

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5
100TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, February 28, 2019, with recommendation that the Senate Committee Substitute do pass.

0316S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 116.030, 116.040, 116.050, 116.060, 116.080, 116.090, 116.100, 116.110, 116.120, 116.130, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof seventeen new sections relating to the petition process for amending the law, with penalty provisions and an emergency clause.

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

Section A. Sections 116.030, 116.040, 116.050, 116.060, 116.080, 116.090, 2 116.100, 116.110, 116.120, 116.130, 116.160, 116.230, 116.270, 116.332, and 3 116.334, RSMo, are repealed and seventeen new sections enacted in lieu thereof, 4 to be known as sections 116.030, 116.040, 116.045, 116.050, 116.060, 116.080, 5 116.090, 116.100, 116.110, 116.120, 116.130, 116.160, 116.230, 116.270, 116.275, 6 116.332, and 116.334, to read as follows:

116.030. [The following shall be substantially the form of each page of]

2 **1. Signature sheets for** referendum petitions on any law passed by the
3 general assembly of the state of Missouri[:

4 County _____

5 Page No. _____

6 It is a class A misdemeanor punishable, notwithstanding the
7 provisions of section 560.021, RSMo, to the contrary, for a term of
8 imprisonment not to exceed one year in the county jail or a fine not
9 to exceed ten thousand dollars or both, for anyone to sign any
10 referendum petition with any name other than his or her own, or
11 knowingly to sign his or her name more than once for the same

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 measure for the same election, or to sign a petition when such
 13 person knows he or she is not a registered voter.] **shall, in the**
 14 **upper right-hand corner of the front of the sheet, contain**
 15 **spaces for the congressional district, the election**
 16 **authority, and page numbering.**

17 **2. Above the signature section, the signature sheet shall state:**

18 PETITION FOR REFERENDUM

19 (Official ballot title) _____

20 To the Honorable _____, Secretary of State for the state of
 21 Missouri:

22 We, the undersigned, registered voters of the state of Missouri [and
 23 _____ County (or City of St. Louis)], respectfully order that the
 24 Senate (or House) Bill No. _____ entitled (title of law), passed by
 25 the _____ general assembly of the state of Missouri, at the _____
 26 regular (or special) session of the _____ general assembly, shall be
 27 referred to the voters of the state of Missouri, for their approval or
 28 rejection, at the general election to be held on the _____ day of
 29 _____, _____, unless the general assembly shall designate another
 30 date, and each for himself or herself says: I have personally signed
 31 this petition; I am a registered voter of the state of Missouri [and
 32 _____ County (or City of St. Louis)] **(election authority)**; my
 33 registered voting address and the name of the city, town or village
 34 in which I live are correctly written after my name.

35 [(Official Ballot title) _____]

36 **Warning: It is a class A misdemeanor, punishable,**
 37 **notwithstanding the provisions of 558.002, RSMo, to the**
 38 **contrary, for a term of imprisonment not to exceed one**
 39 **year in the county jail, a fine not to exceed ten thousand**
 40 **dollars, or both, for anyone to sign any referendum**
 41 **petition with any name other than his or her own, or to**
 42 **knowingly sign his or her name more than once for the**
 43 **same measure for the same election, or to sign a petition**
 44 **if the person knows he or she is not a registered voter.**

45 **3. The section for signatures shall consist of numbered lines**
 46 **containing space for the following, in an order prescribed by the**
 47 **secretary of state:**

- 48 (1) Signature;
- 49 (2) Printed name, including first name, middle initial, and last
- 50 name;
- 51 (3) Registered voting address, including street number and name,
- 52 city, town, or village, and zip code; and
- 53 (4) Date signed.
- 54 4. Below the signature section, the back of the page, or the face
- 55 of the next page, the signature sheet shall state, in substantially the
- 56 following form:

CIRCULATOR'S AFFIDAVIT

57 State Of Missouri,
 58 County and/or City Of _____

59 [I, _____, being first duly sworn, say (print or type names of
 60 signers)
 61

