

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 152, Page 5, Section
2 115.1630, Line 94, by inserting after 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 _____

Page No. _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section [~~560.021~~] 558.002, 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 referendum 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.

PETITION FOR REFERENDUM

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 Senate (or House) Bill No. _____ entitled (title of law), passed by the _____ general assembly of the state of Missouri, at the _____ regular (or special) session of the _____ general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the _____ day of _____, _____, unless the general assembly shall designate another date, 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.

(Official Ballot title) _____

Action Taken _____ Date _____

CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of _____

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

	REGISTERED	CONG	
NAME	VOTING	R.	NAME
DATE	ADDRESS	DIST.	
SIGNED			
(Signature)	(Street) (City,		(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 have met the qualifications of section 116.080 and 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 _____

1
2
3
4
5
6

If this form is followed substantially and the requirements of ~~[section]~~ sections 116.045, 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 _____

(Optional) Page No. _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section ~~[560.021]~~ 558.002, 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.

(Official Ballot title) _____

CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of _____

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

		REGISTERED		CONG	
	DATE	VOTING	ZIP	R.	
NAME	SIGNED	ADDRESS	CODE	DIST.	NAME
(Signature)		(Street) (City,			(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 have met the qualifications of section 116.080 and 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 _____

1
2 If this form is followed substantially and the requirements of ~~[section]~~ sections 116.045, 116.050,
3 and ~~[section]~~ 116.080 are met, it shall be sufficient, disregarding clerical and merely technical
4 errors.

5 116.045. Initiative petition and referendum petition signature pages shall be printed on a
6 form as prescribed by the secretary of state that shall include all of the information and statements
7 required by section 116.030 or 116.040, as applicable, and comply with section 116.050. The form
8 shall be made available in electronic format to be used for printing petitions for circulating.

9 116.050. 1. Initiative and referendum petitions filed under the provisions of this chapter
10 shall consist of pages of a uniform size. Each page, excluding the text of the measure, shall be no
11 larger than eight and one-half by fourteen inches. The text of the proposed measure shall be in a
12 font that is not smaller than twelve-point Times New Roman and have a top, bottom, left, and right
13 margin of not less than one inch. Page numbers may appear in the bottom margin. Each page of an
14 initiative petition shall be attached to or shall contain a full and correct text of the proposed
15 measure. Each page of a referendum petition shall be attached to or shall contain a full and correct
16 text of the measure on which the referendum is sought.

17 2. The full and correct text of all initiative and referendum petition measures shall:

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

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

22 (3) Otherwise conform to the provisions of ~~[Article III, Section 28 and]~~ Article III, ~~[Section]~~
23 Sections 28, 49, 50, 51, and 52(a) of the Constitution of Missouri and those of this chapter.

24 116.080. 1. Each petition circulator shall be a citizen of the United States, [at least]
25 eighteen years of age or older, a resident of this state or physically present in this state for at least
26 thirty consecutive days prior to the collection of signatures, and registered with the secretary of
27 state. No petition circulator shall be paid anything of value that is based on the number of
28 signatures collected. Signatures collected by any circulator who has not registered with the
29 secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions
30 with the secretary of state shall not be counted. A petition circulator shall be deemed registered at
31 the time such circulator delivers a signed circulator's affidavit pursuant to section 116.030, with
32 respect to a referendum petition, or section 116.040, with respect to an initiative petition, to the
33 office of the secretary of state. No person shall qualify as a petition circulator who has been
34 convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this
35 state or an offense under the laws of any other jurisdiction if that offense would be considered
36 forgery under the laws of this state.

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

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

10 116.090. 1. Any person who commits any of the following actions is guilty of the crime of
11 petition signature fraud:

12 (1) Signs any name other than his or her own to any petition, or who knowingly signs his or
13 her name more than once for the same measure for the same election, or who knows he or she is not
14 at the time of signing or circulating the same a Missouri registered voter and a resident of this state;
15 or

16 (2) Intentionally submits petition signature sheets with the knowledge that the person whose
17 name appears on the signature sheet did not actually sign the petition; or

18 (3) Causes a voter to sign a petition other than the one the voter intended to sign; or

19 (4) Forges or falsifies signatures; or

20 (5) Knowingly accepts or offers money or anything of value to another person in exchange
21 for a signature on a petition.

