

SECOND REGULAR SESSION

HOUSE BILL NO. 1289

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLER.

5005H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 116.050, 116.100, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof eight new sections relating to ballot initiatives and referendums, with a delayed effective date.

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

Section A. Sections 116.050, 116.100, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 116.050, 116.100, 116.160, 116.230, 116.270, 116.275, 116.332, and 116.334, to read as follows:

116.050. 1. Initiative and referendum petitions filed under the provisions of this chapter shall consist of pages of a uniform size. **The text of the measure of an initiative petition shall be double-spaced in a font no smaller than 12 point Times New Roman and have a margins of no less than one inch. Page numbers may appear in the bottom margin.** Each page, excluding the text of the measure, shall be no larger than eight and one-half by fourteen inches. Each page of an initiative petition shall be attached to or shall contain a full and correct text of the proposed measure. Each page of a referendum petition shall be attached to or shall contain a full and correct text of the measure on which the referendum is sought.

2. **The secretary of state shall collect an initiative and referendum petition filing fee of five hundred dollars for each petition sample sheet filed. An additional filing fee of ten dollars shall be collected for each page of text of the measure in excess of ten pages. The filing fee shall be deposited in the state treasury and credited to the secretary of state's petition publications fund. The filing fee shall be refunded from the secretary of state's petition publication fund to the person designated as the recipient of notices under section**

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.

15 **116.332 if the initiative or referendum petition is certified as a statewide ballot measure.**
16 **The secretary of state shall reject any petition sample sheet that is not accompanied by the**
17 **required fee.**

18 **3.** The full and correct text of all initiative and referendum petition measures shall:

19 (1) Contain all matter which is to be deleted included in its proper place enclosed in
20 brackets and all new matter shown underlined;

21 (2) Include all sections of existing law or of the constitution which would be repealed
22 by the measure; and

23 (3) Otherwise conform to the provisions of Article III, Section 28 and Article III, Section
24 50 of the Constitution and those of this chapter.

25 **4. The full and correct text of all initiative petition measures shall not purport to**
26 **do any of the following:**

27 (1) **Declare any federal statute, regulation, executive order, or court decisions to be**
28 **void or in violation of the Constitution of the United States;**

29 (2) **Amend any federal law or the Constitution of the United States; or**

30 (3) **Accomplish an act that the Constitution of the United States requires to be done**
31 **by the general assembly.**

116.100. **1.** The secretary of state shall not accept any referendum petition submitted
2 later than 5:00 p.m. on the final day for filing referendum petitions. The secretary of state shall
3 not accept any initiative petition submitted later than 5:00 p.m. on the final day for filing
4 initiative petitions. All pages shall be submitted at one time. When an initiative or referendum
5 petition is submitted to the secretary of state, the signature pages shall be in order and numbered
6 sequentially by county, except in counties that include multiple congressional districts, the
7 signatures may be ordered and numbered using an alternate numbering scheme approved in
8 writing by the secretary of state prior to submission of the petition. Any petition that is not
9 submitted in accordance with this section, disregarding clerical and merely technical errors, shall
10 be rejected as insufficient. After verifying the count of signature pages, the secretary of state
11 shall issue a receipt indicating the number of pages presented from each county. When a person
12 submits a petition he or she shall designate to the secretary of state the name and the address of
13 the person to whom any notices shall be sent under sections 116.140 and 116.180.

14 **2. If any page of an initiative or referendum petition is marked, under sections**
15 **116.030 or 116.040, that the circulator expects to be paid for circulating the petition, the**
16 **secretary of state shall collect, at the time of the submission of the petition, a fee in an**
17 **amount equal to ninety cents per signature based on the minimum number of signatures**
18 **required by Article III, section 50 of the Constitution of Missouri. The fee shall be**
19 **deposited in the state treasury and credited to the secretary of state's petition signature**

20 **verification fund. The secretary of state shall not accept any petitions that are not**
21 **accompanied by the required fee.**

116.160. 1. If the general assembly adopts a joint resolution proposing a constitutional
2 amendment or a bill without a fiscal note summary, which is to be referred to a vote of the
3 people, after receipt of such resolution or bill the secretary of state shall promptly forward the
4 resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing
5 a constitutional amendment or a bill without an official summary statement, which is to be
6 referred to a vote of the people, within twenty days after receipt of the resolution or bill, the
7 secretary of state shall prepare and transmit to the attorney general a summary statement of the
8 measure as the proposed summary statement. The secretary of state may seek the advice of the
9 legislator who introduced the constitutional amendment or bill and the speaker of the house or
10 the president pro tem of the legislative chamber that originated the measure. The summary
11 statement may be distinct from the legislative title of the proposed constitutional amendment or
12 bill. The attorney general shall within ten days approve the legal content and form of the
13 proposed statement.