REGISTERED

62		DATE	VOTING	ZIP	CONGR.	
63						
64	NAME	SIGNED	ADDRESS	CODE	DIST.	NAME
65	(Signature)		(Street)(City,			(Printed or
66			Town or Village)			Typed)

67 (Here follow numbered lines for signers)]

68 **I do solemnly swear or affirm under penalty of perjury:**
 69 **that I am at least eighteen years of age; that each person**
 70 **signed this [page] sheet of the foregoing petition, and each of them**
 71 **signed his or her name thereto in my presence; I believe that each**
 72 **has stated his or her name, registered voting address and city,**
 73 **town or village correctly, and that each signer is a registered voter**
 74 **of the state of Missouri [and _____ County. FURTHERMORE, I**
 75 **HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY**
 76 **THAT ALL STATEMENTS MADE BY ME ARE TRUE AND**
 77 **CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF,**
 78 **FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE**
 79 **INVOLVING FORGERY]; and I have never been convicted of,**
 80 **found guilty of, or pled guilty to any offense involving**
 81 **perjury.**

82 [I am at least 18 years of age.] I do _____ do not _____
 83 (check one) expect to be paid for circulating this petition. If paid,

84 list the payer _____

85

86

Signature of [Affiant] **Circulator**

87

(Person obtaining signatures)

88

89

(Printed Name of [Affiant] **Circulator**)

90

91

Address of [Affiant] **Circulator**

92

Subscribed and sworn to before me this _____ day of _____, A.D.

93

94

95

Signature of Notary

96

Address of Notary

97

Notary Public (Seal)

98

[My commission expires _____]

99

100 **5.** If this form is followed substantially and the requirements of [section]
101 **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
2 each petition] **1. Signature sheets** for any law or amendment to the
3 Constitution of the state of Missouri proposed by the initiative[:

4

County _____

5

Page No. _____

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It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, 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.] **shall, in the upper right-hand corner of the front of the sheet, contain spaces for the congressional district, election authority, and page numbering.**

2. Above the signature section, the signature sheet shall state:

INITIATIVE PETITION

19 (Official Ballot title) _____

20 To the Honorable _____, Secretary of State for the state of
21 Missouri:

22 We, the undersigned, registered voters of the state of Missouri [and
23 _____ County (or City of St. Louis)], respectfully order that the
24 following proposed law (or amendment to the constitution) shall be
25 submitted to the voters of the state of Missouri, for their approval
26 or rejection, at the general election to be held on the _____ day of
27 _____, _____, and each for himself or herself says: I have
28 personally signed this petition; I am a registered voter of the state
29 of Missouri [and _____ County (or City of St. Louis)] (**election
30 authority**); my registered voting address and the name of the city,
31 town or village in which I live are correctly written after my name.

32 [(Official Ballot title) _____]

33 **Warning: It is a class A misdemeanor, punishable,**
34 **notwithstanding the provisions of 558.002, RSMo, to the**
35 **contrary, for a term of imprisonment not to exceed one**
36 **year in the county jail, a fine not to exceed ten thousand**
37 **dollars, or both, for anyone to sign any referendum**
38 **petition with any name other than his or her own, or to**
39 **knowingly sign his or her name more than once for the**
40 **same measure for the same election, or to sign a petition**
41 **if the person knows he or she is not a registered voter.**

42 **3. The section for signatures shall consist of numbered lines**
43 **containing space for the following, in an order prescribed by the**
44 **secretary of state:**

45 (1) Signature;

46 (2) Printed name, including first name, middle initial, and last
47 name;

48 (3) Registered voting address, including street number and name,
49 city, town, or village, zip code; and

50 (4) Date signed.

51 **4. Below the signature section, the back of the page, or the front**
52 **of the next page, the signature sheet shall state, in substantially the**
53 **following form:**

54 CIRCULATOR'S AFFIDAVIT

55 State Of Missouri,
56 County **and/or City** Of _____

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

59 REGISTERED

60	DATE	VOTING	ZIP	CONGR.	
61	NAME	SIGNED	ADDRESS	CODE	DIST. NAME
62	(Signature)		(Street)(City,		(Printed or
63			Town or Village)		Typed)

64 (Here follow numbered lines for signers)]

65 **I do solemnly swear or affirm under penalty of perjury:**
66 **that I am at least eighteen years of age; that each person**
67 signed this [page] sheet of the foregoing petition, and each of them
68 signed his or her name thereto in my presence; I believe that each
69 has stated his or her name, registered voting address and city,
70 town or village correctly, and that each signer is a registered voter
71 of the state of Missouri [and _____ County.

