

SECOND REGULAR SESSION

# HOUSE BILL NO. 1749

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STORCH (Sponsor), LeVOTA, TALBOY, WEBB, STILL,  
NASHEED, ATKINS, GRILL, SCHUPP, SCHIEFFER AND LAMPE (Co-sponsors).

4540L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 116.080, 116.090, 116.180, 116.332, and 116.334, RSMo, and to enact in lieu thereof seven new sections relating to initiative and referendum petitions, with penalty provisions.

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

Section A. Sections 116.080, 116.090, 116.180, 116.332, and 116.334, RSMo, are  
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 116.075,  
3 116.080, 116.090, 116.180, 116.332, 116.333, and 116.334, to read as follows:

**116.075. No person or organization shall compensate or offer to compensate any  
2 person, nor shall any person or organization receive compensation or agree to receive  
3 compensation, for collecting signatures on an initiative or referendum petition if such  
4 compensation is based on the number of signatures obtained. Nothing in this section shall  
5 prohibit compensation for collection of signatures on an initiative or referendum petition  
6 that is not based on the number of signatures obtained.**

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered  
2 with the secretary of state. **No person shall qualify as a petition circulator who has been  
3 convicted of, or found guilty of, or pled guilty to an offense involving forgery under the  
4 laws of this state, or an offense under the laws of any other jurisdiction if that offense  
5 would be considered forgery under the laws of this state.** Signatures collected by any  
6 circulator who has not registered with the secretary of state pursuant to this chapter on or before  
7 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.

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.

8           2. Each petition circulator shall supply the following information to the secretary of  
9 state's office:

10           (1) Name of petition;

11           (2) Name of circulator;

12           (3) Residential address, including street number, city, state and zip code;

13           (4) Mailing address, if different;

14           (5) Have you been or do you expect to be paid for soliciting signatures for this petition?

15                       ☐ YES                               ☐ NO;

16           (6) If the answer to subdivision (5) is yes, then identify the payor;

17           (7) Signature of circulator.

18           3. The circulator information required in subsection 2 of this section shall be submitted  
19 to the secretary of state's office with the following oath and affirmation:

20           I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL  
21 STATEMENTS MADE BY ME ARE TRUE AND CORRECT, **THAT I HAVE NEVER**  
22 **BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE**  
23 **INVOLVING FORGERY AND THAT I HAVE NOT AND WILL NOT ACCEPT**  
24 **COMPENSATION FOR COLLECTING SIGNATURES BASED ON THE NUMBER OF**  
25 **SIGNATURES I OBTAIN.**

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

31           5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is  
32 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section [560.021,  
33 RSMo,] **560.016** to the contrary, for 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.

          116.090. 1. Any person who **knowingly** signs any name other than his own to any  
2 petition[, or] **shall, upon conviction thereof, be guilty of a class one election offense, as**  
3 **defined in section 115.631.**

4           **2. Any person** who knowingly signs his or her name more than once for the same  
5 measure for the 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, shall, upon conviction thereof,  
7 be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section  
8 [560.021, RSMo,] **560.016** to the contrary, for a term of imprisonment not to exceed one year  
9 in the county jail or a fine not to exceed ten thousand dollars or both.

10           [2.] **3.** Any person who knowingly accepts or offers money or anything of value to  
11 another person in exchange for a signature on a petition is guilty of a class A misdemeanor  
12 punishable, notwithstanding the provisions of section [560.021, RSMo,] **560.016** to the contrary,  
13 for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten  
14 thousand dollars or both.

          116.180. **1.** Within three days after receiving the official summary statement the  
2 approved fiscal note summary and the fiscal note relating to any statewide ballot measure, the  
3 secretary of state shall certify the official ballot title in separate paragraphs with the fiscal note  
4 summary immediately following the summary statement of the measure and shall deliver a copy  
5 of the official ballot title and the fiscal note to the speaker of the house or the president pro tem  
6 of the 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 to each page of the petition prior to  
9 circulation and signatures shall not be counted if the official ballot title is not affixed to the page  
10 containing such signatures.

