

SECOND REGULAR SESSION

HOUSE BILL NO. 2707

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HRUZA.

4395H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 116.332, RSMo, and to enact in lieu thereof one new section relating to review of initiative petitions by the attorney general.

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

Section A. Section 116.332, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 116.332, to read as follows:

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180 and, if a committee or person, except the individual submitting the sample sheet, is funding any portion of the drafting or submitting of the sample sheet, the person submitting the sample sheet shall submit a copy of the filed statement of committee organization required under subsection 5 of section 130.021 showing the date the statement was filed. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

2. Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that such text may not constitute the full and correct text as required under

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.

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
20 chapter 610 and subject to the penalties provided under subsection 3 of section 610.027. The
21 posting shall be removed within three days of either the withdrawal of the petition under
22 section 116.115 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
24 general shall examine the petition as to form **and for compliance with the Constitution of**
25 **Missouri and applicable statutes.**

26 (1) If the petition is rejected as to form, the attorney general shall forward his or her
27 comments to the secretary of state within ten days after receipt of the petition by the attorney
28 general. If the petition is approved as to form, the attorney general shall forward his or her
29 approval as to form to the secretary of state within ten days after receipt of the petition by the
30 attorney general.

31 (2) **If the petition is not compliant with the Constitution of Missouri and**
32 **applicable statutes, the attorney general shall return the petition to the secretary of state**
33 **within ten days after receipt of the petition by the attorney general and include a written**
34 **description of the conflicts. If the petition is compliant with the Constitution of Missouri**
35 **and applicable statutes, the attorney general shall forward his or her approval within**
36 **ten days after receipt of the petition by the attorney general.**

37 4. The secretary of state shall review the comments and statements of the attorney
38 general as to form and make a final decision as to the approval or rejection of the form of the
39 petition. The secretary of state shall send written notice to the person who submitted the
40 petition sheet of the approval within fifteen days after submission of the petition sheet. The
41 secretary of state shall send written notice if the petition has been rejected, together with
42 reasons for rejection, within fifteen days after submission of the petition sheet.

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