72 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER
73 PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY
74 ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER
75 BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY
76 TO ANY OFFENSE INVOLVING FORGERY]; **and I have never**
77 **been convicted of, found guilty of, or pled guilty to any**
78 **offense involving perjury.**

79 [I am at least 18 years of age.] I do _____ do not _____ (check
80 one) expect to be paid for circulating this petition. If paid, list the
81 payer _____

82 _____
83 Signature of [Affiant] **Circulator**
84 (Person obtaining signatures)
85 _____
86 (Printed Name of [Affiant] **Circulator**)

87 _____
88 Address of [Affiant] **Circulator**

89 Subscribed and sworn to before me this _____ day of _____, A.D.
90 _____

91

92

Signature of Notary

93

Address of Notary

94

Notary Public (Seal)

95

[My commission expires _____]

96

97 **5.** If this form is followed substantially and the requirements of [section]
 98 **sections 116.045, 116.050, and [section] 116.080** are met, it shall be sufficient,
 disregarding clerical and merely technical errors.

116.045. Initiative and referendum petition signature sheets shall
 2 **be printed on a form as prescribed by the secretary of state, which**
 3 **shall include all of the information and statements set forth in section**
 4 **116.030 or 116.040, as applicable, and comply with section 116.050. The**
 5 **form shall be made available in electronic format for printing and**
 6 **circulating petitions.**

116.050. 1. Initiative and referendum petitions filed under the provisions
 2 of this chapter shall consist of pages of a uniform size. Each page, excluding the
 3 text of the measure, shall be no larger than eight and one-half by fourteen
 4 inches. **The text of the measure shall be double-spaced, in font no**
 5 **smaller than twelve point Times New Roman, and have a top, bottom,**
 6 **left, and right margin of no less than one inch. Page numbers may**
 7 **appear in the bottom margin.** Each [page] signature sheet of an initiative
 8 petition shall be attached to or shall contain a full and correct text of the
 9 proposed measure. Each [page] signature sheet of a referendum petition shall
 10 be attached to or shall contain a full and correct text of the measure on which the
 11 referendum is sought.

2. **The secretary of state shall collect an initiative and**
 13 **referendum petition filing fee of five hundred dollars for each petition**
 14 **sample sheet filed. An additional filing fee of twenty-five dollars shall**
 15 **be collected for each page of text of the measure in excess of ten**
 16 **pages. The filing fee shall be deposited in the state treasury and**
 17 **credited to the secretary of state's petition publications fund**
 18 **established under section 116.270. The filing fee shall be refunded from**
 19 **the fund to the person designated as the recipient of notices pursuant**
 20 **to section 116.332 if the initiative or referendum petition is certified**
 21 **pursuant to section 116.150. The secretary of state shall reject any**
 22 **petition sample sheet that is not accompanied by the required fee.**

23 **3.** The full and correct text of all initiative and referendum petition
24 measures shall:

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

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

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

31 **4. The full and correct text of all initiative petition measures**
32 **shall not purport to:**

33 **(1) Declare any federal statute, regulation, executive order, or**
34 **court decision to be void or in violation of the United States**
35 **Constitution;**

36 **(2) Amend any federal law or the United States Constitution; or**

37 **(3) Accomplish an act that the United States Constitution**
38 **requires to be accomplished by the general assembly.**

116.060. Any registered voter of the state of Missouri may sign initiative
2 and referendum petitions. However, each [page] **signature sheet** of an
3 initiative or referendum petition shall contain signatures of voters from only one
4 [county] **election authority and one congressional district**. Each petition
5 [page] **signature sheet** filed with the secretary of state shall have the [county]
6 **election authority and congressional district** where the signers are
7 registered designated in the upper right-hand corner of [such page] **the front of**
8 **each sheet**. Signatures of voters from [counties] **election authorities** other
9 than the one designated by the circulator in the upper right-hand corner on **the**
10 **front of** a given [page] **sheet** shall not be counted as valid. **Signatures of**
11 **voters from congressional districts other than the one designated by**
12 **the circulator in the upper right-hand corner on the front page of a**
13 **given sheet shall not be counted as valid.**

