

SECOND REGULAR SESSION

SENATE BILL NO. 862

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

4139S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.110, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof thirteen new sections relating to the petition process for amending the law, with penalty provisions and an 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116.040, 116.050, 116.080, 116.090, 116.110, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 116.030, 116.040, 116.045, 116.050, 116.080, 116.090, 116.110, 116.130, 116.160,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] **558.002**, 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

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

petition when such person knows he or she is not a
registered voter.

PETITION FOR REFERENDUM

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

We, the undersigned, registered voters of the state of
Missouri and _____ County (or City of St. Louis),
respectfully order that the Senate (or House) Bill No.
_____ entitled (title of law), passed by the _____
general assembly of the state of Missouri, at the _____
regular (or special) session of the _____ general
assembly, shall be referred to the voters of the state
of Missouri, for their approval or rejection, at the
general election to be held on the _____ day of _____,
_____, unless the general assembly shall designate
another date, 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)

NAME	DATE	REGISTERED	ZIP	CONGR.	NAME
	SIGNED	VOTING ADDRESS	CODE	DIST.	

(Signature)	(Street)	(Printed
	(City,	or
	Town or	Typed)
	Village)	

(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)

(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] **sections 116.045**, 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

3 the Constitution of the state of Missouri proposed by the
4 initiative:

5 County _____

6 Page No. _____

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

17 INITIATIVE PETITION

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

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

32
33 (Official Ballot title) _____

34 CIRCULATOR'S AFFIDAVIT

35 State Of Missouri,

36 County Of _____

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

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

(Printed Name of Affiant)					

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

Signature of Notary					
Address of Notary					

72 Notary Public (Seal)
73 My commission expires _____

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

116.045. Initiative and referendum petition signature
2 **pages shall be printed on a form as prescribed by the**
3 **secretary of state, which shall include all of the**
4 **information and statements set forth in section 116.030 or**
5 **116.040, as applicable, and comply with section 116.050.**
6 **The form shall be made available in electronic format for**
7 **printing and circulating petitions.**

 116.050. 1. Initiative and referendum petitions filed
2 under the provisions of this chapter shall consist of pages
3 of a uniform size. Each page, excluding the text of the
4 measure, shall be no larger than eight and one-half by
5 fourteen inches. **The text of the proposed measure shall be**
6 **in a font that is not smaller than twelve point, Times New**
7 **Roman, and have a top, bottom, left, and right margin of not**
8 **less than one inch. Page numbers may appear in the bottom**
9 **margin.** Each page of an initiative petition shall be
10 attached to or shall contain a full and correct text of the
11 proposed measure. Each page of a referendum petition shall
12 be attached to or shall contain a full and correct text of
13 the measure on which the referendum is sought.

14 2. **The secretary of state shall collect an initiative**
15 **and referendum petition filing fee of five hundred dollars**
16 **for each petition sample sheet filed. An additional filing**
17 **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 the fund to the person designated as the recipient of notices pursuant to section 116.332 if the initiative or referendum petition is certified pursuant to section 116.150. The secretary of state shall reject any petition sample sheet that is not accompanied by the required fee.

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

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

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

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

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

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

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

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

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

2. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his or her official seal to the affidavit only if the circulator personally appears 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 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section [560.021] 558.002 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.

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

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

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

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

(4) Forges or falsifies signatures; or

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

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

3. A person who violates subsection 1 or 2 of this section, shall, upon conviction thereof, be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section [560.021] 558.002 to the contrary, by

33 a term of imprisonment not to exceed one year in the county
34 jail or a fine not to exceed ten thousand dollars or both.

35 4. Any person employed by or serving as an election
36 authority, that has reasonable cause to suspect a person has
37 committed petition signature fraud, shall immediately report
38 or cause a report to be made to the appropriate prosecuting
39 authorities. Failure to so report or cause a report to be
40 made shall be a class A misdemeanor.

