

SENATE BILL NO. 1721

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

7412S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.110, 116.130, 116.153, 116.200, and 116.332, RSMo, and section 116.190 as enacted by senate bill no. 22, one hundred third general assembly, first regular session, section 116.190 as enacted by senate bill no. 104, ninety-eighth general assembly, first regular session, section 116.334 as enacted by senate bill no. 22, one hundred third general assembly, first regular session, and section 116.334 as enacted by house bill no. 117, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twelve new sections relating to initiative petitions and referenda, with penalty provisions.

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,
2 116.090, 116.110, 116.130, 116.153, 116.200, and 116.332, RSMo,
3 and section 116.190 as enacted by senate bill no. 22, one
4 hundred third general assembly, first regular session, section
5 116.190 as enacted by senate bill no. 104, ninety-eighth general
6 assembly, first regular session, section 116.334 as enacted by
7 senate bill no. 22, one hundred third general assembly, first
8 regular session, and section 116.334 as enacted by house bill
9 no. 117, ninety-seventh general assembly, first regular
10 session, are repealed and twelve new sections enacted in lieu
11 thereof, to be known as sections 116.030, 116.040, 116.045,
12 116.050, 116.080, 116.090, 116.110, 116.130, 116.190, 116.200,
13 116.332, and 116.334, to read as follows:

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

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 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

36 village in which I live are correctly written after
37 my name.

38 (Official Ballot title) _____

39 CIRCULATOR'S AFFIDAVIT

40 State Of Missouri,

41 County Of _____

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

44	NAME	DATE	REGISTERED	ZIP	CONGR.	NAME
45		SIGNED	VOTING	CODE	DIST.	
46			ADDRESS			
47	(Signature)		(Street)			(Printed
48			(City, Town			or
49			or Village)			Typed)

50 (Here follow numbered lines for signers)

51 signed this page of the foregoing petition, and
52 each of them signed his or her name thereto in my
53 presence; I believe that each has stated his or her
54 name, registered voting address and city, town or
55 village correctly, and that each signer is a
56 registered voter of the state of Missouri and
57 _____ County. FURTHERMORE, I HEREBY SWEAR OR
58 AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS
59 MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE
60 NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED
61 GUILTY TO ANY OFFENSE INVOLVING FORGERY.

62 I **have met the qualifications of section 116.080**
63 **and** am at least 18 years of age. I do _____ do not
64 _____ (check one) expect to be paid for
65 circulating this petition. If paid, list the payer
66 _____

67

68

Signature of Affiant

69

(Person obtaining
signatures)

70

71

72

(Printed Name of Affiant)

73

74

Address of Affiant

75

Subscribed and sworn to before me this _____ day

76

of _____, A.D. _____

77

78

Signature of Notary

79

Address of Notary

80

Notary Public (Seal)

81

My commission expires _____

82

If this form is followed substantially and the requirements

83

of [section] **sections 116.045**, 116.050, and [section]

84

116.080 are met, it shall be sufficient, disregarding

85

clerical and merely technical errors.

116.040. The following shall be substantially the form

2

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 (Optional) Page No. _____

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

18 INITIATIVE PETITION

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

21 We, the undersigned, registered voters of the state
22 of Missouri and _____ County (or City of St.
23 Louis), respectfully order that the following
24 proposed law (or amendment to the constitution)
25 shall be submitted to the voters of the state of
26 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
29 says: I have personally signed this petition; I am
30 a registered voter of the state of Missouri and
31 _____ County (or City of St. Louis); my registered
32 voting address and the name of the city, town or
33 village in which I live are correctly written after
34 my name.

35 (Official Ballot title) _____

36 CIRCULATOR'S AFFIDAVIT

37 State Of Missouri,

38 County Of _____

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

41	NAME	DATE	REGISTERED	ZIP	CONGR.	NAME
42		SIGNED	VOTING	CODE	DIST.	
43			ADDRESS			
44	(Signature)		(Street)			(Printed
45			(City,			or
46			Town or			Typed)
47			Village)			

48 (Here follow numbered lines for signers)

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

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

61 I **have met the qualifications of section 116.080**
62 **and** am at least 18 years of age. I do _____ do not
63 _____ (check one) expect to be paid for
64 circulating this petition. If paid, list the payer
65 _____

66 _____
67 Signature of Affiant
68 (Person obtaining
69 signatures)

70

71

(Printed Name of Affiant)

72

73

Address of Affiant

74

Subscribed and sworn to before me this _____ day

75

of _____, A.D. _____

76

77

Signature of Notary

78

Address of Notary

79

Notary Public (Seal)

80

My commission expires _____

81

If this form is followed substantially and the requirements

82

of [section] sections 116.045, 116.050, and [section]

83

116.080 are met, it shall be sufficient, disregarding

84

clerical and merely technical errors.

