

HOUSE BILL NO. 290

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

0995H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof seventeen new sections relating to the petition process for amending the law, with penalty provisions and an emergency clause.

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

Section A. Sections 116.030, 116.040, 116.050, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.045, 116.050, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.160, 116.230, 116.270, 116.274, 116.332, and 116.334, to read as follows:

116.030. ~~[The following shall be substantially the form of each page of]~~ **1. Signature sheets for** referendum petitions on any law passed by the general assembly of the state of Missouri]:

_____ County _____

_____ Page No. _____

~~It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter]~~ **shall, in the upper right-hand corner of the front of the**

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.

12 sheet, contain spaces for the congressional district, the local election authority, and page
13 numbering.

14 2. Above the signature section, the signature sheet shall state:

15 PETITION FOR REFERENDUM

16 (Official ballot title)

17 To the Honorable _____, Secretary of State for the state of Missouri:

18 We, the undersigned, registered voters of the state of Missouri [~~and _____ County (or~~
19 ~~City of St. Louis)~~], respectfully order that the Senate (or House) Bill No. _____ entitled (title
20 of law), passed by the _____ general assembly of the state of Missouri, at the _____ regular
21 (or special) session of the _____ general assembly, shall be referred to the voters of the state
22 of Missouri, for their approval or rejection, at the general election to be held on the _____ day
23 of _____, _____, unless the general assembly shall designate another date, and each for
24 himself or herself says: I have personally signed this petition; I am a registered voter of the state
25 of Missouri [~~and _____ County (or City of St. Louis)~~] (local election authority); my registered
26 voting address and the name of the city, town or village in which I live are correctly written after
27 my name.

28 [~~(Official Ballot title) _____~~]

29 **Warning: It is a class A misdemeanor, punishable, notwithstanding the provisions**
30 **of 558.002, RSMo, to the contrary, for a term of imprisonment not to exceed one year in**
31 **the county jail, a fine not to exceed ten thousand dollars, or both, for anyone to sign any**
32 **referendum petition with any name other than his or her own, or to knowingly sign his or**
33 **her name more than once for the same measure for the same election, or to sign a petition**
34 **if the person knows he or she is not a registered voter.**

35 3. The section for signatures shall consist of numbered lines containing space for
36 the following, in an order prescribed by the secretary of state:

37 (1) Signature;

38 (2) Printed name, including first, middle initial, last;

39 (3) Registered voting address, including street number and name, city, town, or
40 village, and zip code; and

41 (4) Date signed.

42 4. Below the signature section, the back of the page, or the face of the next page, the
43 signature sheet shall state, in substantially the following form:

44 CIRCULATOR'S AFFIDAVIT

45 State Of Missouri,

46 County and/or City Of _____

47 [I, _____, being first duly sworn, say (print or type names of signers)

48 _____ NAME _____ DATE SIGNED _____ REGISTERED VOTING ADDRESS _____ ZIP
 49 CODE CONGR. DIST. _____ NAME
 50 _____ (Signature) _____ (Street) (City, _____ (Printed or
 51 _____ Town or Village) _____ Typed)
 52 _____ (Here follow numbered lines for signers)]

53 **I do solemnly swear or affirm under penalty of perjury, I am at least eighteen years**
 54 **of age; each person** signed this [page] sheet of the foregoing petition, and each of them signed
 55 his or her name thereto in my presence; I believe that each has stated his or her name, registered
 56 voting address and city, town or village correctly, and that each signer is a registered voter of the
 57 state of Missouri [and _____ County. FURTHERMORE, I HEREBY SWEAR OR AFFIRM
 58 UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE
 59 AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY
 60 OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY]. **I have never been**
 61 **convicted of, found guilty of, or pled guilty to any offense involving perjury.**

62 [I am at least 18 years of age.] I do _____ do not _____ (check one) expect to be paid
 63 for circulating this petition. If paid, list the payer _____

64
 65 Signature of [Affiant] **Circulator**
 66 [(Person obtaining signatures)]

67
 68 (Printed Name of [Affiant] **Circulator**)

69
 70 Address of [Affiant] **Circulator**

71 Subscribed and sworn to before me this _____ day of _____, A.D. _____

72
 73 Signature of Notary

74 Address of Notary

75 Notary Public (Seal)

76 [My commission expires _____]

77
 78 **5.** If this form is followed substantially and the requirements of [section] **sections**
 79 **116.045**, 116.050, and [section] 116.080 are met, it shall be sufficient, disregarding clerical and
 80 merely technical errors.

