

FIRST REGULAR SESSION

# HOUSE BILL NO. 1074

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), MAY, THRELKELD, PORTWOOD,  
DAY, HUNTER AND KINGERY (Co-sponsors).

Read 1st time March 7, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2433L.01I

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### AN ACT

To repeal sections 116.100, 116.175, and 116.180, RSMo, and to enact in lieu thereof three new sections relating to initiative petition procedures.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 116.100, 116.175, and 116.180, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 116.100, 116.175, and 116.180, to read  
3 as follows:

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 name and the address of the person to whom any notices shall be sent under sections 116.140 and  
15 116.180.

116.175. 1. Except as provided in section 116.155, upon receipt from the secretary of  
2 state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the  
3 fiscal impact of the proposed measure. The state auditor may consult with the state departments,  
4 local government entities, the general assembly and others with knowledge pertinent to the cost  
5 of the proposal. Proponents or opponents of any proposed measure may submit to the state  
6 auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner  
7 consistent with the standards of the governmental accounting standards board and section  
8 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days  
9 of his or her receipt of the proposed measure from the secretary of state.

10 2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from  
11 the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for  
12 the proposed measure and forward both to the attorney general.

13 3. The fiscal note and fiscal note summary shall state the measure's estimated cost or  
14 savings, if any, to state or local governmental entities. The fiscal note summary shall contain no  
15 more than fifty words, excluding articles, which shall summarize the fiscal note in language  
16 neither argumentative nor likely to create prejudice either for or against the proposed measure.

17 4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal  
18 note summary, approve the legal content and form of the fiscal note summary prepared by the  
19 state auditor and shall forward notice of such approval to the state auditor.

20 5. If the attorney general or the circuit court of Cole County determines that the fiscal  
21 note or the fiscal note summary does not satisfy the requirements of this section, the fiscal note  
22 and the fiscal note summary shall be returned to the auditor for revision. A fiscal note [or fiscal  
23 note summary] that does not satisfy the requirements of this section also shall not satisfy the  
24 requirements of section 116.180.

116.180. Within three days after receiving the official summary statement the approved  
2 fiscal note summary and the fiscal note relating to any statewide ballot measure, the secretary of  
3 state shall certify the official ballot title in separate paragraphs with the fiscal note summary  
4 immediately following the summary statement of the measure and shall deliver a copy of the  
5 official ballot title and the fiscal note to the speaker of the house or the president pro tem of the  
6 legislative chamber that originated the measure or, in the case of initiative or referendum  
7 petitions, to the person whose name and address are designated under section 116.332. Persons  
8 circulating the petition shall affix the official [ballot title] **summary statement** to each page of  
9 the petition **and may affix the official fiscal note summary to each page of the petition** prior  
10 to circulation [and] . **A court ruling that such fiscal note summary is insufficient or unfair**

11 **shall not affect the counting of signatures on that page. However,** signatures shall not be  
12 counted if the official [ballot title] **summary statement** is not affixed to the page containing  
13 such signatures.

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