

SECOND REGULAR SESSION

# SENATE BILL NO. 522

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4128S.01I

## AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.090, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof eleven 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:*

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A. Sections 116.030, 116.040, 116.050, 116.090, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.045, 116.050, 116.090, 116.130, 116.160, 116.230, 116.270,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

116.030. The following shall be substantially the form of each page of 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.

## PETITION FOR REFERENDUM

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 To the Honorable \_\_\_\_\_, Secretary of State for the state of  
 16 Missouri:

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

30 (Official Ballot title) \_\_\_\_\_

31 CIRCULATOR'S AFFIDAVIT

32 State Of Missouri,

33 County Of \_\_\_\_\_

34 I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

35 REGISTERED

36	DATE	VOTING	ZIP	CONGR.
37	NAME	SIGNED	ADDRESS	CODE
38	(Signature)		(Street)(City,	(Printed or
39			Town or Village)	Typed)

40 (Here follow numbered lines for signers)

41 signed this page of the foregoing petition, and each of them signed  
 42 his or her name thereto in my presence; I believe that each has  
 43 stated his or her name, registered voting address and city, town or  
 44 village correctly, and that each signer is a registered voter of the  
 45 state of Missouri and \_\_\_\_\_ County. FURTHERMORE, I HEREBY  
 46 SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL  
 47 STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND  
 48 THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY  
 49 OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING  
 50 FORGERY.

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

54 \_\_\_\_\_  
55 Signature of Affiant  
56 (Person obtaining signatures)  
57 \_\_\_\_\_  
58 (Printed Name of Affiant)

59 \_\_\_\_\_  
60 Address of Affiant

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

62 \_\_\_\_\_  
63 Signature of Notary  
64 Address of Notary

65 Notary Public (Seal)

66 My commission expires \_\_\_\_\_

67 If this form is followed substantially and the requirements of [section] **sections**  
68 **116.045**, 116.050, and [section] 116.080 are met, it shall be sufficient,  
69 disregarding clerical and merely technical errors.

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

4 County \_\_\_\_\_  
5 Page No. \_\_\_\_\_

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

14 INITIATIVE PETITION

15 To the Honorable \_\_\_\_\_, Secretary of State for the state of  
16 Missouri:

17 We, the undersigned, registered voters of the state of Missouri and

\_\_\_\_ County (or City of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_ County (or City of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) \_\_\_\_

### CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of \_\_\_\_

I, \_\_\_\_, being first duly sworn, say (print or type names of signers)

#### REGISTERED

DATE	VOTING	ZIP	CONGR.
NAME	SIGNED	ADDRESS	CODE
(Signature)	(Street)(City,	(Printed or	
	Town or Village)	Typed)	

(Here follow numbered lines for signers)

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

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

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

\_\_\_\_\_  
Signature of Affiant

(Person obtaining signatures)

54

55

(Printed Name of Affiant)

56

57

Address of Affiant

58

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

59

60

Signature of Notary

61

Address of Notary

62

Notary Public (Seal)

63

My commission expires \_\_\_\_\_

64

If this form is followed substantially and the requirements of [section] **sections**

65

**116.045**, 116.050, and [section] 116.080 are met, it shall be sufficient,

66

disregarding clerical and merely technical errors.

**116.045. Initiative and referendum petition signature pages shall**  
**be printed on a form as prescribed by the secretary of state, which**  
**shall include all of the information and statements set forth in section**  
**116.030 or 116.040, as applicable, and comply with section 116.050. The**  
**form 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 shall consist of pages of a uniform size. Each page, excluding the  
text of the measure, shall be no larger than eight and one-half by fourteen  
inches. **The text of the proposed measure shall be in a font that is not**  
**smaller than twelve point, Times New Roman, and have a top, bottom,**  
**left, and right margin of not less than one inch. Page numbers may**  
**appear in the bottom margin.** Each page of an initiative petition shall be  
attached to or shall contain a full and correct text of the proposed measure. Each  
page of a referendum petition shall be attached to or shall contain a full and  
correct text of the measure on which the referendum is sought.