22 2. Any person who knowingly causes a petition circulator's signatures to be submitted for
23 counting, and who either knows that such circulator has violated subsection 1 of this section or, after
24 receiving notice of facts indicating that such person may have violated subsection 1 of this section,
25 causes the signatures to be submitted with reckless indifference as to whether such circulator has
26 complied with subsection 1 of this section, shall also be deemed to have committed the crime of
27 petition signature fraud.

28 3. A person who violates subsection 1 or 2 of this section, shall, upon conviction thereof, be
29 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section [~~560.021~~]
30 558.002 to the contrary, by a term of imprisonment not to exceed one year in the county jail or a fine
31 not to exceed ten thousand dollars or both.

32 4. Any person employed by or serving as an election authority, that has reasonable cause to
33 suspect a person has committed petition signature fraud, shall immediately report or cause a report
34 to be made to the appropriate prosecuting authorities. Failure to so report or cause a report to be
35 made shall be a class A misdemeanor.

36 116.110. Any voter who has signed an initiative or referendum petition may withdraw his or
37 her signature from that petition by submitting to the secretary of state, before the petition is filed
38 with the secretary of state, a sworn statement requesting that his or her signature be withdrawn and
39 affirming the name of the petition signed, the name the voter used when signing the petition, the

1 address of the voter and the county of residence. It is a class A misdemeanor punishable,
2 notwithstanding the provisions of section [~~560.024~~] 558.002 to the contrary, for a term of
3 imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars
4 or both, to knowingly file a false withdrawal statement with the secretary of state.

5 116.130. 1. The secretary of state may send copies of petition pages to election authorities
6 to verify that the persons whose names are listed as signers to the petition are registered voters.
7 Such verification may either be of each signature or by random sampling as provided in section
8 116.120, as the secretary shall direct. If copies of the petition pages are sent to an election authority
9 for verification, such copies shall be sent pursuant to the following schedule:

10 (1) Copies of all pages from not less than one petition shall be received in the office of the
11 election authority not later than two weeks after the petition is filed in the office of secretary of
12 state;

13 (2) Copies of all pages of a total of three petitions shall be received in the office of the
14 election authority not later than three weeks after the petition is filed in the office of the secretary of
15 state;

16 (3) If more than three petitions are filed, all copies of petition pages, including those
17 petitions selected for verification by random sample pursuant to section 116.120, shall be received
18 in the office of the election authority not later than the fourth week after the petition is filed in the
19 office of the secretary of state.

20
21 Each election authority shall check the signatures against voter registration records in the election
22 authority's jurisdiction, but the election authority shall count as valid only the signatures of persons
23 registered as voters in the county named in the circulator's affidavit. Signatures shall not be counted
24 as valid if they have been struck through or crossed out. Signatures shall be recorded using a black
25 or dark ink.

26 2. If the election authority is requested to verify the petition by random sampling, such
27 verification shall be completed and certified not later than thirty days from the date that the election
28 authority receives the petition from the secretary of state. If the election authority is to verify each
29 signature, such verification [~~must~~] shall be completed, certified and delivered to the secretary of
30 state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event of complete
31 verification of signatures after a failed random sample, full verification shall be completed, certified
32 and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on
33 the Friday of the fifth week after receipt of the signatures by the local election authority, whichever
34 is later.

35 3. If the election authority or the secretary of state determines that the congressional district
36 number written after the signature of any voter is not the congressional district of which the voter is
37 a resident, the election authority or the secretary of state shall correct the congressional district
38 number on the petition page. Failure of a voter to give the voter's correct congressional district
39 number shall not by itself be grounds for not counting the voter's signature.