11           **2. Signatures obtained prior to the date the official ballot title is certified by the**  
12 **secretary of state shall not be counted.**

          116.332. **1.** Before a constitutional amendment petition, a statutory initiative petition,  
2 or a referendum petition may be circulated for signatures, a sample sheet must be submitted to  
3 the secretary of state in the form in which it will be circulated. When a person submits a sample  
4 sheet of a petition he or she shall designate to the secretary of state the name and address of the  
5 person to whom any notices shall be sent pursuant to sections 116.140 and 116.180. The  
6 secretary of state shall refer a copy of the petition sheet to the attorney general for his approval  
7 [and to the state auditor for purposes of preparing a fiscal note and fiscal note summary]. The  
8 secretary of state and attorney general must each review the petition for sufficiency as to form  
9 and approve or reject the form of the petition, stating the reasons for rejection, if any.

10           **2.** Upon receipt of a petition from the office of the secretary of state, the attorney general  
11 shall examine the petition as to form. If the petition is rejected as to form, the attorney general  
12 shall forward his or her comments to the secretary of state within ten days after receipt of the  
13 petition by the attorney general. If the petition is approved as to form, the attorney general shall  
14 forward his or her approval as to form to the secretary of state within ten days after receipt of the  
15 petition by the attorney general.

16           **3.** The secretary of state shall review the comments and statements of the attorney  
17 general as to form and make a final decision as to the approval or rejection of the form of the  
18 petition. The secretary of state shall send written notice to the person who submitted the petition  
19 sheet of the approval within [thirty] **fifteen** days after submission of the petition sheet. The

20 secretary of state shall send written notice if the petition has been rejected, together with reasons  
21 for rejection, within [thirty] **fifteen** days after submission of the petition sheet.

**116.333. 1. If the form of the petition is approved, within forty-five days of the date  
2 notice of the approval of form is sent to the person who submitted the sample petition  
3 sheet, such person shall submit to the secretary of state at least one thousand, but no more  
4 than two thousand, sponsoring signatures of registered voters of the state in support of the  
5 initiative. If such person fails to submit sponsoring signatures under the provisions of this  
6 section, the secretary of state shall send notice that the petition has been rejected.**

7 **2. For the purposes of this section:**

8 **(1) Sponsoring signatures shall be gathered and submitted on pages in the form  
9 that was approved by the secretary of state under section 116.332. Each petition page shall  
10 contain sponsoring signatures of voters from only one county, which shall be designated  
11 in the upper right-hand corner of the page. All pages shall be submitted at one time and  
12 shall be in order and numbered sequentially by county. Sponsoring signatures on pages  
13 that do not comply with these requirements shall not be counted as valid; and**

14 **(2) Each person gathering sponsoring signatures shall meet the requirements of  
15 section 116.080 except that signatures collected by any circulator who has not registered  
16 with the secretary of state under section 116.080 on or before 5:00 p.m. on the day the  
17 sponsoring signatures are submitted to the secretary of state shall not be counted.**

18 **3. Within five days of receipt of sponsoring signature pages under this section, the  
19 secretary of state may send copies of the pages to election authorities to verify that the  
20 persons whose names are listed as sponsoring signers to the petition are registered voters.  
21 Such verification may either be of each signature or by random sampling as provided in  
22 section 116.120, as the secretary of state shall direct. Each election authority shall check  
23 the signatures against voter registration records in the election authority's jurisdiction  
24 under the rules adopted by the secretary of state under subsection 5 of section 116.130.**

25 **4. Such verification shall be completed and certified to the secretary of state not  
26 later than ten business days from the date the election authority receives the sponsoring  
27 signature pages.**

**116.334. 1. If the [petition form is approved,] election authority certifies that at least  
2 one thousand sponsoring signatures have been verified as registered voters, within three  
3 days of receipt of the certification from the election authority the secretary of state shall  
4 notify the person who submitted the sponsoring signatures and refer a copy of the sample  
5 petition to the state auditor for purposes of preparing a fiscal note and fiscal note  
6 summary. Within [ten] twenty days of receipt of such certification, the secretary of state  
7 shall prepare and transmit to the attorney general a summary statement of the measure which**

8 shall be a concise statement not exceeding one hundred words. This statement shall be in the  
9 form of a question using language neither intentionally argumentative nor likely to create  
10 prejudice either for or against the proposed measure. The attorney general shall within ten days  
11 approve the legal content and form of the proposed statement.

12 2. [Signatures obtained prior to the date the official ballot title is certified by the  
13 secretary of state shall not be counted.] **If the election authority certifies that fewer than one**  
14 **thousand sponsoring signatures have been verified as registered voters, within three days**  
15 **of receipt of the certification from the election authority the secretary of state shall notify**  
16 **the person who submitted the signatures that the petition has been rejected.**

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