2. **The secretary of state shall collect an initiative and**  
**referendum petition filing fee of five hundred dollars for each petition**  
**sample sheet filed. An additional filing fee of twenty-five dollars shall**  
**be collected for each page of text of the measure in excess of ten**  
**pages. The filing fee shall be deposited in the state treasury and**  
**credited to the secretary of state's petition publications fund**  
**established under section 116.270. The filing fee shall be refunded from**

18 the fund to the person designated as the recipient of notices pursuant  
19 to section 116.332 if the initiative or referendum petition is certified  
20 pursuant to section 116.150. The secretary of state shall reject any  
21 petition sample sheet that is not accompanied by the required fee.

22 3. The full and correct text of all initiative and referendum petition  
23 measures shall:

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

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

28 (3) Otherwise conform to the provisions of [Article III, Section 28 and]  
29 Article III, [Section] **Sections 28, 49, 50, 51, and 52(a)** of the Constitution and  
30 those of this chapter.

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

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

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

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

12 (4) Forges or falsifies signatures; or

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

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

22 3. A person who violates subsection 1 or 2 of this section, shall, upon  
23 conviction thereof, be guilty of a class A misdemeanor punishable,

24 notwithstanding the provisions of section [560.021] **558.002** to the contrary, by  
25 a term of imprisonment not to exceed one year in the county jail or a fine not to  
26 exceed ten thousand dollars or both.

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

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

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

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

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

18 Each election authority shall check the signatures against voter registration  
19 records in the election authority's jurisdiction, but the election authority shall  
20 count as valid only the signatures of persons registered as voters in the county  
21 named in the circulator's affidavit. Signatures shall not be counted as valid if  
22 they have been struck through or crossed out. **Signatures not in black or**  
23 **blue ink shall be counted as invalid without verification.**

24 2. If the election authority is requested to verify the petition by random  
25 sampling, such verification shall be completed and certified not later than thirty  
26 days from the date that the election authority receives the petition from the  
27 secretary of state. If the election authority is to verify each signature, such  
28 verification [must] **shall** be completed, certified and delivered to the secretary of

29 state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event  
30 of complete verification of signatures after a failed random sample, full  
31 verification shall be completed, certified and delivered to the secretary of state  
32 by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth  
33 week after receipt of the signatures by the local election authority, whichever is  
34 later.

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

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

48 5. The secretary of state is authorized to adopt rules to ensure uniform,  
49 complete, and accurate checking of petition signatures either by actual count or  
50 random sampling. No rule or portion of a rule promulgated pursuant to this  
51 section shall become effective unless it has been promulgated pursuant to the  
52 provisions of chapter 536.

53 6. After a period of three years from the time of submission of the  
54 petitions to the secretary of state, the secretary of state, if the secretary  
55 determines that retention of such petitions is no longer necessary, may destroy  
56 such petitions.

116.160. 1. If the general assembly adopts a joint resolution proposing a  
2 constitutional amendment or a bill without a fiscal note summary, which is to be  
3 referred to a vote of the people, after receipt of such resolution or bill the  
4 secretary of state shall promptly forward the resolution or bill to the state  
5 auditor. If the general assembly adopts a joint resolution proposing a  
6 constitutional amendment or a bill without an official summary statement, which  
7 is to be referred to a vote of the people, within twenty days after receipt of the  
8 resolution or bill, the secretary of state shall prepare and transmit to the attorney



9 general a summary statement of the measure as the proposed summary  
10 statement. The secretary of state may seek the advice of the legislator who  
11 introduced the constitutional amendment or bill and the speaker of the house or  
12 the president pro tem of the legislative chamber that originated the  
13 measure. The summary statement may be distinct from the legislative title of the  
14 proposed constitutional amendment or bill. The attorney general shall within ten  
15 days approve the legal content and form of the proposed statement.

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

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

3 2. The top of the ballot shall read:

4 "OFFICIAL BALLOT STATE OF MISSOURI"

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

7 "CONSTITUTIONAL AMENDMENTS"

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

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

17 "STATUTORY MEASURES"

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

23 5. Immediately following the official ballot title, the words "Shall  
24 the measure summarized be approved?" shall appear with the options

25 to vote "YES" or "NO".

