

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 893

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof fourteen new sections relating to the petition process for amending the law, 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, 116.050, 116.080,
2 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332,
3 and 116.334, RSMo, are repealed and fourteen new sections enacted
4 in lieu thereof, to be known as sections 116.030, 116.040,
5 116.045, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160,
6 116.230, 116.270, 116.275, 116.332, and 116.334, to read as
7 follows:

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

11 County _____

12 Page No. _____

13 It is a class A misdemeanor punishable, notwithstanding
14 the provisions of section [560.021] 558.002, RSMo, to
15 the contrary, for a term of imprisonment not to exceed

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

8 PETITION FOR REFERENDUM

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

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

27 (Official Ballot title) _____

28 CIRCULATOR'S AFFIDAVIT

1 State Of Missouri,
2 County Of _____

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

5 REGISTERED

6 DATE VOTING ZIP CONGR.

7 NAME SIGNED ADDRESS CODE DIST.

8 NAME

9 (Signature) (Street) (City,

10 (Printed or

11 Town or Village) Typed)

12 (Here follow numbered lines for signers)

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

19 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF
20 PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND
21 CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND
22 GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING
23 FORGERY.

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

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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.

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

County _____

Page No. _____

1 It is a class A misdemeanor punishable, notwithstanding
2 the provisions of section [560.021] 558.002, RSMo, to
3 the contrary, for a term of imprisonment not to exceed
4 one year in the county jail or a fine not to exceed ten
5 thousand dollars or both, for anyone to sign any
6 initiative petition with any name other than his or her
7 own, or knowingly to sign his or her name more than
8 once for the same measure for the same election, or to
9 sign a petition when such person knows he or she is not
10 a registered voter.

11 INITIATIVE PETITION

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

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

27 (Official Ballot title) _____

28 CIRCULATOR'S AFFIDAVIT

1 State Of Missouri,

2 County Of _____

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

5 REGISTERED

6 DATE VOTING ZIP CONGR. NAME

7 NAME SIGNED ADDRESS CODE DIST.

8 (Printed or

9 (Signature) (Street) (City, Typed)

10 Town or Village)

11 (Here follow numbered lines for signers)

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

18 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF
19 PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND
20 CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND
21 GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING
22 FORGERY.

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

26

27 _____

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1 Signature of Affiant

2
3 (Person obtaining signatures)

4
5 _____

6
7 (Printed Name of Affiant)

8 _____

9
10 Address of Affiant

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

13
14 _____

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16 Signature of Notary

17
18 Address of Notary

19 Notary Public (Seal)

20 My commission expires _____

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

24 116.045. Initiative and referendum petition signature pages
25 shall be printed on a form as prescribed by the secretary of
26 state, which shall include all of the information and statements
27 set forth in sections 116.030 and 116.040, as applicable, and
28 comply with section 116.050. The form shall be made available in

1 electronic format and the secretary may issue best practices for
2 printing and circulating petitions and require the person
3 submitting a sample sheet petition to acknowledge these best
4 practices at the time of filing.

5 116.050. 1. Initiative and referendum petitions filed
6 under the provisions of this chapter shall consist of pages of a
7 uniform size. Each page, excluding the text of the measure,
8 shall be no larger than eight and one-half by fourteen inches.
9 The text of the measure shall be double-spaced, in font no
10 smaller than 12 point Times New Roman, and have a top, bottom,
11 left, and right margin of no less than one inch. Page numbers
12 may appear in the bottom margin. Each page of an initiative
13 petition shall be attached to or shall contain a full and correct
14 text of the proposed measure. Each page of a referendum petition
15 shall be attached to or shall contain a full and correct text of
16 the measure on which the referendum is sought.

17 2. The secretary of state shall collect an initiative and
18 referendum petition filing fee of five hundred dollars for each
19 petition sample sheet filed. An additional filing fee of ten
20 dollars shall be collected for each page of text of the measure
21 in excess of ten pages. The filing fee shall be deposited in the
22 state treasury and credited to the secretary of state's petition
23 publications fund established under section 116.270. The filing
24 fee shall be refunded from the fund to the person designated as
25 the recipient of notices pursuant to section 116.332 if the
26 initiative or referendum petition is certified pursuant to
27 section 116.150. The secretary shall reject any petition sample
28 sheet that is not accompanied by the required fee.

1 3. The full and correct text of all initiative and
2 referendum petition measures shall:

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

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

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

11 4. The full and correct text of all initiative petition
12 measures shall not purport to:

13 (1) Declare any federal statute, regulation, executive
14 order, or court decision to be void or in violation of the United
15 States Constitution;

16 (2) Amend any federal law or the United States
17 Constitution;

18 (3) Accomplish an act that the United States Constitution
19 requires to be accomplished by the general assembly.

