

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 117
AN ACT

To repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions and a delayed effective date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 116.030, 116.040, 116.080, 116.090,
2 116.190, 116.332, and 116.334, RSMo, are repealed and nine new
3 sections enacted in lieu thereof, to be known as sections
4 116.030, 116.040, 116.080, 116.090, 116.115, 116.153, 116.190,
5 116.332, and 116.334, to read as follows:

6 116.030. The following shall be substantially the form of
7 each page of referendum petitions on any law passed by the
8 general assembly of the state of Missouri:

9 County

10 Page No.

11 It is a class A misdemeanor punishable, notwithstanding the
12 provisions of section 560.021, RSMo, to the contrary, for a term
13 of imprisonment not to exceed one year in the county jail or a

1 fine not to exceed ten thousand dollars or both, for anyone to
2 sign any referendum petition with any name other than his or her
3 own, or knowingly to sign his or her name more than once for the
4 same measure for the same election, or to sign a petition when
5 such person knows he or she is not a registered voter.

6 PETITION FOR REFERENDUM

7 To the Honorable, Secretary of State for the state of
8 Missouri:

9 We, the undersigned, registered voters of the state of
10 Missouri and County (or city of St. Louis),
11 respectfully order that the Senate (or House) Bill No.
12 entitled (title of law), passed by the general
13 assembly of the state of Missouri, at the regular (or
14 special) session of the general assembly, shall be
15 referred to the voters of the state of Missouri, for their
16 approval or rejection, at the general election to be held on the
17 day of,, unless the general assembly
18 shall designate another date, and each for himself or herself
19 says: I have personally signed this petition; I am a registered
20 voter of the state of Missouri and County (or city of
21 St. Louis); my registered voting address and the name of the
22 city, town or village in which I live are correctly written after
23 my name. (Official Ballot title)

24 CIRCULATOR'S AFFIDAVIT

25 State Of Missouri,
26 County Of

27 I,, being first duly sworn, say (print or
28 type names of signers)

29 _____
30 REGISTERED VOTING

1	NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
2	(Signature)	SIGNED	(Street) (City,	CODE	DIST.	(Printed
3			Town or Village)			or Typed)

(Here follow numbered lines for signers)

9 signed this page of the foregoing petition, and each of them
10 signed his or her name thereto in my presence; I believe that
11 each has stated his or her name, registered voting address and
12 city, town or village correctly, and that each signer is a
13 registered voter of the state of Missouri and County.

14 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY
15 THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I
16 HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO
17 ANY OFFENSE INVOLVING FORGERY.

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

21

22 Signature of Affiant

23 (Person obtaining signatures)

24

25 (Printed Name of Affiant)

26

27 Address of Affiant

28 Subscribed and sworn to before me this day of, A.D.
29

30

31 Signature of Notary

32 Address of Notary

1 Notary Public (Seal)

2 My commission expires

3 If this form is followed substantially and the requirements of
4 section 116.050 and section 116.080 are met, it shall be
5 sufficient, disregarding clerical and merely technical errors.

6 116.040. The following shall be substantially the form of
7 each page of each petition for any law or amendment to the
8 Constitution of the state of Missouri proposed by the initiative:

9 County

10 Page No.

11 It is a class A misdemeanor punishable, notwithstanding the
12 provisions of section 560.021, RSMo, to the contrary, for a term
13 of imprisonment not to exceed one year in the county jail or a
14 fine not to exceed ten thousand dollars or both, for anyone to
15 sign any initiative petition with any name other than his or her
16 own, or knowingly to sign his or her name more than once for the
17 same measure for the same election, or to sign a petition when
18 such person knows he or she is not a registered voter.

