

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 671
96TH GENERAL ASSEMBLY

5044L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 52.010, 54.033, 54.330, 115.342, 116.080, 116.090, 116.120, 116.180, 116.332, and 116.334, RSMo, and to enact in lieu thereof thirteen new sections relating to elections, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 52.010, 54.033, 54.330, 115.342, 116.080, 116.090, 116.120, 116.180, 116.332, and 116.334, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 52.010, 54.033, 54.330, 115.342, 116.080, 116.090, 116.115, 116.120, 116.153, 116.180, 116.332, 116.333, and 116.334, to read as follows:

52.010. **1.** At the general election in 1906, and every four years thereafter, a collector, to be styled the collector of the revenue, shall be elected in each of the counties of this state, except counties under township organization, who shall hold [his] office for four years and until [his] a successor is duly elected and qualified. The collector shall [be a resident of] **reside in** the county from which such person [was] is elected **throughout such person's term in office.**

2. Except in any county with a charter form of government, a candidate for the office of collector shall be at least twenty-one years of age and a resident of the state and the county in which such person is a candidate for at least one year prior to the date of filing for such office. The candidate shall be a registered voter and current in the payment of all state income taxes and personal and real property taxes.

54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office of county treasurer in any county except a county **having a township form of government with an office of collector-treasurer and any county** with a charter form of government, the county commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer until said treasurer returns or the unexpired term is filled under section 105.030. Such individual

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.

6 must be eligible to serve as a county treasurer under section 54.040, and must comply with
7 section 54.090.

54.330. 1. **A candidate for county collector-treasurer shall be at least twenty-one
2 years of age and a resident of the county in which such person is a candidate for at least
3 one year prior to the date of filing for the office. The candidate shall also be a registered
4 voter and shall be current in the payment of all state income taxes and personal and real
5 property taxes. A collector-treasurer shall reside in the county throughout such person's
6 term in office and shall remain in office until a successor is duly elected and qualified.**

7 **2. County collector-treasurers [in a county having township organization], shall be
8 required to give bonds as other county collectors under the general revenue law, and shall have
9 the sole authority to appoint deputies as provided to other county collectors under section
10 52.300.**

11 [2.] **3. Before entering upon the duties for which they are employed, deputies and
12 assistants employed in the office of any collector-treasurer shall give bond and security to the
13 satisfaction of the collector-treasurer. The bond for each individual deputy or assistant shall not
14 exceed one-half of the amount of the maximum bond required for any collector-treasurer. The
15 official bond required pursuant to this section shall be a surety bond with a surety company
16 authorized to do business in this state. The premium of the bond shall be paid by the county or
17 city being protected.**

18 **4. In the event of a vacancy caused by death, resignation, or otherwise, in the office
19 of collector-treasurer, the county clerk shall follow the procedures in section 52.180 that
20 apply when there is a vacancy in the office of collector in other counties.**

115.342. 1. Any person who files as a candidate for election to a public office shall be
2 disqualified from participation in the election for which the candidate has filed if such person
3 is delinquent in the payment of any state income taxes, personal property taxes, real property
4 taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past
5 or present corporate officer of any fee office that owes any taxes to the state.

6 **2. Each potential candidate for election to a public office shall file an affidavit with the
7 department of revenue and include a copy of the affidavit with the declaration of candidacy
8 required under section 115.349. Such affidavit shall be in substantially the following form:
9 "AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:**

10 I hereby declare under penalties of perjury that I am not currently aware of any
11 delinquency in the filing or payment of any state income taxes, personal property taxes, real
12 property taxes on the place of residence, as stated on the declaration of candidacy, or that I am
13 a past or present corporate officer of any fee office that owes any taxes to the state, other than
14 those taxes which may be in dispute. **I declare under penalties of perjury that I am not**

15 **aware of any information that would prohibit me from fulfilling any bonding requirements**
16 **for the office for which I am filing.**

17 Candidate's Signature

18 Printed Name of Candidate."

19 3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
20 payment of any state income taxes, personal property taxes, real property taxes on the place of
21 residence, as stated on the declaration of candidacy, or if the person is a past or present corporate
22 officer of any fee office that owes any taxes to the state, the department of revenue shall
23 investigate such potential candidate to verify the claim contained in the complaint. If the
24 department of revenue finds a positive affirmation to be false, the department shall contact the
25 secretary of state, or the election official who accepted such candidate's declaration of candidacy,
26 and the potential candidate. The department shall notify the candidate of the outstanding tax
27 owed and give the candidate thirty days to remit any such outstanding taxes owed which are not
28 the subject of dispute between the department and the candidate. If the candidate fails to remit
29 such amounts in full within thirty days, the candidate shall be disqualified from participating in
30 the current election and barred from refiling for an entire election cycle even if the individual
31 pays all of the outstanding taxes that were the subject of the complaint.

 116.080. 1. Each petition circulator shall be at least eighteen years of age and registered
2 with the secretary of state. **No person shall qualify as a petition circulator who has been**
3 **convicted of, or found guilty of, or pled guilty to an offense involving forgery under the**
4 **laws of this state, or an offense under the laws of any other jurisdiction if that offense**
5 **would be considered forgery under the laws of this state.** Signatures collected by any
6 circulator who has not registered with the secretary of state pursuant to this chapter on or before
7 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.

8 2. Each petition circulator shall supply the following information to the secretary of
9 state's office:

- 10 (1) Name of petition;
- 11 (2) Name of circulator;
- 12 (3) Residential address, including street number, city, state and zip code;
- 13 (4) Mailing address, if different;
- 14 (5) Have you been or do you expect to be paid for soliciting signatures for this petition?
- 15 YES NO;
- 16 (6) If the answer to subdivision (5) is yes, then identify the payor;
- 17 (7) Signature of circulator.