116.040. [The following shall be substantially the form of each page of each petition] **1.**
 2 **Signature sheets** for any law or amendment to the Constitution of the state of Missouri proposed
 3 by the initiative[:

4 _____ County _____

5 _____ Page No. _____

6 ~~It is a class A misdemeanor punishable, notwithstanding the provisions of section~~
7 ~~560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county~~
8 ~~jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition~~
9 ~~with any name other than his or her own, or knowingly to sign his or her name more than once~~
10 ~~for the same measure for the same election, or to sign a petition when such person knows he or~~
11 ~~she is not a registered voter]~~ shall, in the upper right-hand corner of the front of the sheet,
12 contain spaces for the congressional district, local election authority, and page numbering.

13 **2. Above the signature section, the signature sheet shall state:**

14 INITIATIVE PETITION

15 **(Official ballot title)**

16 To the Honorable _____, Secretary of State for the state of Missouri:

17 We, the undersigned, registered voters of the state of Missouri [~~and _____ County (or~~
18 ~~City of St. Louis)], respectfully order that the following proposed law (or amendment to the~~
19 ~~constitution) shall be submitted to the voters of the state of Missouri, for their approval or~~
20 ~~rejection, at the general election to be held on the _____ day of _____, _____, and each for~~
21 ~~himself or herself says: I have personally signed this petition; I am a registered voter of the state~~
22 ~~of Missouri [and _____ County (or City of St. Louis)] (local election authority); my registered~~
23 ~~voting address and the name of the city, town or village in which I live are correctly written after~~
24 ~~my name.~~

25 [(Official Ballot title) _____]

26 **Warning: It is a class A misdemeanor, punishable, notwithstanding the provisions**
27 **of 558.002, RSMo, to the contrary, for a term of imprisonment not to exceed one year in**
28 **the county jail, a fine not to exceed ten thousand dollars, or both, for anyone to sign any**
29 **referendum petition with any name other than his or her own, or to knowingly sign his or**
30 **her name more than once for the same measure for the same election, or to sign a petition**
31 **if the person knows he or she is not a registered voter.**

32 **3. The section for signatures shall consist of numbered lines containing space for**
33 **the following, in an order prescribed by the secretary of state:**

34 **(1) Signature;**

35 **(2) Printed name, including first, middle initial, last;**

36 **(3) Registered voting address, including street number and name, city, town, or**
37 **village, zip code; and**

38 **(4) Date signed.**

39 **4. Below the signature section, the back of the page, or the front of the next page,**
40 **the signature sheet shall state, in substantially the following form:**

41 CIRCULATOR'S AFFIDAVIT

42 State Of Missouri,

43 County **and/or** City Of _____

44 [I, _____, being first duly sworn, say (print or type names of signers)

45 ~~_____ NAME _____ DATE SIGNED _____ REGISTERED VOTING ADDRESS _____ ZIP~~

46 ~~CODE CONGR. DIST. _____ NAME~~

47 ~~_____ (Signature) _____ (Street) (City, _____ (Printed or~~

48 ~~_____ Town or Village) _____ Typed)~~

49 ~~_____ (Here follow numbered lines for signers)]~~

50 **I do solemnly swear or affirm under penalty of perjury: I am at least eighteen years**
51 **of age, each person** signed this [page] sheet of the foregoing petition, and each of them signed
52 his or her name thereto in my presence; I believe that each has stated his or her name, registered
53 voting address and city, town or village correctly, and that each signer is a registered voter of the
54 state of Missouri [and _____ County.

55 ~~_____ FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF~~
56 ~~PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND~~
57 ~~THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY~~
58 ~~TO ANY OFFENSE INVOLVING FORGERY]. I have never been convicted of, found guilty~~
59 **of, or pled guilty to any offense involving perjury.**

60 [I am at least 18 years of age.] I do _____ do not _____ (check one) expect to be paid
61 for circulating this petition. If paid, list the payer _____

62

63 Signature of [Affiant] **Circulator**

64 [(Person obtaining signatures)]

65

66 (Printed Name of [Affiant] **Circulator**)

67

68 Address of [Affiant] **Circulator**

69 Subscribed and sworn to before me this _____ day of _____, A.D. _____

70

71 Signature of Notary

72 Address of Notary

73 Notary Public (Seal)

74 [My commission expires _____]

75 5. If this form is followed substantially and the requirements of ~~[section]~~ sections
76 **116.045**, 116.050, and ~~[section]~~ 116.080 are met, it shall be sufficient, disregarding clerical and
77 merely technical errors.