1 4. The election authority shall return the copies of the petition pages to the secretary of state
2 with annotations regarding any invalid or questionable signatures which the election authority has
3 been asked to check by the secretary of state. The election authority shall verify the number of
4 pages received for that county, and also certify the total number of valid signatures of voters from
5 each congressional district which the election authority has been asked to check by the secretary of
6 state.

7 5. The secretary of state is authorized to adopt rules to ensure uniform, complete, and
8 accurate checking of petition signatures either by actual count or random sampling. No rule or
9 portion of a rule promulgated pursuant to this section shall become effective unless it has been
10 promulgated pursuant to the provisions of chapter 536.

11 6. After a period of three years from the time of submission of the petitions to the secretary
12 of state, the secretary of state, if the secretary determines that retention of such petitions is no longer
13 necessary, may destroy such petitions.

14 116.190. 1. Any ~~citizen~~ Missouri registered voter who wishes to challenge the official
15 ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the
16 general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative
17 or referendum measure, may bring an action in the circuit court of Cole County. The action must be
18 brought within ten days after the official ballot title is certified by the secretary of state in
19 accordance with the provisions of this chapter.

20 2. The secretary of state shall be named as a party defendant in any action challenging the
21 official ballot title prepared by the secretary of state. When the action challenges the fiscal note or
22 the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party
23 defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the
24 measure and the secretary of state shall be the named party defendants in any action challenging the
25 official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

26 3. The petition shall state the reason or reasons why the summary statement portion of the
27 official ballot title is insufficient or unfair and shall request a different summary statement portion of
28 the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the
29 fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a
30 different fiscal note or fiscal note summary portion of the official ballot title.

31 4. The action shall be placed at the top of the civil docket. Insofar as the action challenges
32 the summary statement portion of the official ballot title, the court shall consider the petition, hear
33 arguments, and in its decision certify the summary statement portion of the official ballot title to the
34 secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion
35 of the official ballot title, the court shall consider the petition, hear arguments, and in its decision,
36 either certify the fiscal note or the fiscal note summary portion of the official ballot title to the
37 secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation
38 of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175.
39 Any party ~~[to the suit]~~ may appeal ~~[to the supreme court]~~ within ten days after ~~[a circuit court]~~

1 ~~decision]~~ the entry of the judgment by the circuit court. In making the legal notice to election
 2 authorities under section 116.240, and for the purposes of section 116.180, the secretary of state
 3 shall certify the language which the court certifies to him.

4 5. Any action brought under this section that is not fully and finally adjudicated within one
 5 hundred eighty days of filing, and more than fifty-six days prior to the election in which the measure
 6 is to appear, including all appeals, shall be extinguished, unless a court, before the expiration of the
 7 foregoing periods, extends such period upon [a] an express finding of good cause for such
 8 extension, but no extension shall cause the final adjudication to occur less than eight weeks before
 9 the date of the election. Such good cause shall consist only of court-related scheduling issues and
 10 shall not include requests for continuance by the parties. No court, including any appellate court,
 11 shall have the authority to issue any form of relief after the expiration of the foregoing periods.

12 116.200. 1. After the secretary of state certifies a petition as sufficient or insufficient, any
 13 ~~[citizen]~~ Missouri registered voter may apply to the circuit court of Cole County to compel ~~[him]~~ the
 14 secretary of state to reverse his or her decision. The action must be brought within ten days after the
 15 certification is made. All such suits shall be advanced on the court docket and heard and decided by
 16 the court as quickly as possible.

17 2. If the court decides the petition is sufficient, the secretary of state shall certify it as
 18 sufficient and attach a copy of the judgment. If the court decides the petition is insufficient, the
 19 court shall enjoin the secretary of state from certifying the measure and all other officers from
 20 printing the measure on the ballot.

21 3. Any party may appeal within ten days after ~~[a decision is rendered, any party may appeal~~
 22 ~~it to the supreme court]~~ the entry of the judgment by the circuit court.