19 INITIATIVE PETITION

20 To the Honorable, Secretary of State for the state of
21 Missouri:

22 We, the undersigned, registered voters of the state of
23 Missouri and County (or city of St. Louis),
24 respectfully order that the following proposed law (or amendment
25 to the constitution) shall be submitted to the voters of the
26 state of Missouri, for their approval or rejection, at the
27 general election to be held on the day of,
28, and each for himself or herself says: I have personally

1 signed this petition; I am a registered voter of the state of
2 Missouri and County (or city of St. Louis); my
3 registered voting address and the name of the city, town or
4 village in which I live are correctly written after my name.
5 (Official Ballot title)

6 CIRCULATOR'S AFFIDAVIT

7 State Of Missouri,
8 County Of

9 I,, being first duly sworn, say (print or
10 type names of signers)

11

12 REGISTERED VOTING

13 NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
14 (Signature)	SIGNED	(Street) (City, 15 Town or Village)	CODE	DIST.	(Printed 16 or Typed)

17

18
19 (Here follow numbered lines for signers)
20

21 signed this page of the foregoing petition, and each of them
22 signed his or her name thereto in my presence; I believe that
23 each has stated his or her name, registered voting address and
24 city, town or village correctly, and that each signer is a
25 registered voter of the state of Missouri and County.

26 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF
27 PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND
28 THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED
29 GUILTY TO ANY OFFENSE INVOLVING FORGERY.

30 I am at least 18 years of age. I do do not (check
31 one) expect to be paid for circulating this petition. If paid,
32 list the payer

33

34 Signature of Affiant

(Person obtaining
signatures)

.....

(Printed Name of Affiant)

.....

Address of Affiant

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

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted. A petition circulator shall be deemed registered at the time such circulator delivers a signed circulator's affidavit pursuant to section 116.030, with respect to a referendum petition, or section 116.040, with respect to an initiative petition, to the office of the secretary of state.

[2. Each petition circulator shall supply the following information to the secretary of state's office:

- 1 (1) Name of petition;
- 2 (2) Name of circulator;
- 3 (3) Residential address, including street number, city,
- 4 state and zip code;
- 5 (4) Mailing address, if different;
- 6 (5) Have you been or do you expect to be paid for
- 7 soliciting signatures for this petition?

8 YES NO;

9 (6) If the answer to subdivision (5) is yes, then identify
10 the payor;

11 (7) Signature of circulator.

12 3. The circulator information required in subsection 2 of
13 this section shall be submitted to the secretary of state's
14 office with the following oath and affirmation:

15 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
16 STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

17 4.] No person shall qualify as a petition circulator who has
18 been convicted of, found guilty of, or pled guilty to an offense
19 involving forgery under the laws of this state or an offense
20 under the laws of any other jurisdiction if that offense would be
21 considered forgery under the laws of this state.

22 2. Each petition circulator shall subscribe and swear to
23 the proper affidavit on each petition page such circulator
24 submits before a notary public commissioned in Missouri. When
25 notarizing a circulator's signature, a notary public shall sign
26 his or her official signature and affix his or her official seal
27 to the affidavit only if the circulator personally appears before
28 the notary and subscribes and swears to the affidavit in his or

1 her presence.

2 [5.] 3. Any circulator who falsely swears to a circulator's
3 affidavit knowing it to be false is guilty of a class A
4 misdemeanor punishable, notwithstanding the provisions of section
5 560.021 to the contrary, for a term of imprisonment not to exceed
6 one year in the county jail or a fine not to exceed ten thousand
7 dollars or both.

8 116.090. 1. Any person who commits any of the following
9 actions, is guilty of the crime of petition signature fraud:

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

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

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

20 (4) Forges or falsifies signatures; or

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

23 2. Any person who knowingly causes a petition circulator's
24 signatures to be submitted for counting, and who either knows
25 that such circulator has violated subsection 1 of this section
26 or, after receiving notice of facts indicating that such person
27 may have violated subsection 1 of this section, causes the
28 signatures to be submitted with reckless indifference as to

1 whether such circulator has complied with subsection 1 of this
2 section, shall also be deemed to have committed the crime of
3 petition signature fraud.

4 3. A person who violates subsection 1 or 2 of this section,
5 shall, upon conviction thereof, be guilty of a class A
6 misdemeanor punishable, notwithstanding the provisions of section
7 560.021 to the contrary, [for] by a term of imprisonment not to
8 exceed one year in the county jail or a fine not to exceed ten
9 thousand dollars or both.

10 [2. Any person who knowingly accepts or offers money or
11 anything of value to another person in exchange for a signature
12 on a petition is guilty of a class A misdemeanor punishable,
13 notwithstanding the provisions of section 560.021 to the
14 contrary, for a term of imprisonment not to exceed one year in
15 the county jail or a fine not to exceed ten thousand dollars or
16 both.]