14 2. The official summary statement shall contain no more than **one hundred** fifty words[;
15 ~~excluding articles.~~] The title shall be a true and impartial statement of the purposes of the
16 proposed measure in language neither intentionally argumentative nor likely to create prejudice
17 either for or against the proposed measure.

116.230. 1. The secretary of state shall prepare sample ballots in the following form.

2 2. The top of the ballot shall read:

3
4 "OFFICIAL BALLOT STATE OF MISSOURI"

5 3. When constitutional amendments are submitted, the first heading shall read:

6
7 "CONSTITUTIONAL AMENDMENTS"

8
9 There shall follow the numbers assigned under section 116.210 the official ballot titles prepared
10 under section 116.160 or 116.334, and the fiscal note summaries prepared under section 116.170.
11 Constitutional amendments proposed by the general assembly shall be designated as "Proposed
12 by the general assembly". Constitutional amendments proposed by initiative petition shall be
13 designated "Proposed by initiative petition". Constitutional amendments proposed by
14 constitutional convention shall be designated as "Proposed by constitutional convention".

15 4. When statutory measures are submitted, the next heading shall read:

16
17 "STATUTORY MEASURES"

18 There shall follow the letters assigned under section 116.220, the official ballot titles prepared
19 under section 116.160 or 116.334, and the fiscal note summaries prepared under section 116.170.
20 Statutory initiative measures shall be designated "Proposed by initiative petition". Referendum
21 measures shall be designated "Referendum ordered by petition".

22 **5. Immediately following the official ballot title, the phrase "Shall the measure**
23 **summarized above be approved?" shall appear with the options to vote "yes" or "no".**

116.270. 1. There is hereby ~~[created a]~~ **established in the state treasury the**
2 **"Secretary of State's Petition ["]Publications Fund"** which shall ~~[be used only to pay printing,~~
3 ~~publication, and other expenses incurred in submitting statewide ballot measures to the voters]~~
4 **consist of moneys collected under section 116.050. The fund shall be administered by the**
5 **state treasurer. The state treasurer shall be custodian of the fund. In accordance with**
6 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall**
7 **be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for**
8 **the administration of section 116.050.**

9 2. ~~[The secretary of state shall certify to the commissioner of administration all valid~~
10 ~~claims for payment from the publications fund. On receiving the certified claims, the~~
11 ~~commissioner of administration shall issue warrants on the state treasurer payable to each~~
12 ~~individual out of the publications fund.]~~ **Notwithstanding the provisions of section 33.080 to**
13 **the contrary, any moneys remaining in the fund at the end of the biennium shall not revert**
14 **to the credit of the general revenue fund.**

15 3. **The state treasurer shall invest moneys in the fund in the same manner as other**
16 **funds are invested. Any interest and moneys earned on such investments shall be credited**
17 **to the fund.**

18 4. **The secretary of state shall ask the general assembly to appropriate funds from**
19 **the petition publications fund for the purpose of making refunds as set for in section**
20 **116.050 and to pay publication expenses incurred in submitting statewide ballot measures**
21 **to the voters. Any balance in the petition publications fund shall be used for the purposes**
22 **set forth herein before using a general revenue appropriation for the same purposes.**

116.275. 1. There is hereby created in the state treasury the **"Secretary of State's**
2 **Petition Signature Verification Fund"**, which shall consist of moneys collected under
3 section 116.100. The state treasurer shall be custodian of the fund. In accordance with
4 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall
5 be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for
6 the administration of section 116.100.