**116.045. Initiative petition and referendum petition
signature pages shall be printed on a form as prescribed by
the secretary of state that shall include all of the
information and statements required by section 116.030 or
116.040, as applicable, and comply with section 116.050.
The form shall be made available in electronic format to be
used for printing petitions for circulating.**

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

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 full and correct text of all initiative and
15 referendum petition measures shall:

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

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

21 (3) Otherwise conform to the provisions of [Article
22 III, Section 28 and] Article III, [Section] **Sections 28, 49,**
23 **50, 51, and 52(a)** of the Constitution **of Missouri** and those
24 of this chapter.

116.080. 1. Each petition circulator shall be [at
2 **least]** **a citizen of the United States,** eighteen years of age
3 **or older, a resident of this state or physically present in**
4 **this state for at least thirty consecutive days prior to the**
5 **collection of signatures,** and registered with the secretary
6 of state. **No petition circulator shall be paid anything of**
7 **value that is based on the number of signatures collected.**

8 Signatures collected by any circulator who has not
9 registered with the secretary of state pursuant to this
10 chapter on or before 5:00 p.m. on the final day for filing
11 petitions with the secretary of state shall not be counted.
12 A petition circulator shall be deemed registered at the time

13 such circulator delivers a signed circulator's affidavit
14 pursuant to section 116.030, with respect to a referendum
15 petition, or section 116.040, with respect to an initiative
16 petition, to the office of the secretary of state. No
17 person shall qualify as a petition circulator who has been
18 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
21 would be considered forgery under the laws of this state.

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

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

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

4 (1) Signs any name other than his or her own to any
5 petition, or who knowingly signs his or her name more than
6 once for the same measure for the same election, or who
7 knows he or she is not at the time of signing or circulating

8 the same a Missouri registered voter and a resident of this
9 state; [or]

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

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

15 (4) Forges or falsifies signatures; or

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

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

29 3. A person who violates subsection 1 or 2 of this
30 section, shall, upon conviction thereof, be guilty of a
31 class A misdemeanor punishable, notwithstanding the
32 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:

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

14 (2) Copies of all pages of a total of three petitions
15 shall be received in the office of the election authority

16 not later than three weeks after the petition is filed in
17 the office of the secretary of state;

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

24 Each election authority shall check the signatures against
25 voter registration records in the election authority's
26 jurisdiction, but the election authority shall count as
27 valid only the signatures of persons registered as voters in
28 the county named in the circulator's affidavit. Signatures
29 shall not be counted as valid if they have been struck
30 through or crossed out. **Signatures shall be recorded using**
31 **a black or dark ink.**

32 2. If the election authority is requested to verify
33 the petition by random sampling, such verification shall be
34 completed and certified not later than thirty days from the
35 date that the election authority receives the petition from
36 the secretary of state. If the election authority is to
37 verify each signature, such verification [must] **shall** be
38 completed, certified and delivered to the secretary of state
39 by 5:00 p.m. on the last Tuesday in July prior to the
40 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.

2 [116.190. 1. Any citizen who wishes to
3 challenge the official ballot title or the
fiscal note prepared for a proposed

4 constitutional amendment submitted by the
5 general assembly, by initiative petition, or by
6 constitutional convention, or for a statutory
7 initiative or referendum measure, may bring an
8 action in the circuit court of Cole County. The
9 action shall be brought within ten days after
10 the official ballot title is certified by the
11 secretary of state in accordance with the
12 provisions of this chapter, in the case of an
13 initiative petition and not later than the
14 twenty-second Tuesday prior to the general
15 election at which the ballot measure will be
16 submitted to the voters, in the case of all
17 other statewide ballot measures.

18 2. The secretary of state shall be named
19 as a party defendant in any action challenging
20 the official ballot title prepared by the
21 secretary of state. When the action challenges
22 the fiscal note or the fiscal note summary
23 prepared by the auditor, the state auditor shall
24 also be named as a party defendant. The
25 president pro tem of the senate, the speaker of
26 the house and the sponsor of the measure and the
27 secretary of state shall be the named party
28 defendants in any action challenging the
29 official summary statement, fiscal note or
30 fiscal note summary prepared pursuant to section
31 116.155.

