

HCS HB 1869 -- ELECTIONS (Dugger)

COMMITTEE OF ORIGIN: Committee on Elections

The substitute changes the laws regarding elections. The substitute:

(1) Prohibits a person who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of Missouri or an offense in any other jurisdiction that would be considered forgery if committed in Missouri from qualifying as a petition circulator;

(2) Requires a person collecting signatures for an initiative or referendum petition to indicate whether or not he or she is being compensated by predominantly displaying a sign or button stating that information. Any violation of this provision will be an infraction subject to a penalty of not less than \$100 but not more than \$500;

(3) Specifies that any person who knowingly signs any name other than his or her own to any petition will, upon conviction, be guilty of a class one election offense which is a felony. Currently, any person who signs any name other than his or her own to any petition is guilty of a class A misdemeanor;

(4) Allows any person who submits a petition to the Secretary of State to withdraw the petition upon written notice;

(5) Requires the Joint Committee on Legislative Research to hold a public hearing in Jefferson City on a ballot measure within 30 days of the Secretary of State's certification to place the ballot measure on the ballot. The hearing will take public comment concerning the proposed measure;

(6) Requires a fiscal note that is part of a summary statement for a ballot measure proposed by the General Assembly to be submitted by the General Assembly itself or the Secretary of State. The State Auditor no longer must review the fiscal note for a ballot measure and will no longer be named as a party in ballot title litigation. When an initiative is submitted by private proponents, both proponents and opponents of the measure may submit estimated fiscal impact statements which will be posted on the website of the Office of the Secretary of State. A fiscal impact statement may include costs or savings to businesses as well as costs or savings to the state. A court challenge to a summary statement must be resolved within 120 days or dismissed with prejudice for failure to prosecute unless the Cole County circuit court enters an order expressly stating that the sole cause for delay was the court's unavailability.

Specified proponents of ballot measures may intervene in court challenges to ballot titles;

(7) Requires the Secretary of State to post the full text of proposed ballot measures within two days of its receipt and the name of the submitting person or organization. A violation of this provision will be a violation of the Open Records and Meetings Law, commonly known as the Sunshine Law;

(8) Reduces the time that the Secretary of State has to approve or disapprove the form of a ballot measure from 30 days to 15 days after its submission; and

(9) Requires a person submitting a sample sheet to also submit at least 1,000 but no more than 2,000 signatures to the Secretary of State to place a proposal on the ballot. If the Secretary of State verifies that at least 1,000 signatures are valid by sending them to the election authorities to be verified, then the proposal will be approved. The Secretary of State verifies signatures by sending them within five days to the election authorities who have 15 days to reply. The Secretary of State then has 10 days to prepare a summary statement. Signatures obtained prior to the date the official title is certified by the Secretary of State cannot be counted.

The provisions of the bill contain a severability clause, and if any provision of the bill is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions are to remain valid except under specified conditions.

The provision of the substitute requiring the Joint Committee on Legislative Research to conduct a public hearing contains an emergency clause.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$35,750 in FY 2013, FY 2014, and FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.