7 **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
8 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
9 **general revenue fund.**

10 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
11 **funds are invested. Any interest and moneys earned on such investments shall be credited**
12 **to the fund.**

13 **4. The secretary of state shall ask the general assembly to appropriate funds from**
14 **the petition signature verification fund for the purpose of making payments to the local**
15 **election authorities that have verified signatures for one or more petitions in the applicable**
16 **two year petition cycle under section 116.130. Payments shall be calculated based on each**
17 **local election authority's pro rata share of all signatures actually verified under section**
18 **116.130 for a petition, regardless of the outcome of the signature verification. The**
19 **payments shall be made after the secretary has verified the petition as sufficient or**
20 **insufficient under section 116.150. No local election authorities' obligation to verify**
21 **signatures under section 116.130 shall depend upon receipt of payments under this**
22 **subsection. The secretary of state shall also ask the general assembly to appropriate funds**
23 **from the petition signature verification fund for the purposes of making refunds in the**
24 **event a petition proponent overpays the required fee.**

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. **Initiative petition sample sheets**
4 **shall be filed no earlier than twelve weeks following a general election.** When a person
5 submits a sample sheet of a petition he or she shall designate to the secretary of state the name
6 and address of the person to whom any notices shall be sent pursuant to sections 116.140 and
7 116.180 and, if a committee or person, except the individual submitting the sample sheet, is
8 funding any portion of the drafting or submitting of the sample sheet, the person submitting the
9 sample sheet shall submit a copy of the filed statement of committee organization required under
10 subsection 5 of section 130.021 showing the date the statement was filed. The secretary of state
11 shall refer a copy of the petition sheet to the attorney general for his approval and to the state
12 auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state
13 and attorney general must each review the petition for sufficiency as to form and **for compliance**
14 **with the Constitution of the United States and Constitution of Missouri** approve or reject
15 [~~the form of~~] the petition, stating the reasons for rejection, if any.

16 2. Within two business days of receipt of any such sample sheet, the office of the
17 secretary of state shall conspicuously post on its website the text of the proposed measure, a
18 disclaimer stating that such text may not constitute the full and correct text as required under

19 section 116.050, and the name of the person or organization submitting the sample sheet. The
20 secretary of state's failure to comply with such posting shall be considered a violation of chapter
21 610 and subject to the penalties provided under subsection 3 of section 610.027. The posting
22 shall be removed within three days of either the withdrawal of the petition under section 116.115
23 or the rejection for any reason of the petition.

24 3. Upon receipt of a petition from the office of the secretary of state, the attorney general
25 shall examine the petition as to form **and determine whether it complies with the Constitution**
26 **of the United States and Constitution of Missouri**. If the petition is rejected [~~as to form,~~] the
27 attorney general shall forward his or her comments to the secretary of state within ten days after
28 receipt of the petition by the attorney general. If the petition is approved [~~as to form,~~] the
29 attorney general shall forward his or her approval [~~as to form,~~] to the secretary of state within ten
30 days after receipt of the petition by the attorney general.

31 4. The secretary of state shall review the comments and statements of the attorney
32 general as to form and make a final decision as to the approval or rejection of the form of the
33 petition. The secretary of state shall send written notice to the person who submitted the petition
34 sheet of the approval within fifteen days after submission of the petition sheet. The secretary of
35 state shall send written notice if the petition has been rejected, together with reasons for
36 rejection, within fifteen days after submission of the petition sheet.

116.334. 1. If the petition [~~form~~] is approved **under section 116.332**, the secretary of
2 state shall make a copy of the sample petition available on the secretary of state's website. For
3 a period of fifteen days after the petition is approved [~~as to form,~~] **under section 116.332**, the
4 secretary of state shall accept public comments regarding the proposed measure and provide
5 copies of such comments upon request. Within twenty-three days of receipt of such approval,
6 the secretary of state shall prepare and transmit to the attorney general a summary statement of
7 the measure which shall be a concise statement not exceeding one hundred **fifty** words. This
8 statement shall [~~be in the form of a question using~~] **use** language neither intentionally
9 argumentative nor likely to create prejudice either for or against the proposed measure. The
10 attorney general shall within ten days approve the legal content and form of the proposed
11 statement.

12 2. Signatures obtained prior to the date the official ballot title is certified by the secretary
13 of state shall not be counted. **A court-ordered change to the official ballot title under**
14 **subsection 4 of section 116.190 necessarily invalidates all signatures gathered before that**
15 **court-ordered change occurs regardless of whether those signatures were gathered on**
16 **petition pages that displayed what was, at that time, the official ballot title as certified by**
17 **the secretary of state.**

18 3. Signatures for statutory initiative petitions shall be filed not later than six months prior
19 to the general election during which the petition's ballot measure is submitted for a vote, and
20 shall also be collected not earlier than the day after the day upon which the previous general
21 election was held.

 Section B. The repeal and reenactment of sections 116.050, 116.100, 116.160, 116.230,
2 116.270, 116.332, and 116.334, and the enactment of section 116.275 shall become effective on
3 November 7, 2018.

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