116.080. 1. Each petition circulator shall be at least eighteen years of age
2 [and registered with the secretary of state. Signatures collected by any circulator
3 who has not registered with the secretary of state pursuant to this chapter on or
4 before 5:00 p.m. on the final day for filing petitions with the secretary of state
5 shall not be counted]. A petition circulator shall [be deemed registered at the
6 time such circulator delivers a signed] **fully complete and sign a circulator's**
7 affidavit pursuant to section 116.030, with respect to a referendum petition, or

8 section 116.040, with respect to an initiative petition, **on every signature sheet**
9 **delivered** to the office of the secretary of state. No person shall qualify as a
10 petition circulator who has been convicted of, found guilty of, or pled guilty to an
11 offense involving forgery under the laws of this state or an offense under the laws
12 of any other jurisdiction if that offense would be considered forgery under the
13 laws of this state.

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

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

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

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

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

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

12 (4) Forges or falsifies signatures; or

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

15 2. Any person who knowingly causes a petition circulator's signatures to
16 be submitted for counting, and who either knows that such circulator has violated
17 subsection 1 of this section or, after receiving notice of facts indicating that such
18 person may have violated subsection 1 of this section, causes the signatures to be
19 submitted with reckless indifference as to whether such circulator has complied

20 with subsection 1 of this section, shall also be deemed to have committed the
21 crime of petition signature fraud.

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

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

116.100. 1. The secretary of state shall not accept any referendum
2 petition submitted later than 5:00 p.m. on the final day for filing referendum
3 petitions. The secretary of state shall not accept any initiative petition submitted
4 later than 5:00 p.m. on the final day for filing initiative petitions. All [pages]
5 **sheets** shall be submitted at one time. When an initiative or referendum petition
6 is submitted to the secretary of state, the signature [pages] **sheets** shall be in
7 order of **congressional district and, within each congressional district,**
8 **in order by election authority,** and numbered sequentially by [county, except
9 in counties that include multiple congressional districts, the signatures may be
10 ordered and numbered using an alternate numbering scheme approved in writing
11 by the secretary of state prior to submission of the petition] **election**
12 **authority.** Any petition that is not submitted in accordance with this section,
13 disregarding clerical and merely technical errors, shall be rejected as
14 insufficient. After verifying the count of signature [pages] **sheets,** the secretary
15 of state shall issue a receipt indicating the number of [pages] **signature sheets**
16 presented from each [county] **election authority within each congressional**
17 **district.** When a person submits a petition he or she shall designate to the
18 secretary of state the name and the address of the person to whom any notices
19 shall be sent under sections 116.140 and 116.180.

20 2. **If any page of an initiative or referendum petition is marked,**
21 **pursuant to section 116.030 or 116.040, that the circulator expects to be**
22 **paid for circulating the petition, the secretary of state shall collect, at**
23 **the time of submission of the petition, a fee in an amount equal to forty**
24 **cents per signature based on the minimum number of signatures**

25 **required by article III, section 50 of the Missouri Constitution. The fee**
26 **shall be deposited in the state treasury and credited to the secretary**
27 **of state's petition signature verification fund established pursuant to**
28 **section 116.275. The secretary of state shall not accept any petitions**
29 **that are not accompanied by the required fee.**

116.110. Any voter who has signed an initiative or referendum petition
2 may withdraw his or her signature from that petition by submitting to the
3 secretary of state, before the petition is filed with the secretary of state, a sworn
4 statement requesting that his or her signature be withdrawn and affirming the
5 name of the petition signed, the name the voter used when signing the petition,
6 the address of the voter and the county of residence. It is a class A misdemeanor
7 punishable, notwithstanding the provisions of section [560.021] **558.002** to the
8 contrary, for a term of imprisonment not to exceed one year in the county jail or
9 a fine not to exceed ten thousand dollars or both, to knowingly file a false
10 withdrawal statement with the secretary of state.

