

SECOND REGULAR SESSION

HOUSE BILL NO. 1869

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUGGER (Sponsor) AND DIEHL (Co-sponsor).

6051L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 116.080, 116.090, 116.120, 116.180, 116.332, and 116.334, RSMo, and to enact in lieu thereof eight new sections relating to initiative and referendum petitions, with penalty provisions, and an emergency clause for a certain section.

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

Section A. Sections 116.080, 116.090, 116.120, 116.180, 116.332, and 116.334, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 116.080, 116.090, 116.120, 116.153, 116.180, 116.332, 116.333, and 116.334, to read as follows:

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 with the secretary of state shall not be counted.

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

(1) Name of petition;

(2) Name of circulator;

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

(4) Mailing address, if different;

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

YES

NO;

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

17 (7) Signature of circulator.

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

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

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

31 5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is
32 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section [560.021]
33 **560.016** to the contrary, for a term of imprisonment not to exceed one year in the county jail or
34 a fine not to exceed ten thousand dollars or both.

35 **6. Any person collecting signatures for an initiative or referendum petition shall**
36 **indicate whether such person is a compensated signature collector or an uncompensated**
37 **volunteer signature collector by prominently displaying a button or sign stating that such**
38 **person is either compensated or uncompensated for collecting signatures. Any violation**
39 **of this subsection shall be an infraction subject to a penalty of not less than one hundred**
40 **but not more than five hundred dollars.**

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

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** to the contrary, for a
13 term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten
14 thousand dollars or both.

116.120. 1. When an initiative or referendum petition is submitted to the secretary of
2 state, he or she shall examine the petition to determine whether it complies with the Constitution
3 of Missouri and with this chapter. Signatures on petition pages that have been collected by any
4 person who is not properly registered with the secretary of state as a circulator shall not be
5 counted as valid. Signatures on petition pages that do not have the official ballot title affixed to
6 the page shall not be counted as valid. **Signatures previously verified on a proposed initiative
7 or referendum under section 116.333 shall not be included in the calculation under this
8 section for the purpose of verifying whether the petition contains the required number of
9 signatures.** The secretary of state may verify the signatures on the petition by use of random
10 sampling. The random sample of signatures to be verified shall be drawn in such a manner that
11 every signature properly filed with the secretary of state shall be given an equal opportunity to
12 be included in the sample. The process for establishing the random sample and determining the
13 statistically valid result shall be established by the secretary of state. Such a random sampling
14 shall include an examination of five percent of the signatures.

15 2. If the random sample verification establishes that the number of valid signatures is
16 less than ninety percent of the number of qualified voters needed to find the petition sufficient
17 in a congressional district, the petition shall be deemed to have failed to qualify in that district.
18 In finding a petition insufficient, the secretary of state does not need to verify all congressional
19 districts on each petition submitted if verification of only one or more districts establishes the
20 petition as insufficient.

21 3. If the random sample verification establishes that the number of valid signatures total
22 more than one hundred ten percent of the number of qualified voters needed to find the petition
23 sufficient in a congressional district, the petition shall be deemed to qualify in that district.

24 4. If the random sampling shows the number of valid signatures within a congressional
25 district is within ninety to one hundred ten percent of the number of signatures of qualified voters
26 needed to declare the petition sufficient in that district, the secretary of state shall order the
27 examination and verification of each signature filed.

**116.153. Within thirty days of issuing certification that the petition contains a
2 sufficient number of valid signatures under section 116.150, the joint committee on
3 legislative research shall hold an informational public hearing in Jefferson City to take the
4 public testimony of those in support and in opposition to the contents of the petition. Such
5 hearing shall be a public meeting under chapter 610.**

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

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

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 be submitted to
3 the secretary of state in the form in which it will be circulated. When a person submits a sample
4 sheet of a petition he or she shall designate to the secretary of state the name and address of the
5 person to whom any notices shall be sent pursuant to sections 116.140 and 116.180 **and submit**
6 **a copy of the filed statement of committee organization required under subsection 5 of**
7 **section 130.021 showing the date the statement was filed.** The secretary of state shall refer
8 a copy of the petition sheet to the attorney general for his approval and to the state auditor for
9 purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney
10 general must each review the petition for sufficiency as to form and approve or reject the form
11 of the petition, stating the reasons for rejection, if any.

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

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

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

2. For the purposes of this section:

(1) Sponsoring signatures shall be gathered and submitted on pages in the form that was approved by the secretary of state under section 116.332, except that each signature page shall also contain the following statement:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully request that the following proposed law (or amendment to the constitution) shall be submitted to the Secretary of State for certification of an Official Ballot Title, 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.

(2) Each petition page shall contain sponsoring signatures of voters from only one county, which shall be designated in the upper right-hand corner of the page. All pages shall be submitted at one time and shall be in order and numbered sequentially by county. Sponsoring signatures on pages that do not comply with these requirements shall not be counted as valid.

(3) Each person gathering sponsoring signatures shall meet the requirements of section 116.080 except that signatures collected by any circulator who has not registered with the secretary of state under section 116.080 on or before 5:00 p.m. on the day the sponsoring signatures are submitted to the secretary of state shall not be counted.

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

36 **4. Such verification shall be completed and certified to the secretary of state not**
37 **later than fifteen days from the date the election authority receives the sponsoring**
38 **signature pages.**

 116.334. 1. If [the petition form is approved,] **at least one thousand sponsoring**
2 **signatures are verified as registered voters, within three days of the receipt of such**
3 **certification,** the secretary of state shall **notify the person who submitted the sponsoring**
4 **signatures, make a copy of the sample petition available on the secretary of state's website**
5 **and refer a copy of the sample petition to the state auditor for purposes of preparing a**
6 **fiscal note and fiscal note summary. For a period of fifteen days after the sample petition**
7 **is made available on the secretary of state's website, the secretary of state shall accept**
8 **public comments regarding the proposed measure and provide copies of such comments**
9 **upon request. Within [ten] twenty-three days of receipt of such certification, the secretary**
10 **of state shall** prepare and transmit to the attorney general a summary statement of the measure
11 which shall be a concise statement not exceeding one hundred words. This statement shall be
12 in the form of a question using language neither intentionally argumentative nor likely to create
13 prejudice either for or against the proposed measure. The attorney general shall within ten days
14 approve the legal content and form of the proposed statement.

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

 Section B. Because of the need to ensure proper vetting of initiative and referendum
2 petitions prior to circulation, the enactment of section 116.153 of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and the enactment of
5 section 116.153 of this act shall be in full force and effect upon its passage and approval.

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