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

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

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

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

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

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

2. If the election authority is requested to verify the petition by random sampling, such verification shall be completed and certified not later than thirty days from the date that the election authority receives the petition from the secretary of state. If the election authority is to verify each signature, such verification **[must]** **shall** be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event of complete verification of

41 signatures after a failed random sample, full verification
42 shall be completed, certified and delivered to the secretary
43 of state by 5:00 p.m. on the last Tuesday in July or by
44 5:00 p.m. on the Friday of the fifth week after receipt of
45 the signatures by the local election authority, whichever is
46 later.

47 3. If the election authority or the secretary of state
48 determines that the congressional district number written
49 after the signature of any voter is not the congressional
50 district of which the voter is a resident, the election
51 authority or the secretary of state shall correct the
52 congressional district number on the petition page. Failure
53 of a voter to give the voter's correct congressional
54 district number shall not by itself be grounds for not
55 counting the voter's signature.

56 4. The election authority shall return the copies of
57 the petition pages to the secretary of state with
58 annotations regarding any invalid or questionable signatures
59 which the election authority has been asked to check by the
60 secretary of state. The election authority shall verify the
61 number of pages received for that county, and also certify
62 the total number of valid signatures of voters from each
63 congressional district which the election authority has been
64 asked to check by the secretary of state.

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

71 6. After a period of three years from the time of
72 submission of the petitions to the secretary of state, the

73 secretary of state, if the secretary determines that
74 retention of such petitions is no longer necessary, may
75 destroy such petitions.

116.160. 1. If the general assembly adopts a joint
2 resolution proposing a constitutional amendment or a bill
3 without a fiscal note summary, which is to be referred to a
4 vote of the people, after receipt of such resolution or bill
5 the secretary of state shall promptly forward the resolution
6 or bill to the state auditor. If the general assembly
7 adopts a joint resolution proposing a constitutional
8 amendment or a bill without an official summary statement,
9 which is to be referred to a vote of the people, within
10 twenty days after receipt of the resolution or bill, the
11 secretary of state shall prepare and transmit to the
12 attorney general a summary statement of the measure as the
13 proposed summary statement. The secretary of state may seek
14 the advice of the legislator who introduced the
15 constitutional amendment or bill and the speaker of the
16 house or the president pro tem of the legislative chamber
17 that originated the measure. The summary statement may be
18 distinct from the legislative title of the proposed
19 constitutional amendment or bill. The attorney general
20 shall within ten days approve the legal content and form of
21 the proposed statement.

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

116.230. 1. The secretary of state shall prepare
2 sample ballots in the 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
6 first heading shall read:

7 "CONSTITUTIONAL AMENDMENTS"

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

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

20 "STATUTORY MEASURES"

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

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

 116.270. 1. [There is hereby created a "Publications
2 Fund" which shall be used only to pay printing, publication,

3 and other expenses incurred in submitting statewide ballot
4 measures to the voters.

5 2. The secretary of state shall certify to the
6 commissioner of administration all valid claims for payment
7 from the publications fund. On receiving the certified
8 claims, the commissioner of administration shall issue
9 warrants on the state treasurer payable to each individual
10 out of the publications fund] **There is hereby created in the**

11 **state treasury the "Secretary of State's Petition**
12 **Publications Fund", which shall consist of money collected**
13 **under section 116.050. The state treasurer shall be**
14 **custodian of the fund. In accordance with sections 30.170**
15 **and 30.180, the state treasurer may approve disbursements.**
16 **The fund shall be a dedicated fund and money in the fund**
17 **shall be used solely by the secretary of state for the**
18 **purpose of making refunds as set forth in section 116.050**
19 **and to pay publication expenses incurred in submitting**
20 **statewide ballot measures to the voters. Any balance in the**
21 **fund shall be used for the purposes set forth herein before**
22 **using a general revenue appropriation for the same purpose.**