20 116.080. 1. Each petition circulator shall be at least
21 eighteen years of age and registered with the secretary of state.
22 Signatures collected by any circulator who has not registered
23 with the secretary of state pursuant to this chapter on or before
24 5:00 p.m. on the final day for filing petitions with the
25 secretary of state shall not be counted. A petition circulator
26 shall be deemed registered at the time such circulator delivers a
27 signed circulator's affidavit pursuant to section 116.030, with
28 respect to a referendum petition, or section 116.040, with

1 respect to an initiative petition, to the office of the secretary
2 of state. No person shall qualify as a petition circulator who
3 has been convicted of, found guilty of, or pled guilty to an
4 offense involving forgery under the laws of this state or an
5 offense under the laws of any other jurisdiction if that offense
6 would be considered forgery under the laws of this state.

7 2. Each petition circulator shall subscribe and swear to
8 the proper affidavit on each petition page such circulator
9 submits before a notary public commissioned in Missouri. When
10 notarizing a circulator's signature, a notary public shall sign
11 his or her official signature and affix his or her official seal
12 to the affidavit only if the circulator personally appears before
13 the notary and subscribes and swears to the affidavit in his or
14 her presence.

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

21 116.090. 1. Any person who commits any of the following
22 actions is guilty of the crime of petition signature fraud:

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

28 (2) Intentionally submits petition signature sheets with

1 the knowledge that the person whose name appears on the signature
2 sheet did not actually sign the petition; or

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

5 (4) Forges or falsifies signatures; or

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

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

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

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

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

21 2. If any page of an initiative or referendum petition is
22 marked, pursuant to sections 116.030 or 116.040, that the
23 circulator expects to be paid for circulating the petition, the
24 secretary of state shall collect, at the time of submission of
25 the petition, a fee in an amount equal to eighty cents per
26 signature based on the minimum number of signatures required by
27 Article III, Section 50 of the Missouri Constitution. The fee
28 shall be deposited in the state treasury and credited to the

1 secretary of state's petition signature verification fund
2 established pursuant to section 116.275. The secretary of state
3 shall not accept any petitions that are not accompanied by the
4 required fee.

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

18 116.160. 1. If the general assembly adopts a joint
19 resolution proposing a constitutional amendment or a bill without
20 a fiscal note summary, which is to be referred to a vote of the
21 people, after receipt of such resolution or bill the secretary of
22 state shall promptly forward the resolution or bill to the state
23 auditor. If the general assembly adopts a joint resolution
24 proposing a constitutional amendment or a bill without an
25 official summary statement, which is to be referred to a vote of
26 the people, within twenty days after receipt of the resolution or
27 bill, the secretary of state shall prepare and transmit to the
28 attorney general a summary statement of the measure as the

1 proposed summary statement. The secretary of state may seek the
2 advice of the legislator who introduced the constitutional
3 amendment or bill and the speaker of the house or the president
4 pro tem of the legislative chamber that originated the measure.
5 The summary statement may be distinct from the legislative title
6 of the proposed constitutional amendment or bill. The attorney
7 general shall within ten days approve the legal content and form
8 of the proposed statement.

9 2. The official summary statement shall contain no more
10 than one hundred fifty words[, excluding articles]. The title
11 shall be a true and impartial statement of the purposes of the
12 proposed measure in language neither intentionally argumentative
13 nor likely to create prejudice either for or against the proposed
14 measure.

15 116.230. 1. The secretary of state shall prepare sample
16 ballots in the following form.

17 2. The top of the ballot shall read:

18 "OFFICIAL BALLOT STATE OF MISSOURI"

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

21 "CONSTITUTIONAL AMENDMENTS"

22 There shall follow the numbers assigned under section 116.210 the
23 official ballot titles prepared under section 116.160 or 116.334,
24 and the fiscal note summaries prepared under section 116.170.

25 Constitutional amendments proposed by the general assembly shall
26 be designated as "Proposed by the general assembly".

27 Constitutional amendments proposed by initiative petition shall
28 be designated "Proposed by initiative petition". Constitutional

1 amendments proposed by constitutional convention shall be
2 designated as "Proposed by constitutional convention".

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

5 "STATUTORY MEASURES"

6 There shall follow the letters assigned under section 116.220,
7 the official ballot titles prepared under section 116.160 or
8 116.334, and the fiscal note summaries prepared under section
9 116.170. Statutory initiative measures shall be designated
10 "Proposed by initiative petition". Referendum measures shall be
11 designated "Referendum ordered by petition".

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

15 116.270. 1. [There is hereby created a "Publications Fund"
16 which shall be used only to pay printing, publication, and other
17 expenses incurred in submitting statewide ballot measures to the
18 voters.

