

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1043
99TH GENERAL ASSEMBLY

2147H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 116.050, 116.080, and 116.332, RSMo, and to enact in lieu thereof three new sections relating to initiative petitions.

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

Section A. Sections 116.050, 116.080, and 116.332, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 116.050, 116.080, and 116.332, to read
3 as follows:

116.050. 1. Initiative and referendum petitions filed under the provisions of this chapter
2 shall consist of pages of a uniform size. Each page, excluding the text of the measure, shall be
3 no larger than eight and one-half by fourteen inches **and the font shall be at least fourteen**
4 **point and in Times New Roman.** Each page of an initiative petition shall be attached to or shall
5 contain a full and correct text of the proposed measure. Each page of a referendum petition shall
6 be attached to or shall contain a full and correct text of the measure on which the referendum is
7 sought.

8 2. **The secretary of state shall collect a filing fee of five hundred dollars for each**
9 **initiative petition filed. Each fee collected under this section shall be placed in a trust fund**
10 **established by the state treasurer and shall be refunded if the initiative petition qualifies**
11 **for the ballot within two years after a summary statement has been prepared by the**
12 **secretary of state under section 116.334. Any fees that are not refunded shall revert to the**
13 **general revenue.**

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

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

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.

17 (2) Include all sections of existing law or of the constitution which would be repealed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

19 (3) Otherwise conform to the provisions of Article III, Section 28 and Article III, Section
20 50 of the Constitution and those of this chapter.

21 **4. Initiative petitions shall be filed no earlier than January thirty-first following a**
22 **general election and no later than nine months prior to the election at which the proposed**
23 **measure is to be submitted for a vote.**

24 **5. Any proponent of an initiative or referendum petition who is unable to deposit**
25 **with the secretary of state the filing fee under subsection 2 of this section shall certify to the**
26 **secretary of state their inability to pay the costs associated with examination and**
27 **verification of signatures and shall receive a waiver of costs.**

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered
2 **to circulate petitions** with the secretary of state. Signatures collected by any circulator who has
3 not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the
4 final day for filing petitions with the secretary of state shall not be counted. A petition circulator
5 shall be deemed registered at the time such circulator delivers a signed circulator's affidavit
6 pursuant to section 116.030, with respect to a referendum petition, or section 116.040, with
7 respect to an initiative petition, to the office of the secretary of state. No person shall qualify as
8 a petition circulator who has been convicted of, found guilty of, or pled guilty to an offense
9 involving forgery under the laws of this state or an offense under the laws of any other
10 jurisdiction if that offense would be considered forgery under the laws of this state.

11 2. Each petition circulator shall subscribe and swear to the proper affidavit on each
12 petition page such circulator submits before a notary public commissioned in Missouri. When
13 notarizing a circulator's signature, a notary public shall sign his or her official signature and affix
14 his or her official seal to the affidavit only if the circulator personally appears before the notary
15 and subscribes and swears to the affidavit in his or her presence.

16 3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is
17 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section ~~[560.021]~~
18 **558.002** to the contrary, for a term of imprisonment not to exceed one year in the county jail or
19 a fine not to exceed ten thousand dollars or both.

20 **4. (1) Each petition circulator who is not paid for the purpose of circulating a**
21 **petition shall display an identification badge while circulating petitions. Such badge shall**
22 **include the words "VOLUNTEER CIRCULATOR" in boldfaced type that is clearly**
23 **legible and the name and state of residence of the volunteer circulator.**

24 **(2) Each petition circulator who is paid for the purpose of circulating a petition**
25 **shall display an identification badge while circulating petitions. Such badge shall include**

26 the words "PAID CIRCULATOR" in boldfaced type that is clearly legible, the name and
27 state of residence of the paid circulator, and the name and telephone number of the
28 individual employing the paid circulator.

29 5. It shall be unlawful for any individual, campaign committee, as that term is
30 defined in section 130.011, or other organization to pay or offer to pay any petition
31 circulator on a basis related to the number of signatures obtained for circulating a petition.

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 and, if a
6 committee or person, except the individual submitting the sample sheet, is funding any portion
7 of the drafting or submitting of the sample sheet, the person submitting the sample sheet shall
8 submit a copy of the filed statement of committee organization required under subsection 5 of
9 section 130.021 showing the date the statement was filed. The secretary of state shall refer a
10 copy of the petition sheet to the attorney general for his approval and to the state auditor for
11 purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney
12 general must each review the petition for sufficiency as to form **and for compliance with the**
13 **Constitution of the United States and the Constitution of Missouri**, and approve or reject ~~the~~
14 ~~form of~~ the petition, stating the reasons for rejection, if any.

15 2. Within two business days of receipt of any such sample sheet, the office of the
16 secretary of state shall conspicuously post on its website the text of the proposed measure, a
17 disclaimer stating that such text may not constitute the full and correct text as required under
18 section 116.050, and the name of the person or organization submitting the sample sheet. The
19 secretary of state's failure to comply with such posting shall be considered a violation of chapter
20 610 and subject to the penalties provided under subsection 3 of section 610.027. The posting
21 shall be removed within three days of either the withdrawal of the petition under section 116.115
22 or the rejection for any reason of the petition.

23 3. Upon receipt of a petition from the office of the secretary of state, the attorney general
24 shall examine the petition as to form **and determine whether it complies with the Constitution**
25 **of the United States and the Constitution of Missouri**. If the petition is rejected ~~[as to form]~~,
26 the attorney general shall forward his or her comments to the secretary of state within ten days
27 after receipt of the petition by the attorney general. If the petition is approved ~~[as to form]~~, the
28 attorney general shall forward his or her approval ~~[as to form]~~ to the secretary of state within ten
29 days after receipt of the petition by the attorney general.

30 4. The secretary of state shall review the comments and statements of the attorney
31 general ~~[as to form]~~ and make a final decision as to the approval or rejection of ~~[the form of]~~ the
32 petition **as to form and constitutionality**. The secretary of state shall send written notice to the
33 person who submitted the petition sheet of the approval within fifteen days after submission of
34 the petition sheet. The secretary of state shall send written notice if the petition has been
35 rejected, together with reasons for rejection, within fifteen days after submission of the petition
36 sheet.

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