116.120. 1. When an initiative or referendum petition is submitted to the
2 secretary of state, he or she shall examine the petition to determine whether it
3 complies with the Constitution of Missouri and with this chapter. Signatures on
4 petition pages that [have been collected by any person who is not properly
5 registered with the secretary of state as] a circulator **has not signed and**
6 **completed the circulator's affidavit** shall not be counted as
7 valid. **Signatures on petition pages with a circulator affidavit that is**
8 **not notarized shall not be counted as valid.** Signatures on petition pages
9 that do not have the official ballot title affixed to the page shall not be counted
10 as valid.

11 **2. If there are not enough signatures properly filed for a**
12 **congressional district in order to meet the threshold needed to find a**
13 **petition sufficient in a given congressional district, the secretary of**
14 **state does not need to verify whether the signers are registered voters.**

15 **3.** The secretary of state may verify the signatures on the petition by use
16 of random sampling. The random sample of signatures to be verified shall be
17 drawn in such a manner that every signature properly filed with the secretary of
18 state shall be given an equal opportunity to be included in the sample. The
19 process for establishing the random sample and determining the statistically
20 valid result shall be established by the secretary of state. Such a random
21 sampling shall include an examination of five percent of the signatures.

22 [2.] 4. If the random sample verification establishes that the number of
23 valid signatures is less than ninety percent of the number of qualified voters
24 needed to find the petition sufficient in a congressional district, the petition shall
25 be deemed to have failed to qualify in that district. In finding a petition
26 insufficient, the secretary of state does not need to verify all congressional
27 districts on each petition submitted if verification of only one or more districts
28 establishes the petition as insufficient.

29 [3.] 5. If the random sample verification establishes that the number of
30 valid signatures total more than one hundred ten percent of the number of
31 qualified voters needed to find the petition sufficient in a congressional district,
32 the petition shall be deemed to qualify in that district.

33 [4.] 6. If the random sampling shows the number of valid signatures
34 within a congressional district is within ninety to one hundred ten percent of the
35 number of signatures of qualified voters needed to declare the petition sufficient
36 in that district, the secretary of state shall order the examination and verification
37 of each signature filed.

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

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

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

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

18 Each election authority shall check the signatures against voter registration
19 records in the election authority's jurisdiction, but the election authority shall
20 count as valid only the signatures of persons registered as voters in the [county

21 named in the circulator's affidavit] **election authority and congressional**
22 **district designated in the upper right-hand corner of the**
23 **page.** Signatures shall not be counted as valid if they have been struck through
24 or crossed out. **Signatures not in black or blue ink shall be counted as**
25 **invalid without verification.**

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

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

43 4.] The election authority shall return the copies of the petition pages to
44 the secretary of state with annotations regarding any invalid or questionable
45 signatures which the election authority has been asked to check by the secretary
46 of state. The election authority shall verify the number of pages received for that
47 county, and also certify the total number of valid signatures of voters from each
48 congressional district which the election authority has been asked to check by the
49 secretary of state.

50 [5.] 4. The secretary of state is authorized to adopt rules to ensure
51 uniform, complete, and accurate checking of petition signatures either by actual
52 count or random sampling. No rule or portion of a rule promulgated pursuant to
53 this section shall become effective unless it has been promulgated pursuant to the
54 provisions of chapter 536.

55 [6.] 5. After a period of three years from the time of submission of the
56 petitions to the secretary of state, the secretary of state, if the secretary

57 determines that retention of such petitions is no longer necessary, may destroy
58 such petitions.