19 2. The secretary of state shall certify to the commissioner
20 of administration all valid claims for payment from the
21 publications fund. On receiving the certified claims, the
22 commissioner of administration shall issue warrants on the state
23 treasurer payable to each individual out of the publications
24 fund.] There is hereby created in the state treasury the
25 "Secretary of State's Petition Publications Fund", which shall
26 consist of money collected under section 116.050. The state
27 treasurer shall be custodian of the fund. In accordance with
28 sections 30.170 and 30.180, the state treasurer may approve

1 disbursements. The fund shall be a dedicated fund and money in
2 the fund shall be used solely by the secretary of state for the
3 purpose of making refunds as set forth in section 116.050 and to
4 pay publication expenses incurred in submitting statewide ballot
5 measures to the voters. Any balance in the fund shall be used
6 for the purposes set forth herein before using a general revenue
7 appropriation for the same purpose.

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

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

15 116.275. 1. There is hereby created in the state treasury
16 the "Secretary of State's Signature Verification Fund", which
17 shall consist of money collected under section 116.100. The
18 state treasurer shall be custodian of the fund. In accordance
19 with sections 30.170 and 30.180, the state treasurer may approve
20 disbursements. The fund shall be a dedicated fund and money in
21 the fund shall be used solely by the secretary of state for the
22 purpose of making payments to local election authorities that
23 have verified signatures for one or more petitions in the
24 applicable two-year petition cycle pursuant to section 116.130.
25 Payments shall be calculated based on each local election
26 authority's pro rata share of all signatures actually verified
27 under section 116.130 for a petition, regardless of the outcome
28 of the signature verification. The payments shall be made after

1 the secretary has certified the petition as sufficient or
2 insufficient pursuant to section 116.150. A local election
3 authority's obligation to verify signatures under section 116.130
4 shall not depend upon receipt of payments under this subsection.

5
6 2. Notwithstanding the provisions of section 33.080 to the
7 contrary, any moneys remaining in the fund at the end of the
8 biennium shall not revert to the credit of the general revenue
9 fund.

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

13 116.332. 1. Before a constitutional amendment petition, a
14 statutory initiative petition, or a referendum petition may be
15 circulated for signatures, a sample sheet [must] shall be
16 submitted to the secretary of state in the form in which it will
17 be circulated. Sample initiative petition sheets shall be filed
18 no earlier than twelve weeks following a general election. When
19 a person submits a sample sheet of a petition he or she shall
20 designate to the secretary of state the name and address of the
21 person to whom any notices shall be sent pursuant to sections
22 116.140 and 116.180 and, if a committee or person, except the
23 individual submitting the sample sheet, is funding any portion of
24 the drafting or submitting of the sample sheet, the person
25 submitting the sample sheet shall submit a copy of the filed
26 statement of committee organization required under subsection 5
27 of section 130.021 showing the date the statement was filed. The
28 secretary of state shall refer a copy of the petition sheet to

1 the attorney general for [his] approval and to the state auditor
2 for purposes of preparing a fiscal note and fiscal note summary.
3 The secretary of state and attorney general [must] shall each
4 review the petition for [sufficiency as to form] compliance with
5 section 116.050 and Article III, Sections 50, 52(a), and 53 of
6 the Missouri Constitution and approve or reject [the form of] the
7 petition, stating the reasons for rejection, if any.

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

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

1 approval [as to form] to the secretary of state within ten days
2 after receipt of the petition by the attorney general.

3 4. The secretary of state shall review the comments and
4 statements of the attorney general [as to form] and make a final
5 decision as to the approval or rejection [of the form of] the
6 petition. The secretary of state shall send written notice to
7 the person who submitted the petition sheet of the approval
8 within fifteen days after submission of the petition sheet. The
9 secretary of state shall send written notice if the petition has
10 been rejected, together with reasons for rejection, within
11 fifteen days after submission of the petition sheet.

12 116.334. 1. If the petition [form] is approved pursuant to
13 section 116.332, the secretary of state shall make a copy of the
14 sample petition available on the secretary of state's website.
15 For a period of fifteen days after the petition is approved [as
16 to form] pursuant to section 116.332, the secretary of state
17 shall accept public comments regarding the proposed measure and
18 provide copies of such comments upon request. Within
19 twenty-three days of receipt of such approval, the secretary of
20 state shall prepare and transmit to the attorney general a
21 summary statement of the measure which shall be a concise
22 statement not exceeding one hundred fifty words. This statement
23 shall [be in the form of a question using] use language neither
24 intentionally argumentative nor likely to create prejudice either
25 for or against the proposed measure. The attorney general shall
26 within ten days approve the legal content and form of the
27 proposed statement.

28 2. Signatures obtained prior to the date the official

1 ballot title is certified by the secretary of state shall not be
2 counted. If a court orders a change to the official ballot title
3 under subsection 4 of section 116.190 all signatures gathered
4 before such change occurred shall be invalidated, regardless of
5 whether those signatures were gathered on petition pages that
6 displayed what was previously the official ballot title as
7 certified by the secretary of state.

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

13 Section B. Section A of this act shall become effective on
14 November 7, 2018.