32 3. The petition shall state the reason or
33 reasons why the summary statement portion of the
34 official ballot title is insufficient or
35 unfair. Alternatively, the petition shall state
36 the reasons why the fiscal note or the fiscal
37 note summary portion of the official ballot
38 title is insufficient or unfair and shall
39 request a different fiscal note or fiscal note
40 summary portion of the official ballot title.

41 4. (1) The action shall be placed at the
42 top of the civil docket.

43 (2) (a) Insofar as the action challenges
44 the summary statement portion of the official
45 ballot title, the court shall consider the
46 petition, hear arguments, and in its decision
47 certify the summary statement portion of the

48 official ballot title to the secretary of state
49 as originally written if the court finds the
50 summary statement to be sufficient and fair. If
51 the court finds the summary statement to be
52 insufficient or unfair, the court may offer
53 suggested revisions for the summary statement to
54 remedy the legal flaws, but it shall, in its
55 decision, order the secretary of state to write
56 a first revised summary statement that is
57 sufficient and fair.

58 (b) The secretary of state shall submit a
59 first revised summary statement to the court
60 within seven days. If, after submission to the
61 court of a first revised summary statement by
62 the secretary of state, the court finds the
63 first revised summary statement to be sufficient
64 and fair, the court shall certify to the
65 secretary of state that statement and order it
66 to appear on the ballot. If the court finds the
67 first revised summary statement to be
68 insufficient or unfair, the court may offer
69 suggested revisions for the statement to remedy
70 the legal flaws, but it shall, in its decision,
71 order the secretary of state to write a second
72 revised summary statement that is sufficient and
73 fair.

74 (c) The secretary of state shall submit a
75 second revised summary statement to the court
76 within five days. If, after submission to the
77 court of a second revised summary statement by
78 the secretary of state, the court finds the
79 second revised summary statement to be
80 sufficient and fair, the court shall certify to
81 the secretary of state that statement and order
82 it to appear on the ballot. If the court finds
83 the second revised summary statement to be
84 insufficient or unfair, the court may offer
85 suggested revisions for the statement to remedy
86 the legal flaws, but it shall, in its decision,
87 order the secretary of state to write a third
88 revised summary statement that is sufficient and
89 fair.

90 (d) The secretary of state shall submit a
91 third revised summary statement to the court

92 within three days. If, after submission to the
93 court of a third revised summary statement by
94 the secretary of state, the court finds the
95 third revised summary statement to be sufficient
96 and fair, the court shall certify to the
97 secretary of state that statement and order it
98 to appear on the ballot. If the court finds the
99 third revised summary statement to be
100 insufficient or unfair, or if the secretary of
101 state neglects or refuses to submit any of the
102 revised summary statements within the times
103 mandated by this subdivision when so ordered,
104 the court shall revise the summary statement in
105 a manner that is sufficient and fair and order
106 the secretary of state to place that summary
107 statement on the ballot with the measure.

108 (e) During all revisions as provided in
109 this subdivision, the case shall remain open.

110 (f) Any nonprevailing party may make
111 appeals as provided by law only following:

- 112 a. The finding of the circuit court that a
113 summary statement was sufficient and fair; or
- 114 b. The circuit court ordering its own
115 summary statement to be placed on the ballot
116 pursuant to paragraph (d) of this subdivision.

117 (g) Any action brought pursuant to this
118 section challenging a statewide ballot measure
119 appearing on the ballot at an election called by
120 the governor pursuant to Article XII, Section
121 2(b), Missouri Constitution, whether at the
122 primary election or at a special election, or at
123 a special election for a referendum petition
124 measure called by the general assembly pursuant
125 to Article III, Section 52(b), Missouri
126 Constitution, shall be expedited by the court to
127 bring a resolution of the matter prior to the
128 printing of ballots. The court may shorten any
129 timeframe under this section to achieve this
130 purpose.

131 (3) Insofar as the action challenges the
132 fiscal note or the fiscal note summary portion
133 of the official ballot title, the court shall
134 consider the petition, hear arguments, and in
135 its decision, either certify the fiscal note or

136 the fiscal note summary portion of the official
137 ballot title to the secretary of state or remand
138 the fiscal note or the fiscal note summary to
139 the auditor for preparation of a new fiscal note
140 or fiscal note summary pursuant to the
141 procedures set forth in section 116.175. Any
142 party to the suit may appeal to the supreme
143 court within ten days after a circuit court
144 decision pursuant to this subdivision.