**116.045. Petition signatures shall be on a petition sheet prescribed by the secretary
2 of state, which shall include all of the information and statements set forth in section
3 116.030 or 116.040, as applicable, and comply with section 116.050. The form shall be
4 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. Each page, excluding the text of the measure, shall be
3 no larger than eight and one-half by fourteen inches. **The text of the measure shall be double
4 spaced, in a font no smaller than twelve point Times New Roman, and have a top, bottom,
5 left, and right margin of no less than one inch.** Each ~~[page]~~ signature sheet of an initiative
6 petition shall be attached to or shall contain a full and correct text of the proposed measure. Each
7 ~~[page]~~ signature sheet of a referendum petition shall be attached to or shall contain a full and
8 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
11 twenty-five dollars shall be collected for each page of text of the measure in excess of ten
12 pages. The filing fee shall be deposited in the state treasury and credited to the secretary
13 of state's petition publications fund established under section 116.270. The filing fee shall
14 be refunded from the fund to the person designated as the recipient of notices under
15 section 116.332 if the initiative or referendum petition is certified under section 116.150.
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 (1) **Declare any federal statute, regulation, executive order, or court decisions to be
27 void or in violation of the United States Constitution;**

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

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

116.060. Any registered voter of the state of Missouri may sign initiative and referendum
2 petitions. However, each ~~[page]~~ **signature sheet** of an initiative or referendum petition shall
3 contain signatures of voters from only one ~~[county]~~ **local election authority and one**
4 **congressional district**. Each petition ~~[page]~~ **signature sheet** filed with the secretary of state
5 shall have the ~~[county]~~ **congressional district and the local election authority** where the
6 signers are registered designated in the upper right-hand corner of ~~[such page]~~ **the front of each**
7 **sheet**. Signatures of voters from ~~[counties]~~ **election authorities** other than the one designated
8 by the circulator in the upper right-hand corner on **the front of** a given ~~[page]~~ **sheet** shall not be
9 counted as valid. **Signatures of voters from congressional districts other than the one**
10 **designated by the circulator in the upper right-hand corner on the front of a given sheet**
11 **shall not be counted as valid.**

116.080. 1. Each petition circulator shall be at least eighteen years of age ~~[and registered~~
2 ~~with the secretary of state. Signatures collected by any circulator who has not registered with~~
3 ~~the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing~~
4 ~~petitions with the secretary of state shall not be counted]~~. A petition circulator shall ~~[be deemed~~
5 ~~registered at the time such circulator delivers a signed]~~ **fully complete and sign a** circulator's
6 affidavit pursuant to section 116.030, with respect to a referendum petition, or section 116.040,
7 with respect to an initiative petition, **on every signature sheet delivered** to the office of the
8 secretary of state. No person shall qualify as a petition circulator who has been convicted of,
9 found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an
10 offense under the laws of any other jurisdiction if that offense would be considered forgery under
11 the laws of this state.

2. Each petition circulator shall subscribe and swear to the proper affidavit on each
13 petition ~~[page]~~ **signature sheet** such circulator submits before a notary public commissioned in
14 Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official
15 signature and affix his or her official seal to the affidavit only if the circulator personally appears
16 before the notary and subscribes and swears to the affidavit in his or her presence.

3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is
18 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section ~~[560.021]~~
19 **558.002** to the contrary, for a term of imprisonment not to exceed one year in the county jail or
20 a fine not to exceed ten thousand dollars or both.

116.090. 1. Any person who commits any of the following actions is guilty of the crime
2 of petition signature fraud:

3 (1) Signs any name other than his or her own to any petition, or who knowingly signs
4 his or her name more than once for the same measure for the same election, or who knows he
5 or she is not at the time of signing or circulating the same a Missouri registered voter and a
6 resident of this state; or

7 (2) Intentionally submits petition signature sheets with the knowledge that the person
8 whose name appears on the signature sheet did not actually sign the petition; or

9 (3) Causes a voter to sign a petition other than the one the voter intended to sign; or

10 (4) Forges or falsifies signatures; or

11 (5) Knowingly accepts or offers money or anything of value to another person in
12 exchange for a signature on a petition.

