

HCS HB 1749 -- INITIATIVE PETITIONS AND REFERENDUMS

SPONSOR: Haffner

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections and Elected Officials by a vote of 12 to 5. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 3.

The following is a summary of the House Committee Substitute for HB 1749.

This bill requires initiative and referendum petition signature pages to be printed on a form as specified by the Secretary of State. Signature page forms shall be made available in electronic format.

No measure circulating by petition shall claim to nullify or amend Federal law.

Signatures shall be recorded using black or dark ink.

This bill requires that petition circulators be citizens of the United States, residents of Missouri or physically present in Missouri for at least 30 consecutive days prior to the collection of signatures, and prohibits them from being compensated based on the number of signatures collected.

The bill requires final adjudication relating to a challenge of the official ballot title or fiscal note to occur less than eight weeks before the date of the election.

Currently, the Secretary of State and Attorney General review initiative and referendum petitions for sufficiency as to form and approve or reject them on that basis. This bill changes this to require these officials to review initiative and referendum petitions for compliance with Section 116.050, RSMo and with Article III of the Missouri Constitution.

Currently, any citizen may challenge the official ballot title or fiscal note for a Constitutional amendment, initiative petition, or referendum measure. This bill changes this to only allow any Missouri registered voter to make such a challenge.

This bill requires initiative and referendum petition sample sheets to be submitted to the Secretary of State six months prior to the next general election.

If a court orders a change that substantially alters the content of the official ballot title of an initiative or referendum petition, all signatures gathered before such change occurred shall be invalidated.

This bill repeals the requirement that the Joint Committee on Legislative Research hold a hearing to take public comment on a proposed measure within 30 days of the Secretary of State issuing certification that the petition contains a sufficient number of valid signatures.

This bill is similar to HB 703 (2023).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPOSERS:** Supporters say that these changes would help standardize the process of approving initiative petitions and increase efficiency for the State offices tasked with verifying them. Many of the font, formatting, and signature changes are necessary to allow scanners to verify petitions properly. These changes were carefully written to avoid legal challenges and comport with judicial precedent. New restrictions on who is allowed to gather signatures will bring more integrity to the process as a whole.

Testifying in person for the bill were Representative Haffner; Missouri Farm Bureau; Opportunity Solutions Project; and Trish Vincent, Missouri Secretary of State.

**OPPOSERS:** Those who oppose the bill say that these are superfluous measures intended to lengthen the time it takes to get an initiative petition approved and thus make it harder to get one on the ballot. Many of the provisions of this bill have already been ruled unconstitutional. Other provisions are fully consistent with existing Federal law and thus unnecessary. Partisan politicians will become gatekeepers to the process of approving initiative petitions. These factors will undermine the ability of citizens to petition their government.

Testifying in person against the bill were Political Director; Denise Lieberman, Missouri Voter Protection Coalition; Kevin Fitzgerald; Peter Schneeberger; Rev. Douglas Smith; Abortion Action Missouri (Formerly Pro Choice Missouri); Advocates of Planned Parenthood of the St. Louis Region and Southwest Missouri; American Civil Liberties Union of Missouri; Jobs With Justice Voter Action; and Missouri Realtors.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.