

FIRST REGULAR SESSION

HOUSE BILL NO. 834

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

1990H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 116.060, 116.080, and 116.334, RSMo, and to enact in lieu thereof four new sections relating to initiative petitions and referendums.

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

Section A. Sections 116.060, 116.080, and 116.334, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 116.060, 116.080, 116.334, and
3 116.336, to read as follows:

116.060. Any registered voter of the state of Missouri may sign initiative and
2 referendum petitions. However, each page of an initiative or referendum petition shall
3 contain signatures of voters from only one county. Each petition page filed with the secretary
4 of state shall have the county where the signers are registered designated in the upper right-
5 hand corner of such page. Signatures of voters from counties other than the one designated
6 by the circulator in the upper right-hand corner on a given page shall not be counted as valid.
7 **Each voter shall date his or her signature.**

116.080. 1. Each petition circulator shall be at least eighteen years of age and
2 registered with the secretary of state. Signatures collected by any circulator who has not
3 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
5 circulator shall be deemed registered at the time such circulator delivers a signed circulator's
6 affidavit pursuant to section 116.030, with respect to a referendum petition, or section
7 116.040, with respect to an initiative petition, to the office of the secretary of state. No person
8 shall qualify as a petition circulator who has been convicted of, found guilty of, or pled guilty

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.

9 to an offense involving forgery under the laws of this state or an offense under the laws of any
10 other 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.
13 When notarizing a circulator's signature, a notary public shall sign his or her official signature
14 and affix his or her official seal to the affidavit only if the circulator personally appears before
15 the notary 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
18 ~~[560.021]~~ **558.002** to the contrary, for a term of imprisonment not to exceed one year in the
19 county jail or a fine not to exceed ten thousand dollars or both.

20 **4. Each petition circulator shall have the full text of the measure available for**
21 **any voter who requests it. A petition circulator shall also provide copies of or read**
22 **aloud the secretary of state's fact sheet required under section 116.336 before allowing**
23 **an individual to sign a petition. If a petition circulator fails to comply with the**
24 **provisions of this subsection, the secretary of state shall, upon proof of such violation,**
25 **invalidate all signatures collected by the petition circulator on the date on which the**
26 **violation occurred.**

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

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

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

116.336. Within thirty days after the expiration of the comment period described
2 **in section 116.334, the secretary of state shall use the public comments and information**
3 **provided by the person submitting the initiative petition to create a petition fact sheet.**

4 **The fact sheet shall contain, at a minimum, a summary of the measure and public**
5 **comments from both proponents and opponents of the measure. The fact sheet shall be**
6 **made available on the secretary of state's website and shall be handed out or read aloud**
7 **by circulators before obtaining an individual's signature.**

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