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

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

116.332. 1. Before a constitutional amendment
2 petition, a statutory initiative petition, or a referendum
3 petition may be circulated for signatures, a sample sheet
4 [must] **shall** be submitted to the secretary of state in the

5 form in which it will be circulated. **Sample initiative**
6 **petition sheets shall be filed no earlier than twelve weeks**
7 **following a general election.** When a person submits a
8 sample sheet of a petition he or she shall designate to the
9 secretary of state the name and address of the person to
10 whom any notices shall be sent pursuant to sections 116.140
11 and 116.180 and, if a committee or person, except the
12 individual submitting the sample sheet, is funding any
13 portion of the drafting or submitting of the sample sheet,
14 the person submitting the sample sheet shall submit a copy
15 of the filed statement of committee organization required
16 under subsection 5 of section 130.021 showing the date the
17 statement was filed. The secretary of state shall refer a
18 copy of the petition sheet to the attorney general for [his]
19 approval and to the state auditor for purposes of preparing
20 a fiscal note and fiscal note summary. The secretary of
21 state and attorney general [must] **shall** each review the
22 petition for [sufficiency as to form] **compliance with**
23 **section 116.050 and article III, sections 28, 49, 50, 51,**
24 **and 52(a) of the Missouri Constitution** and approve or reject
25 [the form of] the petition, stating the reasons for
26 rejection, if any.

27 2. Within two business days of receipt of any such
28 sample sheet, the office of the secretary of state shall
29 conspicuously post on its website the text of the proposed
30 measure, a disclaimer stating that such text may not
31 constitute the full and correct text as required under
32 section 116.050, and the name of the person or organization
33 submitting the sample sheet. The secretary of state's
34 failure to comply with such posting shall be considered a
35 violation of chapter 610 and subject to the penalties
36 provided under subsection 3 of section 610.027. The posting

37 shall be removed within three days of either the withdrawal
38 of the petition under section 116.115 or the rejection for
39 any reason of the petition.

40 3. Upon receipt of a petition from the office of the
41 secretary of state, the attorney general shall examine the
42 petition [as to form] and determine whether it complies with
43 section 116.050 and article III, sections 28, 49, 50, 51,
44 and 52(a) of the Missouri Constitution. If the petition is
45 rejected [as to form], the attorney general shall forward
46 his or her comments to the secretary of state within ten
47 days after receipt of the petition by the attorney general.
48 If the petition is approved [as to form], the attorney
49 general shall forward his or her approval [as to form] to
50 the secretary of state within ten days after receipt of the
51 petition by the attorney general.

52 4. The secretary of state shall review the comments
53 and statements of the attorney general [as to form] and make
54 a final decision as to the approval or rejection [of the
55 form] of the petition. The secretary of state shall send
56 written notice to the person who submitted the petition
57 sheet of the approval within fifteen days after submission
58 of the petition sheet. The secretary of state shall send
59 written notice if the petition has been rejected, together
60 with reasons for rejection, within fifteen days after
61 submission of the petition sheet.

116.334. 1. If the petition [form] is approved
2 pursuant to section 116.332, the secretary of state shall
3 make a copy of the sample petition available on the
4 secretary of state's website. For a period of fifteen days
5 after the petition is approved [as to form] pursuant to
6 section 116.332, the secretary of state shall accept public
7 comments regarding the proposed measure and provide copies

8 of such comments upon request. Within twenty-three days of
9 receipt of such approval, the secretary of state shall
10 prepare and transmit to the attorney general a summary
11 statement of the measure which shall be a concise statement
12 not exceeding one hundred **fifty** words. This statement shall
13 **[be in the form of a question using]** **use** language neither
14 intentionally argumentative nor likely to create prejudice
15 either for or against the proposed measure. The attorney
16 general shall within ten days approve the legal content and
17 form of the proposed statement.

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

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

Section B. Section A of this act shall become
2 effective on November 9, 2022.

✓