:

67.095 (1) Whenever the governing body of any taxing authority receives a petition, signed by at least thirty-three percent of the registered voters within such taxing authority's boundaries, calling for an election to decrease the taxing authority's tax rates, the governing body shall submit to the voters residing within the taxing authority's boundaries a proposal to lower the tax rates of the taxing authority at the next regular election. Such petition shall include the proposed tax rate and tax rate's purpose for such taxing authority. If at least sixty-six percent of the votes cast on the question by the qualified voters voting thereon are in favor of decreasing the tax rate, the lowered tax rate shall become effective. If more than thirty-three percent of the votes cast on the question by the qualified voters voting thereon are opposed to lowering the tax rate, then the tax rate established under this section shall remain effective until such tax rate is revised as provided in this section. No petition to lower the tax rate on levies imposed for debt service shall be valid under this subsection, and this subsection shall not be construed to require any taxing authority to lower the tax rate on levies imposed for debt service.

(2) The petition shall be in substantially the following form:

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.

16

17 **WARNING**

18

19 **It is a felony for anyone to sign a petition with any name other than his or her own, or to**
20 **knowingly sign his or her name more than once for the measure, or to sign such petition**
21 **when the person is not a legal voter.**

22

23 **INITIATIVE PETITION To the governing body of the (insert name of taxing**
24 **authority):**

25

26 **We the undersigned, citizens and voters of the state of Missouri and the (insert**
27 **taxing authority's name), respectfully order that an election be called to reduce the tax rate**
28 **for the purposes of (describe purpose of tax rate) of the taxing authority. The tax rate**
29 **decrease proposal shall be referred to the people of the district for their approval or**
30 **rejection, at the regular (special) election to be held on the day of, 20.., and each for**
31 **himself or herself says: I have personally signed this petition; I am a duly qualified elector**
32 **of the state and district; my residence and post office address are correctly written after**
33 **my name.**

34

35 **Name Residence Post Office**

36 **(if in a city, street and number)**

37 **(Here follow numbered lines for signatures).**

38 **(3) Every sheet for petitioners' signatures shall be attached to a full and correct**
39 **copy of the title and text of the measure proposed by the petition.**

40 **(4) Each sheet of every petition containing signatures shall be verified in**
41 **substantially the following form by the person who circulated the sheet, by that person's**
42 **affidavit thereon:**

43

44 **State of Missouri County of**

45 **I,, being first duly sworn, say that each person whose name appears on this sheet signed**
46 **his or her name thereto in my presence; I believe that each has stated his or her name, post**
47 **office address, and residence correctly, and that each signer is a voter of the state of**
48 **Missouri and (insert name of taxing authority).**

49 **(signature and post office address of affiant)**

50 **Subscribed and sworn to before me this day of, (year)**

51 **(signature and title of officer before whom oath is made and his or her post office address).**

52 (5) The ballot question for a decrease in a taxing authority's tax rate shall be
53 submitted in substantially the following form:

54 "Shall the tax rate of the (insert name of taxing authority) for the purpose of
55 (describe purpose of tax rate) be reduced from (insert amount) to (insert proposed tax
56 rate)?".

57 (6) The decreased tax rate as approved shall be adjusted such that when applied
58 to the current total assessed valuation of the political subdivision, excluding new
59 construction and improvements since the date of the election approving such decrease, the
60 revenue derived from the adjusted tax rate is equal to the sum of: the amount of revenue
61 which would have been derived by applying the voter-approved decreased tax rate to the
62 total assessed valuation of the political subdivision, as most recently certified by the city
63 or county clerk on or before the date of the election in which such decrease is approved,
64 increased by the percentage increase in the consumer price index, as certified by the state
65 tax commission under subdivision (1) of subsection 4 of this section. Such adjusted tax rate
66 shall be the taxing authority's tax rate ceiling and may be applied to the total assessed
67 valuation of the political subdivision at the setting of the next tax rate.

116.080. 1. Each petition circulator shall be at least eighteen years of age, a citizen of
2 the United States, a Missouri resident, and registered with the secretary of state. No person
3 shall qualify as a petition circulator who has been convicted of, or found guilty of, or pled
4 guilty to an offense involving forgery under the laws of this state, or an offense under the
5 laws of any other jurisdiction if that offense would be considered forgery under the laws
6 of this state.

7 2. No person or organization shall compensate or offer to compensate any person,
8 nor shall any person or organization receive compensation or agree to receive
9 compensation, for collecting signatures on an initiative or referendum petition if such
10 compensation is based on the number of signatures obtained. Signatures collected by a
11 petition circulator paid on a per signature basis shall not be counted. This subsection shall
12 not be construed to prohibit compensation for collection of signatures on an initiative or
13 referendum petition that is not based on the number of signatures obtained.

14 3. Signatures collected by any circulator who has not registered with the secretary of
15 state pursuant to this chapter [on or before 5:00 p.m. on the final day for filing petitions with the
16 secretary of state] before the collection of such signatures shall not be counted.