23 116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a
 24 referendum petition may be circulated for signatures, a sample sheet ~~[must]~~ shall be submitted to the
 25 secretary of state in the form in which it will be circulated. Sample sheets may be submitted to the
 26 secretary of state any time after a general election until six months prior to the next general election.
 27 When a person submits a sample sheet of a petition he or she shall designate to the secretary of state
 28 the name and address of the person to whom any notices shall be sent pursuant to sections 116.140
 29 and 116.180 and, if a committee or person, except the individual submitting the sample sheet, is
 30 funding any portion of the drafting or submitting of the sample sheet, the person submitting the
 31 sample sheet shall submit a copy of the filed statement of committee organization required under
 32 subsection 5 of section 130.021 showing the date the statement was filed. The secretary of state
 33 shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor
 34 for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney
 35 general ~~[must]~~ shall each review the petition for ~~[sufficiency as to form]~~ compliance with section
 36 116.050 and Article III, Sections 28, 49, 50, 51, and 52(a) of the Constitution of Missouri and
 37 approve or reject the form of the petition, stating the reasons for rejection, if any.

38 2. Within two business days of receipt of any such sample sheet, the office of the secretary
 39 of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating

1 that such text may not constitute the full and correct text as required under section 116.050, and the
 2 name of the person or organization submitting the sample sheet. The secretary of state's failure to
 3 comply with such posting shall be considered a violation of chapter 610 and subject to the penalties
 4 provided under subsection 3 of section 610.027. The posting shall be removed within three days of
 5 either the withdrawal of the petition under section 116.115 or the rejection for any reason of the
 6 petition.

7 3. Upon receipt of a petition from the office of the secretary of state, the attorney general
 8 shall examine the petition ~~[as to form]~~ and determine whether it complies with section 116.050 and
 9 Article III, Sections 28, 49, 50, 51, and 52(a) of the Constitution of Missouri. If the petition is
 10 rejected ~~[as to form]~~, the attorney general shall forward his or her comments to the secretary of state
 11 within ten days after receipt of the petition by the attorney general. If the petition is approved ~~[as to~~
 12 ~~form]~~, the attorney general shall forward his or her approval ~~[as to form]~~ to the secretary of state
 13 within ten days after receipt of the petition by the attorney general.

14 4. The secretary of state shall review the comments and statements of the attorney general
 15 ~~[as to form]~~ and make a final decision as to the approval or rejection ~~[of the form]~~ of the petition.
 16 The secretary of state shall send written notice to the person who submitted the petition sheet of the
 17 approval within fifteen days after submission of the petition sheet. The secretary of state shall send
 18 written notice if the petition has been rejected, together with reasons for rejection, within fifteen
 19 days after submission of the petition sheet.

20 116.334. 1. If the petition ~~[form]~~ is approved under section 116.332, the secretary of state
 21 shall make a copy of the sample petition available on the secretary of state's website. For a period
 22 of fifteen days after the petition is approved ~~[as to form]~~ under section 116.332, the secretary of state
 23 shall accept public comments regarding the proposed measure and provide copies of such comments
 24 upon request. Within twenty-three days of receipt of such approval, the secretary of state shall
 25 prepare and transmit to the attorney general a summary statement of the measure which shall be a
 26 concise statement not exceeding one hundred words. This statement shall ~~[be in the form of a~~
 27 ~~question using]~~ use language neither intentionally argumentative nor likely to create prejudice either
 28 for or against the proposed measure. The attorney general shall within ten days approve the legal
 29 content and form of the proposed statement.

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

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

36
 37 Further amend said bill, Page 11, Section 130.188, Line 72, by inserting after said section and line
 38 the following:

39

1 ~~"[116.153. Within thirty days of issuing certification that the petition contains a sufficient~~
2 ~~number of valid signatures pursuant to section 116.150, the joint committee on legislative research~~
3 ~~shall hold a public hearing in Jefferson City to take public comments concerning the proposed~~
4 ~~measure. Such hearing shall be a public meeting under chapter 610. Within five business days after~~
5 ~~the end of the public hearing, the joint committee on legislative research shall provide a summary of~~
6 ~~the hearing to the secretary of state or his or her designee and the secretary of state shall post a copy~~
7 ~~of the summary on the website of the office of the secretary of state.]"; and~~

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.