

HB 856 -- Initiative and Referendum Petitions

Sponsor: Dugger

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

- (1) Defines the term "day" as it applies to initiative and referendum petitions as a calendar day including weekends and holidays;
- (2) Specifies that no mistake, error, or omission by a party other than a person signing a petition, anyone involved in the gathering of signatures for and the filing of a petition, or any government official or employee can invalidate the signature of any person signing a petition as long as the person's intent in signing the petition is reasonably clear;
- (3) Allows the proponent of a petition to reserve an area in the upper left-hand corner of each signature page for the use of clerical notations;
- (4) Specifies that the text of a petition must include all matter that is to be repealed, which must be enclosed in brackets or in a strike-through font, and all sections of existing law which would be explicitly repealed by the measure;
- (5) Allows the proponent of a petition to provide proof of the voter's registration within 30 days of the issuance of the certificate of sufficiency or insufficiency by the Secretary of State;
- (6) Creates the crime of intentional misrepresentation of a petition if a person knowingly and fraudulently gathers signatures by causing a voter to sign a petition other than the one the voter intended to sign or by forging or falsifying signatures and the crime of malicious obstruction of the signing of a petition if a person attempts to or maliciously intimidates, obstructs, or otherwise prevents a voter from signing a petition. Anyone who commits one of these crimes will be guilty of a misdemeanor punishable by a fine of up to \$10,000, imprisonment for up to one year, or both;
- (7) Requires the Secretary of State to accept properly submitted file folders of signature pages that are in substantial compliance with the law;
- (8) Removes the provision which specifies that if the Attorney General or the circuit court of Cole County determines that the fiscal note or its summary does not satisfy state requirements,

it must be returned to the State Auditor for revision allowing a court to change a fiscal note summary in the same manner as a summary statement. The accuracy of a fiscal note may still be challenged in a court of appeals and the Missouri Supreme Court;

(9) Specifies that a change to the official ballot title from an action brought later than 10 days after the ballot title is certified by the Secretary of State will have no effect on the validity of signatures collected on petition sheets that contain the original official ballot title;

(10) Specifies that a petition proponent must be allowed to intervene in a ballot title challenge case;

(11) Requires a ballot title challenge to be made within 55 days of the original certification by the Secretary of State;

(12) Establishes time limits for the adjudication of a ballot title challenge. The circuit court must rule within 55 days, and any party to the suit may appeal within 10 days after a circuit court's decision. The court of appeals must render a decision within 30 days of the filing of an appeal, and any party to the suit may appeal to the Missouri Supreme Court within 10 days of the appeals court's decision. The Missouri Supreme Court must render a decision within 30 days of the filing of an appeal;

(13) Requires the Secretary of State to refer a copy of a sample petition sheet to the Attorney General and the State Auditor within two business days of the submission of the petition for the Attorney General's approval and the State Auditor's preparation of a fiscal note and fiscal note summary; and

(14) Requires the Secretary of State to send notice of approval within 15 days after the submission of a petition sheet instead of the current 30 days.