17 [2. Each petition circulator] 4. In order to become registered as a petition circulator,
18 before the collection of any signatures, each person seeking to circulate a petition shall
19 supply the following information to the secretary of state's office:

20 (1) Name of petition;

- 21 (2) Name of circulator;
- 22 (3) Residential address, including street number, city, state and zip code, **and proof of**
- 23 **Missouri resident status;**
- 24 (4) Mailing address, if different;
- 25 (5) [Have you been or] Do you expect to be paid for soliciting signatures for this
- 26 petition?

27 YES NO

- 28 (6) If the answer to subdivision (5) is yes, then identify the payor;
- 29 (7) Signature of circulator.

30 [3.] **5.** The circulator information required in [subsection 2 of] this section shall be

31 submitted to the secretary of state's office with the following oath and affirmation:

32 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL

33 STATEMENTS MADE BY ME ARE TRUE AND CORRECT, **THAT I HAVE NEVER**

34 **BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE**

35 **INVOLVING FORGERY, AND THAT I HAVE NOT ACCEPTED AND WILL NOT**

36 **ACCEPT COMPENSATION FOR OBTAINING SIGNATURES BASED ON THE**

37 **NUMBER OF SIGNATURES I OBTAIN. I HEREBY SWEAR OR AFFIRM UNDER**

38 **PENALTY OF LAW THAT I AM LEGALLY RESPONSIBLE FOR MY SIGNATURE**

39 **GATHERING ACTIVITIES AND MAY BE HELD LEGALLY RESPONSIBLE FOR**

40 **FRAUDULENT OR DECEPTIVE SIGNATURE GATHERING PRACTICES.**

41 [4.] **6.** Each petition circulator shall subscribe and swear to the proper affidavit on each

42 petition page such circulator submits before a notary public commissioned in Missouri. When

43 notarizing a circulator's signature, a notary public shall sign his or her official signature and affix

44 his or her official seal to the affidavit only if the circulator personally appears before the notary

45 and subscribes and swears to the affidavit in his or her presence.

46 [5.] **7.** Any circulator who falsely swears to a circulator's affidavit knowing it to be false

47 is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section

48 [560.021] **560.016**, RSMo, to the contrary, for a term of imprisonment not to exceed one year

49 in the county jail or a fine not to exceed ten thousand dollars or both.

50 **8. This section shall become effective January 1, 2011.**

116.090. 1. Any person who **knowingly** signs any name other than his **or her** own to

2 any petition[, or] **shall, upon conviction thereof be guilty of a class one election offense, as**

3 **defined in section 115.631.**

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

5 measure for the 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, shall, upon conviction thereof,

7 be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section
8 [560.021] **560.016**, to the contrary, for a term of imprisonment not to exceed one year in the
9 county jail or a fine not to exceed ten thousand dollars or both.

10 [2.] **3.** Any person who knowingly accepts or offers money or anything of value to
11 another person in exchange for a signature on a petition is guilty of a class A misdemeanor
12 punishable, notwithstanding the provisions of section [560.021] **560.016**, RSMo, to the contrary,
13 for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten
14 thousand dollars or both.

15 **4. This section shall become effective January 1, 2011.**

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. When a person
4 submits a sample sheet of a petition he or she shall designate to the secretary of state the name
5 and address of the person to whom any notices shall be sent pursuant to sections 116.140 and
6 116.180. **The person submitting the sample sheet shall also deposit with the secretary of**
7 **state five hundred dollars for each petition submitted. Upon the certification of the**
8 **proposed measure as sufficient for the general election ballot under section 116.150, the**
9 **deposit shall be immediately refunded to such person. If such proposed measure is not**
10 **certified for the general election ballot under section 116.150, the deposit shall be forfeited**
11 **and shall be deposited into the state's general revenue fund. A person submitting a petition**
12 **may withdraw and resubmit a petition without paying an additional deposit if the petition**
13 **is withdrawn before the secretary of state's rejection of approval as to form under this**
14 **section.**

15 **2.** The secretary of state shall refer a copy of the petition sheet to the attorney general for
16 [his] **the attorney general's** approval and to the state auditor for purposes of preparing a fiscal
17 note and fiscal note summary. The secretary of state and attorney general [must] **shall** each
18 review the petition for sufficiency as to form and approve or reject the form of the petition,
19 stating the reasons for rejection, if any.

20 [2.] **3.** Upon receipt of a petition from the office of the secretary of state, the attorney
21 general shall examine the petition as to form. If the petition is rejected as to form, the attorney
22 general shall forward his or her comments to the secretary of state within ten days after receipt
23 of the petition by the attorney general. If the petition is approved as to form, the attorney general
24 shall forward his or her approval as to form to the secretary of state within ten days after receipt
25 of the petition by the attorney general.

26 [3.] **4.** The secretary of state shall review the comments and statements of the attorney
27 general as to form and make a final decision as to the approval or rejection of the form of the

28 petition. The secretary of state shall send written notice to the person who submitted the petition
29 sheet of the approval within thirty days after submission of the petition sheet. The secretary of
30 state shall send written notice if the petition has been rejected, together with reasons for
31 rejection, within thirty days after submission of the petition sheet.

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