13 2. Any person who knowingly causes a petition circulator's signatures to be submitted
14 for counting, and who either knows that such circulator has violated subsection 1 of this section
15 or, after receiving notice of facts indicating that such person may have violated subsection 1 of
16 this section, causes the signatures to be submitted with reckless indifference as to whether such
17 circulator has complied with subsection 1 of this section, shall also be deemed to have committed
18 the crime of petition signature fraud.

19 3. A person who violates subsection 1 or 2 of this section, shall, upon conviction thereof,
20 be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section
21 ~~[560.021]~~ **558.002** to the contrary, by a term of imprisonment not to exceed one year in the
22 county jail or a fine not to exceed ten thousand dollars or both.

23 4. Any person employed by or serving as an election authority, that has reasonable cause
24 to suspect a person has committed petition signature fraud, shall immediately report or cause a
25 report to be made to the appropriate prosecuting authorities. Failure to so report or cause a report
26 to be made shall be a class A misdemeanor.

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]~~ **sheets** shall be in order of
6 **congressional district and, within each congressional district, in order by local election**
7 **authority** and numbered sequentially by ~~[county, except in counties that include multiple~~
8 ~~congressional districts, the signatures may be ordered and numbered using an alternate~~
9 ~~numbering scheme approved in writing by the secretary of state prior to submission of the~~
10 ~~petition]~~ **local election authority**. Any petition that is not submitted in accordance with this
11 section, disregarding clerical and merely technical errors, shall be rejected as insufficient. After
12 verifying the count of signature ~~[pages]~~ **sheets**, the secretary of state shall issue a receipt

13 indicating the number of [pages] **signature sheets** presented from each [county] **local election**
14 **authority within each congressional district.** When a person submits a petition he or she shall
15 designate to the secretary of state the name and the address of the person to whom any notices
16 shall be sent under sections 116.140 and 116.180.

17 **2. If any page of an initiative or referendum petition is marked, under section**
18 **116.030 or 116.040, that the circulator expects to be paid for circulating the petition, the**
19 **secretary of state shall collect, at the time of submission of the petition, a fee in an amount**
20 **equal to forty cents per signature based on the minimum number of signatures required**
21 **by Article III, Section 50 of the Constitution of Missouri. The fee shall be deposited in the**
22 **state treasury and credited to the secretary of state's petition signature verification fund**
23 **established under section 116.274. The secretary of state shall not accept any petitions that**
24 **are not accompanied by the required fee.**

116.110. Any voter who has signed an initiative or referendum petition may withdraw
2 his or her signature from that petition by submitting to the secretary of state, before the petition
3 is filed with the secretary of state, a sworn statement requesting that his or her signature be
4 withdrawn and affirming the name of the petition signed, the name the voter used when signing
5 the petition, the address of the voter and the county of residence. It is a class A misdemeanor
6 punishable, notwithstanding the provisions of section [~~560.021~~] **558.002** to the contrary, for a
7 term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten
8 thousand dollars or both, to knowingly file a false withdrawal statement with the secretary of
9 state.

116.120. 1. When an initiative or referendum petition is submitted to the secretary of
2 state, he or she shall examine the petition to determine whether it complies with the Constitution
3 of Missouri and with this chapter. Signatures on petition pages that [~~have been collected by any~~
4 ~~person who is not properly registered with the secretary of state as]~~ a circulator **has not signed**
5 **and completed the circulator's affidavit** shall not be counted as valid. **Signatures on petition**
6 **pages with a circulator affidavit that is not notarized shall not be counted as valid.**
7 Signatures on petition pages that do not have the official ballot title affixed to the page shall not
8 be counted as valid.

9 **2. If there are not enough signatures properly filed for a congressional district in**
10 **order to meet the threshold needed to find a petition sufficient in a given congressional**
11 **district, the secretary of state does not need to verify whether the signers are registered**
12 **voters.**

13 **3.** The secretary of state may verify the signatures on the petition by use of random
14 sampling. The random sample of signatures to be verified shall be drawn in such a manner that
15 every signature properly filed with the secretary of state shall be given an equal opportunity to

16 be included in the sample. The process for establishing the random sample and determining the
17 statistically valid result shall be established by the secretary of state. Such a random sampling
18 shall include an examination of five percent of the signatures.