116.160. 1. If the general assembly adopts a joint resolution proposing a
2 constitutional amendment or a bill without a fiscal note summary, which is to be
3 referred to a vote of the people, after receipt of such resolution or bill the
4 secretary of state shall promptly forward the resolution or bill to the state
5 auditor. If the general assembly adopts a joint resolution proposing a
6 constitutional amendment or a bill without an official summary statement, which
7 is to be referred to a vote of the people, within twenty days after receipt of the
8 resolution or bill, the secretary of state shall prepare and transmit to the attorney
9 general a summary statement of the measure as the proposed summary
10 statement. The secretary of state may seek the advice of the legislator who
11 introduced the constitutional amendment or bill and the speaker of the house or
12 the president pro tem of the legislative chamber that originated the
13 measure. The summary statement may be distinct from the legislative title of the
14 proposed constitutional amendment or bill. The attorney general shall within ten
15 days approve the legal content and form of the proposed statement.

16 2. The official summary statement shall contain no more than **one**
17 **hundred** fifty words[, excluding articles]. The title shall be a true and impartial
18 statement of the purposes of the proposed measure in language neither
19 intentionally argumentative nor likely to create prejudice either for or against the
20 proposed measure.

116.230. 1. The secretary of state shall prepare sample ballots in the
2 following form.

3 2. The top of the ballot shall read:

4 "OFFICIAL BALLOT STATE OF MISSOURI"

5 3. When constitutional amendments are submitted, the first heading shall
6 read:

7 "CONSTITUTIONAL AMENDMENTS"

8 There shall follow the numbers assigned under section 116.210 the official ballot
9 titles prepared under section 116.160 or 116.334, and the fiscal note summaries
10 prepared under section 116.170. Constitutional amendments proposed by the
11 general assembly shall be designated as "Proposed by the general
12 assembly". Constitutional amendments proposed by initiative petition shall be
13 designated "Proposed by initiative petition". Constitutional amendments
14 proposed by constitutional convention shall be designated as "Proposed by

15 constitutional convention".

16 4. When statutory measures are submitted, the next heading shall read:

17 "STATUTORY MEASURES"

18 There shall follow the letters assigned under section 116.220, the official ballot
19 titles prepared under section 116.160 or 116.334, and the fiscal note summaries
20 prepared under section 116.170. Statutory initiative measures shall be designated
21 "Proposed by initiative petition". Referendum measures shall be designated
22 "Referendum ordered by petition".

23 5. **Immediately following the official ballot title, the words "Shall**
24 **the measure summarized be approved?" shall appear with the options**
25 **to vote "YES" or "NO".**

116.270. 1. [There is hereby created a "Publications Fund" which shall
2 be used only to pay printing, publication, and other expenses incurred in
3 submitting statewide ballot measures to the voters.

4 2. The secretary of state shall certify to the commissioner of
5 administration all valid claims for payment from the publications fund. On
6 receiving the certified claims, the commissioner of administration shall issue
7 warrants on the state treasurer payable to each individual out of the publications
8 fund.] **There is hereby created in the state treasury the "Secretary of**
9 **State's Petition Publications Fund", which shall consist of money**
10 **collected under section 116.050. The state treasurer shall be custodian**
11 **of the fund. In accordance with sections 30.170 and 30.180, the state**
12 **treasurer may approve disbursements. The fund shall be a dedicated**
13 **fund and money in the fund shall be used solely by the secretary of**
14 **state for the purpose of making refunds as set forth in section 116.050**
15 **and to pay publication expenses incurred in submitting statewide ballot**
16 **measures to the voters. Any balance in the fund shall be used for the**
17 **purposes set forth herein before using a general revenue appropriation**
18 **for the same purpose.**

19 2. **Notwithstanding the provisions of section 33.080 to the**
20 **contrary, any moneys remaining in the fund at the end of the biennium**
21 **shall not revert to the credit of the general revenue fund.**

22 3. **The state treasurer shall invest moneys in the fund in the**
23 **same manner as other funds are invested. Any interest and moneys**
24 **earned on such investments shall be credited to the fund.**

116.275. 1. **There is hereby created in the state treasury the**

2 "Secretary of State's Signature Verification Fund", which shall consist
3 of money collected under section 116.100. The state treasurer shall be
4 custodian of the fund. In accordance with sections 30.170 and 30.180,
5 the state treasurer may approve disbursements. The fund shall be a
6 dedicated fund and money in the fund shall be used solely by the
7 secretary of state for the purpose of making payments to election
8 authorities that have verified signatures for one or more petitions in
9 the applicable two-year petition cycle pursuant to section 116.130.
10 Payments shall be calculated based on each election authority's pro
11 rata share of all signatures actually verified under section 116.130 for
12 a petition, regardless of the outcome of the signature verification. The
13 payments shall be made after the secretary has certified the petition as
14 sufficient or insufficient pursuant to section 116.150. An election
15 authority's obligation to verify signatures under section 116.130 shall
16 not depend upon receipt of payments under this subsection.

