

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by
2 inserting after all of said Section and Line the following:

3
4 "116.030. The following shall be substantially the form of each page of referendum petitions
5 on any law passed by the general assembly of the state of Missouri: County

6 Page No.

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

12 PETITION FOR REFERENDUM To the Honorable, Secretary of State for the state of
13 Missouri:

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

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

25
26 REGISTERED VOTING NAME DATE ADDRESS ZIP CONGR. NAME
27 (Signature) SIGNED (Street)(City, CODE DIST. (Printed
28 Town or Village) or Typed)

29
30 _____ (Here follow numbered lines for signers)

31
32 _____ signed this page of the foregoing petition, and each of them signed his or her name thereto in

Action Taken _____ Date _____

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

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 initiative 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. INITIATIVE PETITION 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 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. Ballot title goes here. Circulator's Affidavit State Of Missouri, County Of I,, being first duly sworn, say (print or type names of signers) _____

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

Town or Village) or 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)

(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 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered with 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 [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.

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

(1) Name of petition;

(2) Name of circulator;

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

(4) Mailing address, if different;

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

☐ YES ☐ NO;

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

1 (7) Signature of circulator.

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

4 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
5 STATEMENTS MADE BY ME ARE TRUE AND CORRECT].

6 [4.] 2. Each petition circulator shall subscribe and swear to the proper affidavit on each
7 petition page such circulator submits before a notary public commissioned in Missouri. When
8 notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his
9 or her official seal to the affidavit only if the circulator personally appears before the notary and
10 subscribes and swears to the affidavit in his or her presence.

11 [5.] 3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is
12 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 to the
13 contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed
14 ten thousand dollars or both.

15 116.115. Any person who submits a sample sheet to or files an initiative petition with the
16 secretary of state may withdraw the petition upon written notice to the secretary of state. If such
17 notice is submitted to the secretary of state, the proposed petition shall no longer be circulated by any
18 person, committee, or other entity. The secretary of state shall vacate the certification of the official
19 ballot title within three days of receiving notice of the withdrawal.

20 116.153. Within thirty days of issuing certification that the petition contains a sufficient
21 number of valid signatures pursuant to section 116.150, the joint committee on legislative research
22 shall hold a public hearing in Jefferson City to take public comments concerning the proposed
23 measure. Such hearing shall be a public meeting under chapter 610. Within five business days after
24 the end of the public hearing, the joint committee on legislative research shall provide a summary of
25 the hearing to the secretary of state or his or her designee and the secretary of state shall post a copy
26 of the summary on the website of the office of the secretary of state.

27 116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note
28 prepared for a proposed constitutional amendment submitted by the general assembly, by initiative
29 petition, or by constitutional convention, or for a statutory initiative or referendum measure, may
30 bring an action in the circuit court of Cole County. The action must be brought within ten days after
31 the official ballot title is certified by the secretary of state in accordance with the provisions of this
32 chapter.

33 2. The secretary of state shall be named as a party defendant in any action challenging the
34 official ballot title prepared by the secretary of state. When the action challenges the fiscal note or
35 the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party
36 defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the
37 measure and the secretary of state shall be the named party defendants in any action challenging the
38 official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

39 3. The petition shall state the reason or reasons why the summary statement portion of the
40 official ballot title is insufficient or unfair and shall request a different summary statement portion of
41 the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the

1 fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a
2 different fiscal note or fiscal note summary portion of the official ballot title.

3 4. The action shall be placed at the top of the civil docket. Insofar as the action challenges
4 the summary statement portion of the official ballot title, the court shall consider the petition, hear
5 arguments, and in its decision certify the summary statement portion of the official ballot title to the
6 secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion
7 of the official ballot title, the court shall consider the petition, hear arguments, and in its decision,
8 either certify the fiscal note or the fiscal note summary portion of the official ballot title to the
9 secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation
10 of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175.
11 Any party to the suit may appeal to the supreme court within ten days after a circuit court decision.
12 In making the legal notice to election authorities under section 116.240, and for the purposes of
13 section 116.180, the secretary of state shall certify the language which the court certifies to him.

14 5. Any action brought under this section that is not fully and finally adjudicated within one
15 hundred eighty days of filing, including all appeals, shall be extinguished, unless a court extends
16 such period upon a finding of good cause for such extension. Such good cause shall consist only of
17 court-related scheduling issues and shall not include requests for continuance by the parties.

18 116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a
19 referendum petition may be circulated for signatures, a sample sheet must be submitted to the
20 secretary of state in the form in which it will be circulated. When a person submits a sample sheet of
21 a petition he or she shall designate to the secretary of state the name and address of the person to
22 whom any notices shall be sent pursuant to sections 116.140 and 116.180. The secretary of state
23 shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor
24 for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney
25 general must each review the petition for sufficiency as to form and approve or reject the form of the
26 petition, stating the reasons for rejection, if any.

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

34 3. Upon receipt of a petition from the office of the secretary of state, the attorney general
35 shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall
36 forward his or her comments to the secretary of state within ten days after receipt of the petition by
37 the attorney general. If the petition is approved as to form, the attorney general shall forward his or
38 her approval as to form to the secretary of state within ten days after receipt of the petition by the
39 attorney general.

40 [3.] 4. The secretary of state shall review the comments and statements of the attorney
41 general as to form and make a final decision as to the approval or rejection of the form of the

petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within [thirty] fifteen days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within [thirty] fifteen days after submission of the petition sheet.

116.334. 1. If the petition form is approved, the secretary of state shall make a copy of the sample petition available on the secretary of state's website and refer a copy of the sample petition to the state auditor for purposes of preparing a fiscal note summary. For a period of fifteen days after the petition is approved as to form, the secretary of state shall accept public comments regarding the proposed measure and provide copies of such comments upon request. Within [ten] twenty-three days of receipt of such approval, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

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

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

Section B. The provisions of this act are severable. If any provision of this act is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions are valid except to the extent that the court finds the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the will of the people."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.