

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1289

99TH GENERAL ASSEMBLY

5005H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 116.050, 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.

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

Section A. Sections 116.050, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 115.961, 116.045, 116.050, 116.160, 116.230, 116.270, 116.332, and 116.334, to read as follows:

**115.961. 1. The secretary of state shall establish by rule a program that will accept electronic signatures for voter registration applications and any name or address changes submitted by persons submitting such applications. Such program shall be used by the department of revenue for any voter registration applications, name or address changes submitted under section 115.160, and by any voter registration agency that accepts voter registration applications under section 115.162. Any person that submits a voter registration application using an electronic signature shall be deemed registered as of the time the person's completed, signed, and sworn registration application is submitted, as provided in section 115.160 or 115.162.**

**2. Notwithstanding any other provision of law to the contrary, the secretary of state and local election authorities shall accept electronic signatures under section 432.230.4 on all initiative petitions.**

**3. The secretary of state shall review current privacy and security measures applicable to the existing electronic voter registration files, and establish enhanced**

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 standards and procedures to further safeguard the privacy, integrity, and security of voter  
16 registration information.

116.045. Petition signature pages shall be printed on a form as prescribed by the  
2 secretary of state, which shall include all of the information and statements set forth in  
3 sections 116.030 and 116.040, as applicable, and comply with section 116.050. The form  
4 shall be made available in electronic format for printing and circulating petitions.

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

9 2. The secretary of state shall collect an initiative and referendum petition filing fee  
10 of five hundred dollars for each petition sample sheet filed. An additional filing fee of ten  
11 dollars shall be collected for each page of text of the measure in excess of ten pages. The  
12 filing fee shall be deposited in the state treasury and credited to the secretary of state's  
13 petition publications fund. The filing fee shall be refunded from the secretary of state's  
14 petition publication fund to the person designated as the recipient of notices under section  
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 court decisions to be void or in violation of the Constitution of the  
28 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.**

116.160. 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:

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8           "CONSTITUTIONAL AMENDMENTS"

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

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

17

18 "STATUTORY MEASURES"

19

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

24 **5. Immediately following the official ballot title, the phrase "Shall the measure**  
25 **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 forth 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.**

116.332. 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 the Constitution of Missouri and** approve or  
15 reject ~~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 the Constitution of Missouri.** If the petition is rejected ~~as to form~~,  
27 the attorney general shall forward his or her comments to the secretary of state within ten days  
28 after 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 115.961, 116.045, 116.050, 116.160,  
2 116.230, 116.270, 116.332, and 116.334 shall become effective on November 7, 2018.

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