19 ~~[2-]~~ 4. If the random sample verification establishes that the number of valid signatures
20 is less than ninety percent of the number of qualified voters needed to find the petition sufficient
21 in a congressional district, the petition shall be deemed to have failed to qualify in that district.
22 In finding a petition insufficient, the secretary of state does not need to verify all congressional
23 districts on each petition submitted if verification of only one or more districts establishes the
24 petition as insufficient.

25 ~~[3-]~~ 5. If the random sample verification establishes that the number of valid signatures
26 total more than one hundred ten percent of the number of qualified voters needed to find the
27 petition sufficient in a congressional district, the petition shall be deemed to qualify in that
28 district.

29 ~~[4-]~~ 6. If the random sampling shows the number of valid signatures within a
30 congressional district is within ninety to one hundred ten percent of the number of signatures of
31 qualified voters needed to declare the petition sufficient in that district, the secretary of state shall
32 order the examination and verification of each signature filed.

116.130. 1. The secretary of state may send copies of petition pages to election
2 authorities to verify that the persons whose names are listed as signers to the petition are
3 registered voters. Such verification may either be of each signature or by random sampling as
4 provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent
5 to an election authority for verification, such copies shall be sent pursuant to the following
6 schedule:

7 (1) Copies of all pages from not less than one petition shall be received in the office of
8 the election authority not later than two weeks after the petition is filed in the office of secretary
9 of state;

10 (2) Copies of all pages of a total of three petitions shall be received in the office of the
11 election authority not later than three weeks after the petition is filed in the office of the secretary
12 of state;

13 (3) If more than three petitions are filed, all copies of petition pages, including those
14 petitions selected for verification by random sample pursuant to section 116.120, shall be
15 received in the office of the election authority not later than the fourth week after the petition is
16 filed in the office of the secretary of state.

17

18 Each election authority shall check the signatures against voter registration records in the election
19 authority's jurisdiction, but the election authority shall count as valid only the signatures of

20 persons registered as voters in the ~~[county named in the circulator's affidavit]~~ **local election**
21 **authority and congressional district designated in the upper right-hand corner of the page.**
22 Signatures shall not be counted as valid if they have been struck through or crossed out.
23 **Signatures not in black or blue ink shall be counted as invalid without verification.**

24 2. If the election authority is requested to verify the petition by random sampling, such
25 verification shall be completed and certified not later than thirty days from the date that the
26 election authority receives the petition from the secretary of state. If the election authority is to
27 verify each signature, such verification [must] **shall** be completed, certified and delivered to the
28 secretary of state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event of
29 complete verification of signatures after a failed random sample, full verification shall be
30 completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in
31 July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local
32 election authority, whichever is later.

33 ~~3. [If the election authority or the secretary of state determines that the congressional~~
34 ~~district number written after the signature of any voter is not the congressional district of which~~
35 ~~the voter is a resident, the election authority or the secretary of state shall correct the~~
36 ~~congressional district number on the petition page. Failure of a voter to give the voter's correct~~
37 ~~congressional district number shall not by itself be grounds for not counting the voter's signature.~~

38 ~~4.]~~ 4. The election authority shall return the copies of the petition pages to the secretary of
39 state with annotations regarding any invalid or questionable signatures which the election
40 authority has been asked to check by the secretary of state. The election authority shall verify
41 the number of pages received for that county, and also certify the total number of valid signatures
42 of voters from each congressional district which the election authority has been asked to check
43 by the secretary of state.

44 ~~[5.]~~ 4. The secretary of state is authorized to adopt rules to ensure uniform, complete,
45 and accurate checking of petition signatures either by actual count or random sampling. No rule
46 or portion of a rule promulgated pursuant to this section shall become effective unless it has been
47 promulgated pursuant to the provisions of chapter 536.

48 ~~[6.]~~ 5. After a period of three years from the time of submission of the petitions to the
49 secretary of state, the secretary of state, if the secretary determines that retention of such petitions
50 is no longer necessary, may destroy such petitions.

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

23 **5. Immediately following the official ballot title, the words "Shall the measure**
24 **summarized be approved?" shall appear with the options to vote "YES" or "NO".**

116.270. 1. There is hereby created a "Secretary of State's Petition Publications Fund" which shall consist of moneys collected under section 116.050. The state treasurer shall be the custodian of the fund and, in accordance with sections 30.170 and 30.180, may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used only by the secretary of state to make refunds under section 116.050 and to pay printing, publication, and other expenses incurred in submitting statewide ballot measures to the voters.