17 4. A circulator or any person employed by or serving as an
18 election authority, that has reasonable cause to suspect a person
19 has committed petition signature fraud, shall immediately report
20 or cause a report to be made to the appropriate prosecuting
21 authorities. Failure to so report or cause a report to be made
22 shall be a class A misdemeanor and a class one election offense,
23 pursuant to section 115.631.

24 116.115. Any person who submits a sample sheet to or files
25 an initiative petition with the secretary of state may withdraw
26 the petition upon written notice to the secretary of state. If
27 such notice is submitted to the secretary of state, the proposed
28 petition shall no longer be circulated by any person, committee,

1 or other entity. The secretary of state shall vacate the
2 certification of the official ballot title within three days of
3 receiving notice of the withdrawal.

4 116.153. Within thirty days of issuing certification that
5 the petition contains a sufficient number of valid signatures
6 pursuant to section 116.150, the joint committee on legislative
7 research shall hold a public hearing in Jefferson City to take
8 public comments concerning the proposed measure. Such hearing
9 shall be a public meeting under chapter 610. Within five
10 business days after the end of the public hearing, the joint
11 committee on legislative research shall provide a summary of the
12 hearing to the secretary of state or his or her designee and the
13 secretary of state shall post a copy of the summary on the
14 website of the office of the secretary of state.

15 116.190. 1. Any citizen who wishes to challenge the
16 official ballot title or the fiscal note prepared for a proposed
17 constitutional amendment submitted by the general assembly, by
18 initiative petition, or by constitutional convention, or for a
19 statutory initiative or referendum measure, may bring an action
20 in the circuit court of Cole County. The action must be brought
21 within ten days after the official ballot title is certified by
22 the secretary of state in accordance with the provisions of this
23 chapter.

24 2. The secretary of state shall be named as a party
25 defendant in any action challenging the official ballot title
26 prepared by the secretary of state. When the action challenges
27 the fiscal note or the fiscal note summary prepared by the
28 auditor, the state auditor shall also be named as a party

1 defendant. The president pro tem of the senate, the speaker of
2 the house and the sponsor of the measure and the secretary of
3 state shall be the named party defendants in any action
4 challenging the official summary statement, fiscal note or fiscal
5 note summary prepared pursuant to section 116.155.

6 3. The petition shall state the reason or reasons why the
7 summary statement portion of the official ballot title is
8 insufficient or unfair and shall request a different summary
9 statement portion of the official ballot title. Alternatively,
10 the petition shall state the reasons why the fiscal note or the
11 fiscal note summary portion of the official ballot title is
12 insufficient or unfair and shall request a different fiscal note
13 or fiscal note summary portion of the official ballot title.

14 4. The action shall be placed at the top of the civil
15 docket. Insofar as the action challenges the summary statement
16 portion of the official ballot title, the court shall consider
17 the petition, hear arguments, and in its decision certify the
18 summary statement portion of the official ballot title to the
19 secretary of state. Insofar as the action challenges the fiscal
20 note or the fiscal note summary portion of the official ballot
21 title, the court shall consider the petition, hear arguments, and
22 in its decision, either certify the fiscal note or the fiscal
23 note summary portion of the official ballot title to the
24 secretary of state or remand the fiscal note or the fiscal note
25 summary to the auditor for preparation of a new fiscal note or
26 fiscal note summary pursuant to the procedures set forth in
27 section 116.175. Any party to the suit may appeal to the supreme
28 court within ten days after a circuit court decision. In making

1 the legal notice to election authorities under section 116.240,
2 and for the purposes of section 116.180, the secretary of state
3 shall certify the language which the court certifies to him.

4 5. Any action brought under this section that is not fully
5 and finally adjudicated within one hundred eighty days of filing,
6 including all appeals, shall be extinguished, unless a court
7 extends such period upon a finding of good cause for such
8 extension. Such good cause shall consist only of court-related
9 scheduling issues and shall not include requests for continuance
10 by the parties.