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

4 2. The secretary of state shall certify to the commissioner of  
5 administration all valid claims for payment from the publications fund. On  
6 receiving the certified claims, the commissioner of administration shall issue  
7 warrants on the state treasurer payable to each individual out of the publications  
8 fund] **There is hereby created in the state treasury the "Secretary of  
9 State's Petition Publications Fund", which shall consist of money  
10 collected under section 116.050. The state treasurer shall be custodian  
11 of the fund. In accordance with sections 30.170 and 30.180, the state  
12 treasurer may approve disbursements. The fund shall be a dedicated  
13 fund and money in the fund shall be used solely by the secretary of  
14 state for the purpose of making refunds as set forth in section 116.050  
15 and to pay publication expenses incurred in submitting statewide ballot  
16 measures to the voters. Any balance in the fund shall be used for the  
17 purposes set forth herein before using a general revenue appropriation  
18 for the same purpose.**

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

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

116.332. 1. Before a constitutional amendment petition, a statutory  
2 initiative petition, or a referendum petition may be circulated for signatures, a  
3 sample sheet [must] **shall** be submitted to the secretary of state in the form in  
4 which it will be circulated. **Sample initiative petition sheets shall be filed  
5 no earlier than twelve weeks following a general election.** When a person  
6 submits a sample sheet of a petition he or she shall designate to the secretary of  
7 state the name and address of the person to whom any notices shall be sent  
8 pursuant to sections 116.140 and 116.180 and, if a committee or person, except  
9 the individual submitting the sample sheet, is funding any portion of the drafting  
10 or submitting of the sample sheet, the person submitting the sample sheet shall  
11 submit a copy of the filed statement of committee organization required under

12 subsection 5 of section 130.021 showing the date the statement was filed. The  
13 secretary of state shall refer a copy of the petition sheet to the attorney general  
14 for [his] approval and to the state auditor for purposes of preparing a fiscal note  
15 and fiscal note summary. The secretary of state and attorney general [must]  
16 **shall** each review the petition for [sufficiency as to form] **compliance with**  
17 **section 116.050 and article III, sections 28, 49, 50, 51, 52(a), and 53 of the**  
18 **Missouri Constitution** and approve or reject the form of the petition, stating  
19 the reasons for rejection, if any.

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

29         3. Upon receipt of a petition from the office of the secretary of state, the  
30 attorney general shall examine the petition as to form. If the petition is rejected  
31 [as to form] **and determine whether it complies with section 116.050 and**  
32 **article III, sections 28, 49, 50, 51, 52(a), and 53 of the Missouri**  
33 **Constitution**, the attorney general shall forward his or her comments to the  
34 secretary of state within ten days after receipt of the petition by the attorney  
35 general. If the petition is approved [as to form], the attorney general shall  
36 forward his or her approval [as to form] to the secretary of state within ten days  
37 after receipt of the petition by the attorney general.

38         4. The secretary of state shall review the comments and statements of the  
39 attorney general [as to form] and make a final decision as to the approval or  
40 rejection [of the form] of the petition. The secretary of state shall send written  
41 notice to the person who submitted the petition sheet of the approval within  
42 fifteen days after submission of the petition sheet. The secretary of state shall  
43 send written notice if the petition has been rejected, together with reasons for  
44 rejection, within fifteen days after submission of the petition sheet.

116.334. 1. If the petition [form] is approved **pursuant to section**  
2 **116.332**, the secretary of state shall make a copy of the sample petition available  
3 on the secretary of state's website. For a period of fifteen days after the petition

4 is approved [as to form] **pursuant to section 116.332**, the secretary of state  
5 shall accept public comments regarding the proposed measure and provide copies  
6 of such comments upon request. Within twenty-three days of receipt of such  
7 approval, the secretary of state shall prepare and transmit to the attorney  
8 general a summary statement of the measure which shall be a concise statement  
9 not exceeding one hundred **fifty** words. This statement shall [be in the form of  
10 a question using] **use** language neither intentionally argumentative nor likely to  
11 create prejudice either for or against the proposed measure. The attorney general  
12 shall within ten days approve the legal content and form of the proposed  
13 statement.

14 2. Signatures obtained prior to the date the official ballot title is certified  
15 by the secretary of state shall not be counted. **If a court orders a change that**  
16 **substantially alters the content of the official ballot title under**  
17 **subsection 4 of section 116.190 then all signatures gathered before such**  
18 **change occurred shall be invalidated, regardless of whether those**  
19 **signatures were gathered on petition pages that displayed what was**  
20 **previously the official ballot title as certified by the secretary of state.**

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

Section B. Section A of this act shall become effective on November 4,  
2 2020.

✓

Copy