145 5. Any action brought under this section
146 that is not fully and finally adjudicated within
147 one hundred eighty days of filing, and more than
148 seventy days prior to election in which the
149 measure is to appear, including all appeals,
150 shall be extinguished, unless a court extends
151 such period upon a finding of good cause for
152 such extension. Such good cause shall consist
153 only of court-related scheduling issues and
154 shall not include requests for continuance by
155 the parties.]

116.190. 1. Any [citizen] **Missouri registered voter**
2 who wishes to challenge the official ballot title or the
3 fiscal note prepared for a proposed constitutional amendment
4 submitted by the general assembly, by initiative petition,
5 or by constitutional convention, or for a statutory
6 initiative or referendum measure, may bring an action in the
7 circuit court of Cole County. The action must be brought
8 within ten days after the official ballot title is certified
9 by the secretary of state in accordance with the provisions
10 of this chapter.

11 2. The secretary of state shall be named as a party
12 defendant in any action challenging the official ballot
13 title prepared by the secretary of state. When the action
14 challenges the fiscal note or the fiscal note summary
15 prepared by the auditor, the state auditor shall also be
16 named as a party defendant. The president pro tem of the
17 senate, the speaker of the house and the sponsor of the

18 measure and the secretary of state shall be the named party
19 defendants in any action challenging the official summary
20 statement, fiscal note or fiscal note summary prepared
21 pursuant to section 116.155.

22 3. The petition shall state the reason or reasons why
23 the summary statement portion of the official ballot title
24 is insufficient or unfair and shall request a different
25 summary statement portion of the official ballot title.
26 Alternatively, the petition shall state the reasons why the
27 fiscal note or the fiscal note summary portion of the
28 official ballot title is insufficient or unfair and shall
29 request a different fiscal note or fiscal note summary
30 portion of the official ballot title.

31 4. The action shall be placed at the top of the civil
32 docket. Insofar as the action challenges the summary
33 statement portion of the official ballot title, the court
34 shall consider the petition, hear arguments, and in its
35 decision certify the summary statement portion of the
36 official ballot title to the secretary of state. Insofar as
37 the action challenges the fiscal note or the fiscal note
38 summary portion of the official ballot title, the court
39 shall consider the petition, hear arguments, and in its
40 decision, either certify the fiscal note or the fiscal note
41 summary portion of the official ballot title to the
42 secretary of state or remand the fiscal note or the fiscal
43 note summary to the auditor for preparation of a new fiscal
44 note or fiscal note summary pursuant to the procedures set
45 forth in section 116.175. Any party [to the suit] may
46 appeal [to the supreme court] within ten days after [a
47 circuit court decision] **the entry of judgment by the circuit**
48 **court**. In making the legal notice to election authorities
49 under section 116.240, and for the purposes of section

50 116.180, the secretary of state shall certify the language
51 which the court certifies to him.

52 5. Any action brought under this section that is not
53 fully and finally adjudicated within one hundred eighty days
54 of filing, and more than fifty-six days prior to **the**
55 election in which the measure is to appear, including all
56 appeals, shall be extinguished, unless a court, **before the**
57 **expiration of the foregoing periods**, extends such period
58 upon [a] **an express** finding of good cause for such extension
59 **but no extension shall cause the final adjudication to occur**
60 **less than fifty-six days before the date of the election.**

61 Such good cause shall consist only of court-related
62 scheduling issues and shall not include requests for
63 continuance by the parties. **No court, including any**
64 **appellate court, shall have the authority to issue any form**
65 **of relief after the expiration of the foregoing periods.**

116.200. 1. After the secretary of state certifies a
2 petition as sufficient or insufficient, any [citizen]
3 **Missouri registered voter** may apply to the circuit court of
4 Cole County to compel [him] **the secretary of state** to
5 reverse his **or her** decision. The action must be brought
6 within ten days after the certification is made. All such
7 suits shall be advanced on the court docket and heard and
8 decided by the court as quickly as possible.

9 2. If the court decides the petition is sufficient,
10 the secretary of state shall certify it as sufficient and
11 attach a copy of the judgment. If the court decides the
12 petition is insufficient, the court shall enjoin the
13 secretary of state from certifying the measure and all other
14 officers from printing the measure on the ballot.