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

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

116.274. 1. There is hereby created in the state treasury the "Secretary of State's Signature Verification Fund", which shall consist of moneys collected under section 116.100. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the secretary of state for the purpose of making payments to local election authorities that have verified signatures for one or more petitions in the applicable two-year petitions cycle under section 116.130. Payments shall be calculated based on each local election authority's pro rata share of all signatures actually verified under section 116.130 for a petition, regardless of the outcome of the signature verification. The payments shall be made after the secretary has certified the petition as sufficient or insufficient under section 116.150. A local election authority's obligation to verify signatures under section 116.130 shall not depend upon receipt of payments under this subsection.

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

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

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet ~~[must]~~ shall be

3 submitted to the secretary of state in the form in which it will be circulated. **Sample initiative**
4 **petition sheets shall be filed no earlier than twelve weeks following a general election.**
5 When a person submits a sample sheet of a petition he or she shall designate to the secretary of
6 state the name and address of the person to whom any notices shall be sent pursuant to sections
7 116.140 and 116.180 and, if a committee or person, except the individual submitting the sample
8 sheet, is funding any portion of the drafting or submitting of the sample sheet, the person
9 submitting the sample sheet shall submit a copy of the filed statement of committee organization
10 required under subsection 5 of section 130.021 showing the date the statement was filed. The
11 secretary of state shall refer a copy of the petition sheet to the attorney general for ~~[his]~~ approval
12 and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The
13 secretary of state and attorney general ~~[must]~~ **shall** each review the petition for ~~[sufficiency as~~
14 ~~to form]~~ **compliance with section 116.050, Article III, Sections 50, 52(a), and 53 of the**
15 **Constitution of Missouri**, and approve or reject the form of the petition, stating the reasons for
16 rejection, if any.

17 2. Within two business days of receipt of any such sample sheet, the office of the
18 secretary of state shall conspicuously post on its website the text of the proposed measure, a
19 disclaimer stating that such text may not constitute the full and correct text as required under
20 section 116.050, and the name of the person or organization submitting the sample sheet. The
21 secretary of state's failure to comply with such posting shall be considered a violation of chapter
22 610 and subject to the penalties provided under subsection 3 of section 610.027. The posting
23 shall be removed within three days of either the withdrawal of the petition under section 116.115
24 or the rejection for any reason of the petition.

25 3. Upon receipt of a petition from the office of the secretary of state, the attorney general
26 shall examine the petition ~~[as to form]~~ **and determine whether it complies with section**
27 **116.050, Article III, Sections 50, 52(a), and 53 of the Constitution of Missouri.** If the petition
28 is rejected as to form, the attorney general shall forward his or her comments to the secretary of
29 state within ten days after receipt of the petition by the attorney general. If the petition is
30 approved as to form, the attorney general shall forward his or her approval as to form to the
31 secretary of state within ten days after receipt of the petition by the attorney general.

32 4. The secretary of state shall review the comments and statements of the attorney
33 general ~~[as to form]~~ and make a final decision as to the approval or rejection ~~[of the form]~~ of the
34 petition. The secretary of state shall send written notice to the person who submitted the petition
35 sheet of the approval within fifteen days after submission of the petition sheet. The secretary of
36 state shall send written notice if the petition has been rejected, together with reasons for
37 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. **If a court orders a change to the official ballot title under**
14 **subsection 4 of section 116.190, all signatures gathered before such change occurred shall**
15 **be invalidated, regardless of whether those signatures were gathered on petition pages that**
16 **displayed what was previously the official ballot title as certified by the secretary of state.**

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

Section B. Because immediate action is necessary to repeal and reenact sections 116.030,
2 116.040, 116.050, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.160,
3 116.230, 116.270, 116.332, and 116.334 and the enactment of sections 116.045 and 116.274 of
4 section A of this act is deemed necessary for the immediate preservation of the public health,
5 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
6 the constitution, and the repeal and reenactment of sections 116.030, 116.040, 116.050, 116.060,
7 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.160, 116.230, 116.270, 116.332, and
8 116.334 and the enactment of sections 116.045 and 116.274 of section A of this act shall be in
9 full force and effect upon its passage and approval.

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