17 2. Notwithstanding the provisions of section 33.080 to the
18 contrary, any moneys remaining in the fund at the end of the biennium
19 shall not revert to the credit of the general revenue fund.

20 3. The state treasurer shall invest moneys in the fund in the
21 same manner as other funds are invested. Any interest and moneys
22 earned on such investments shall be credited to the fund.

116.332. 1. Before a constitutional amendment petition, a statutory
2 initiative petition, or a referendum petition may be circulated for signatures, a
3 sample sheet [must] **shall** be submitted to the secretary of state in the form in
4 which it will be circulated. **Sample initiative petition sheets shall be filed**
5 **no earlier than twelve weeks following a general election.** When a person
6 submits a sample sheet of a petition he or she shall designate to the secretary of
7 state the name and address of the person to whom any notices shall be sent
8 pursuant to sections 116.140 and 116.180 and, if a committee or person, except
9 the individual submitting the sample sheet, is funding any portion of the drafting
10 or submitting of the sample sheet, the person submitting the sample sheet shall
11 submit a copy of the filed statement of committee organization required under
12 subsection 5 of section 130.021 showing the date the statement was filed. The
13 secretary of state shall refer a copy of the petition sheet to the attorney general
14 for [his] approval and to the state auditor for purposes of preparing a fiscal note
15 and fiscal note summary. The secretary of state and attorney general [must]

16 **shall** each review the petition for [sufficiency as to form] **compliance with**
17 **section 116.050 and article III, sections 50, 52(a), and 53 of the Missouri**
18 **Constitution** and approve or reject [the form of] the petition, stating the reasons
19 for rejection, if any.

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

29 3. Upon receipt of a petition from the office of the secretary of state, the
30 attorney general shall examine the petition [as to form] **and determine**
31 **whether it complies with section 116.050 and article III, sections 50,**
32 **52(a), and 53 of the Missouri Constitution.** If the petition is rejected [as to
33 form], the attorney general shall forward his or her comments to the secretary of
34 state within ten days after receipt of the petition by the attorney general. If the
35 petition is approved [as to form], the attorney general shall forward his or her
36 approval [as to form] to the secretary of state within ten days after receipt of the
37 petition by the attorney general.

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

116.334. 1. If the petition [form] is approved **pursuant to section**
2 **116.332**, the secretary of state shall make a copy of the sample petition available
3 on the secretary of state's website. For a period of fifteen days after the petition
4 is approved [as to form] **pursuant to section 116.332**, the secretary of state
5 shall accept public comments regarding the proposed measure and provide copies
6 of such comments upon request. Within twenty-three days of receipt of such
7 approval, the secretary of state shall prepare and transmit to the attorney

8 general a summary statement of the measure which shall be a concise statement
9 not exceeding one hundred **fifty** words. This statement shall [be in the form of
10 a question using] **use** language neither intentionally argumentative nor likely to
11 create prejudice either for or against the proposed measure. The attorney general
12 shall within ten days approve the legal content and form of the proposed
13 statement.

14 2. Signatures obtained prior to the date the official ballot title is certified
15 by the secretary of state shall not be counted. **If a court orders a change that**
16 **substantially alters the content of the official ballot title under**
17 **subsection 4 of section 116.190 then all signatures gathered before such**
18 **change occurred shall be invalidated, regardless of whether those**
19 **signatures were gathered on petition pages that displayed what was**
20 **previously the official ballot title as certified by the secretary of state.**

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

Section B. Because immediate action is needed to provide the secretary
2 of state the requisite time to apply a consistent process to all petitions submitted,
3 section A of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act
6 shall be in full force and effect upon its passage and approval.

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