15 3. **Any party may appeal** within ten days after [a
16 decision is rendered, any party may appeal it to the supreme
17 court] **the entry of the judgment by the circuit court.**

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 sheets may be**
6 **submitted to the secretary of state any time after a general**
7 **election until six months prior to the next general**
8 **election.** When a person submits a sample sheet of a
9 petition he or she shall designate to the secretary of state
10 the name and address of the person to whom any notices shall
11 be sent pursuant to sections 116.140 and 116.180 and, if a
12 committee or person, except the individual submitting the
13 sample sheet, is funding any portion of the drafting or
14 submitting of the sample sheet, the person submitting the
15 sample sheet shall submit a copy of the filed statement of
16 committee organization required under subsection 5 of
17 section 130.021 showing the date the statement was filed.
18 The secretary of state shall refer a copy of the petition
19 sheet to the attorney general for his approval and to the
20 state auditor for purposes of preparing a fiscal note and
21 fiscal note summary. The secretary of state and attorney
22 general [must] **shall** each review the petition for
23 [sufficiency as to form] **compliance with section 116.050 and**
24 **Article III, Sections 28, 49, 50, 51, and 52(a) of the**
25 **Constitution of Missouri** and approve or reject the form of
26 the petition, stating the reasons for 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 Constitution of Missouri.** If the petition
45 is 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.

2 [116.334. 1. If the petition form is
3 approved, the secretary of state shall make a
4 copy of the sample petition available on the
5 secretary of state's website. For a period of
6 fifteen days after the petition is approved as
7 to form, the secretary of state shall accept
8 public comments regarding the proposed measure
9 and provide copies of such comments upon
10 request. Within twenty-three days of receipt of
11 such approval, the secretary of state shall
12 prepare and transmit to the attorney general a
13 summary statement of the measure which shall be
14 a concise statement not exceeding one hundred
15 words. This statement shall be in the form of a
16 question using language neither intentionally
17 argumentative nor likely to create prejudice
18 either for or against the proposed measure. The
19 attorney general shall within ten days approve
20 the legal content and form of the proposed
21 statement.

22 2. Signatures obtained prior to the date
23 the official ballot title is certified by the
24 secretary of state shall not be counted. Once
25 the secretary of state certifies the official
26 ballot title, signatures may be collected, even
27 if the ballot title is subject to an action in
28 court challenging the sufficiency and fairness
29 of the ballot title. If a court orders a change
30 that alters the content of the official ballot
31 title, then all signatures gathered before such
32 change occurred shall not be invalidated based
33 upon the fact that one or more signatures were
34 gathered prior to the alteration of the official
35 ballot title, regardless of whether those
36 signatures were gathered on petition pages that
37 displayed what was previously the official
38 ballot title as certified by the secretary of
39 state. Nothing in this subsection shall prohibit
40 the invalidation of a signature for a reason
41 otherwise allowed by this chapter.

42 3. Signatures for statutory initiative
43 petitions shall be filed not later than six
44 months prior to the general election during
which the petition's ballot measure is submitted

45 for a vote, and shall also be collected not
46 earlier than the day after the day upon which
47 the previous general election was held.]

116.334. 1. If the petition [form] is approved **under**
2 **section 116.332**, the secretary of state shall make a copy of
3 the sample petition available on the secretary of state's
4 website. For a period of fifteen days after the petition is
5 approved [as to form] **under section 116.332**, the secretary
6 of state shall accept public comments regarding the proposed
7 measure and provide copies of such comments upon request.
8 Within twenty-three days of receipt of such approval, the
9 secretary of state shall prepare and transmit to the
10 attorney general a summary statement of the measure which
11 shall be a concise statement not exceeding one hundred
12 words. This statement shall [be in the form of a question
13 using] **use** language neither intentionally argumentative nor
14 likely to create prejudice either for or against the
15 proposed measure. The attorney general shall within ten
16 days approve the legal content and form of the proposed
17 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.

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

[116.153. Within thirty days of issuing
2 certification that the petition contains a
3 sufficient number of valid signatures pursuant
4 to section 116.150, the joint committee on

5 legislative research shall hold a public hearing
6 in Jefferson City to take public comments
7 concerning the proposed measure. Such hearing
8 shall be a public meeting under chapter 610.
9 Within five business days after the end of the
10 public hearing, the joint committee on
11 legislative research shall provide a summary of
12 the hearing to the secretary of state or his or
13 her designee and the secretary of state shall
14 post a copy of the summary on the website of the
15 office of the secretary of state.]

✓