11 116.332. 1. Before a constitutional amendment petition, a
12 statutory initiative petition, or a referendum petition may be
13 circulated for signatures, a sample sheet must be submitted to
14 the secretary of state in the form in which it will be
15 circulated. When a person submits a sample sheet of a petition
16 he or she shall designate to the secretary of state the name and
17 address of the person to whom any notices shall be sent pursuant
18 to sections 116.140 and 116.180 and, if a committee or person,
19 except the individual submitting the sample sheet, is funding any
20 portion of the drafting or submitting of the sample sheet, the
21 person submitting the sample sheet shall submit a copy of the
22 filed statement of committee organization required under
23 subsection 5 of section 130.021 showing the date the statement
24 was filed. The secretary of state shall refer a copy of the
25 petition sheet to the attorney general for his approval and to
26 the state auditor for purposes of preparing a fiscal note and
27 fiscal note summary. The secretary of state and attorney general
28 must each review the petition for sufficiency as to form and

1 approve or reject the form of the petition, stating the reasons
2 for rejection, if any.

3 2. Within two business days of receipt of any such sample
4 sheet, the office of the secretary of state shall conspicuously
5 post on its website the text of the proposed measure, a
6 disclaimer stating that such text may not constitute the full and
7 correct text as required under section 116.050, and the name of
8 the person or organization submitting the sample sheet. The
9 secretary of state's failure to comply with such posting shall be
10 considered a violation of chapter 610 and subject to the
11 penalties provided under subsection 3 of section 610.027. The
12 posting shall be removed within three days of either the
13 withdrawal of the petition under section 116.115 or the rejection
14 for any reason of the petition.

15 3. Upon receipt of a petition from the office of the
16 secretary of state, the attorney general shall examine the
17 petition as to form. If the petition is rejected as to form, the
18 attorney general shall forward his or her comments to the
19 secretary of state within ten days after receipt of the petition
20 by the attorney general. If the petition is approved as to form,
21 the attorney general shall forward his or her approval as to form
22 to the secretary of state within ten days after receipt of the
23 petition by the attorney general.

24 [3.] 4. The secretary of state shall review the comments
25 and statements of the attorney general as to form and make a
26 final decision as to the approval or rejection of the form of the
27 petition. The secretary of state shall send written notice to
28 the person who submitted the petition sheet of the approval

1 within [thirty] fifteen days after submission of the petition
2 sheet. The secretary of state shall send written notice if the
3 petition has been rejected, together with reasons for rejection,
4 within [thirty] fifteen days after submission of the petition
5 sheet.

6 116.334. 1. If the petition form is approved, the secretary
7 of state shall make a copy of the sample petition available on
8 the secretary of state's website and refer a copy of the sample
9 petition to the state auditor for purposes of preparing a fiscal
10 note summary. For a period of fifteen days after the petition is
11 approved as to form, the secretary of state shall accept public
12 comments regarding the proposed measure and provide copies of
13 such comments upon request. Within [ten] twenty-three days of
14 receipt of such approval, the secretary of state shall prepare
15 and transmit to the attorney general a summary statement of the
16 measure which shall be a concise statement not exceeding one
17 hundred words. This statement shall be in the form of a question
18 using language neither intentionally argumentative nor likely to
19 create prejudice either for or against the proposed measure. The
20 attorney general shall within ten days approve the legal content
21 and form of the proposed statement.

22 2. Signatures obtained prior to the date the official
23 ballot title is certified by the secretary of state shall not be
24 counted.

25 3. Signatures for statutory initiative petitions shall be
26 filed not later than six months prior to the general election
27 during which the petition's ballot measure is submitted for a
28 vote, and shall also be collected not earlier than the day after

1 the day upon which the previous general election was held.

2 Section B. The repeal and reenactment of sections 116.030,
3 116.040, 116.080, 116.190, 116.332, and 116.334, and the
4 enactment of sections 116.115 and 116.153 shall become effective
5 on November 4, 2014.

6 Section C. The provisions of this act are severable. If any
7 provision of this act is found by a court of competent
8 jurisdiction to be unconstitutional, the remaining provisions are
9 valid except to the extent that the court finds the valid
10 provisions, standing alone, are incomplete and are incapable of
11 being executed in accordance with the will of the people.