

HCS HB 117 -- INITIATIVE AND REFERENDUM PETITIONS

SPONSOR: Dugger

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elections by a vote of 11 to 0.

This substitute changes the laws regarding initiative and referendum petitions. In its main provisions, the substitute:

(1) Requires a petition circulator to verify that he or she is at least 18 years old and to disclose if he or she is a paid or unpaid volunteer;

(2) Prohibits an individual who has been convicted of, found guilty of, or pled guilty to an offense involving forgery in Missouri or an offense involving forgery under the laws of any other jurisdiction if the offense would be considered forgery under this state's laws from qualifying as a petition circulator;

(3) Specifies that any person who knowingly signs a name other than his or her own to any petition with the intent to alter the outcome will, upon conviction, be guilty of a misdemeanor. The crime is punishable by imprisonment of up to one year in the county jail, a fine of up to \$10,000, or both;

(4) Specifies that a person commits the crime of intentional misrepresentation of a petition if he or she knowingly and fraudulently gathers signatures for a petition by causing a voter to sign a petition other than the one that the voter intended to sign or forging or falsifying signatures, a class one election offense;

(5) Specifies that a person commits the crime of malicious obstruction of the signing of a petition if he or she maliciously obstructs, intimidates, or prevents a voter from signing a petition or attempts to intimidate, obstruct, or prevent him or her from signing a petition. The malicious obstruction of the signing of a petition is a misdemeanor punishable by imprisonment for up to one year in the county jail, a fine of up to \$10,000, or both;

(6) Allows a person who submits a sample sheet to or files an initiative petition with the Secretary of State to withdraw the petition upon written notice to the Secretary of State and requires the Secretary of State to vacate the certification of the official ballot title within three days of receiving the notice;

(7) Requires the Joint Committee on Legislative Research to hold a public hearing in Jefferson City within 30 days of the

certification that a petition contains a sufficient number of valid signatures to take public comment concerning the proposed measure. The meeting must be a public meeting under the Open Meetings and Records Law, commonly known as the Sunshine Law;

(8) Requires an action challenging the official ballot title or the fiscal note of a proposed constitutional amendment to be adjudicated with 180 days of filing unless the court finds good cause to extend the period;

(9) Requires a person submitting a sample petition to provide proof that he or she has filed a statement of committee organization under Chapter 130;

(10) Requires the Secretary of State to post on its website, within two days of receipt of any sample sheet, the text of the proposed measure, a disclaimer stating that the text may not constitute the full and correct text, and the name of the person or organization submitting the sample sheet. The posting must be removed within three days of the withdrawal or the rejection of a petition. Currently, the Secretary of State must send written notice to the person who submitted the petition sheet of its approval or rejection within 30 days after submission of the petition sheet. The substitute changes the notification to within 15 days. If a proposed measure is accepted for circulation, then the Secretary of State will notify the State Auditor to prepare a fiscal note;

(11) The Secretary of State must accept public comments regarding the proposed measure for 15 days after the petition is initially certified and provide copies of the comments upon request. Currently, the Secretary of State must prepare and transmit a summary statement of the measure to the Attorney General within 10 days of the approval of the petition form. The substitute requires the Secretary of State to prepare and transmit the summary statement to the Attorney General within 23 days of receipt of the initial certification; and

(12) Establishes a time limitation from the day after one general election day to no later than six months prior to the next general election day for the filing of signatures for statutory initiative petitions. This deadline is identical to the current constitutional deadline for signature filing for constitutional amendment initiative petitions.

The substitute contains a severability clause and if any provision of the substitute is found to be unconstitutional, the remaining provisions will remain valid with specified exceptions.

PROPONENTS: Supporters say that the bill clarifies and expedites the initiative petition process. The bill is beneficial to the initiative petition process and provides clear guidelines and transparency.

Testifying for the bill were Representative Dugger; Missouri Farm Bureau; Missouri National Education Association; Missouri Association of Counties; and Ron Calzone, Missouri Citizens for Property Rights.

OPPONENTS: There was no opposition voiced to the committee.