18 3. The circulator information required in subsection 2 of this section shall be submitted
19 to the secretary of state's office with the following oath and affirmation:

20 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
21 STATEMENTS MADE BY ME ARE TRUE AND CORRECT, **THAT I HAVE NEVER**
22 **BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE**
23 **INVOLVING FORGERY.**

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

29 5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is
30 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021
31 to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not
32 to exceed ten thousand dollars or both.

33 **6. Any person collecting signatures for an initiative or referendum petition shall**
34 **indicate whether such person is a compensated signature collector or an uncompensated**
35 **volunteer signature collector by prominently displaying a button or sign stating that such**
36 **person is either compensated or uncompensated for collecting signatures. Any violation**
37 **of this subsection shall be an infraction subject to a penalty of not less than one hundred**
38 **but not more than five hundred dollars.**

116.090. 1. Any person who **knowingly** signs any name other than his own to any
2 petition[, or] **with the intent to alter the outcome shall, upon conviction thereof, be guilty**
3 **of a class one election offense, as defined in section 115.631.**

4 **2. Any person** who knowingly signs his or her name more than once for the same
5 measure for the 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, shall, upon conviction thereof,
7 be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section
8 560.021 to the 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. **Nothing in this section shall prohibit a**
10 **person from signing such person's name to a petition that such person had previously**
11 **signed as a sponsoring signatory under section 116.333.**

12 [2.] **3.** Any person who knowingly accepts or offers money or anything of value to
13 another person in exchange for a signature on a petition is guilty of a class A misdemeanor
14 punishable, notwithstanding the provisions of section [560.021] **560.016** to the contrary, for a
15 term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten
16 thousand dollars or both.

116.115. Any person who submits a sample sheet to or files an initiative petition
2 with the secretary of state may withdraw the petition upon written notice to the secretary
3 of state. If such notice is submitted to the secretary of state, the proposed petition shall no
4 longer be circulated by any person, committee, or other entity. The secretary of state shall
5 vacate the certification of the official ballot title within three days of receiving notice of
6 withdrawal.

116.120. 1. When an initiative or referendum petition is submitted to the secretary of
2 state, he or she shall examine the petition to determine whether it complies with the Constitution
3 of Missouri and with this chapter. Signatures on petition pages that have been collected by any
4 person who is not properly registered with the secretary of state as a circulator shall not be
5 counted as valid. Signatures on petition pages that do not have the official ballot title affixed to
6 the page shall not be counted as valid. **Signatures previously verified on a proposed initiative
7 or referendum under section 116.333 shall not be included in the calculation under this
8 section for the purpose of verifying whether the petition contains the required number of
9 signatures.** The secretary of state may verify the signatures on the petition by use of random
10 sampling. The random sample of signatures to be verified shall be drawn in such a manner that
11 every signature properly filed with the secretary of state shall be given an equal opportunity to
12 be included in the sample. The process for establishing the random sample and determining the
13 statistically valid result shall be established by the secretary of state. Such a random sampling
14 shall include an examination of five percent of the signatures.

15 2. If the random sample verification establishes that the number of valid signatures is
16 less than ninety percent of the number of qualified voters needed to find the petition sufficient
17 in a congressional district, the petition shall be deemed to have failed to qualify in that district.
18 In finding a petition insufficient, the secretary of state does not need to verify all congressional
19 districts on each petition submitted if verification of only one or more districts establishes the
20 petition as insufficient.

21 3. If the random sample verification establishes that the number of valid signatures total
22 more than one hundred ten percent of the number of qualified voters needed to find the petition
23 sufficient in a congressional district, the petition shall be deemed to qualify in that district.

24 4. If the random sampling shows the number of valid signatures within a congressional
25 district is within ninety to one hundred ten percent of the number of signatures of qualified voters
26 needed to declare the petition sufficient in that district, the secretary of state shall order the
27 examination and verification of each signature filed.

116.153. **Within thirty days of issuing certification that the petition contains a
2 sufficient number of valid signatures under section 116.150, the joint committee on
3 legislative research shall hold a public hearing in Jefferson City to take public comment**

4 **concerning the proposed measure. Such hearing shall be a public meeting under chapter**
5 **610.**

116.180. 1. Within three days after receiving the official summary statement the
2 approved fiscal note summary and the fiscal note relating to any statewide ballot measure, the
3 secretary of state shall certify the official ballot title in separate paragraphs with the fiscal note
4 summary immediately following the summary statement of the measure and shall deliver a copy
5 of the official ballot title and the fiscal note to the speaker of the house or the president pro tem
6 of the legislative chamber that originated the measure or, in the case of initiative or referendum
7 petitions, to the person whose name and address are designated under section 116.332. Persons
8 circulating the petition shall affix the official ballot title to each page of the petition prior to
9 circulation and signatures shall not be counted if the official ballot title is not affixed to the page
10 containing such signatures.

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

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition,
2 or a referendum petition may be circulated for signatures, **with the exception of sponsoring**
3 **signatures under section 116.333**, a sample sheet must be submitted to the secretary of state
4 in the form in which it will be circulated. When a person submits a sample sheet of a petition
5 he or she shall designate to the secretary of state the name and address of the person to whom
6 any notices shall be sent pursuant to sections 116.140 and 116.180 **and submit a copy of the**
7 **filed statement of committee organization required under subsection 5 of section 130.021**
8 **showing the date the statement was filed.** The secretary of state shall refer a copy of the
9 petition sheet to the attorney general for his approval and to the state auditor for purposes of
10 preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must
11 each review the petition for sufficiency as to form and approve or reject the form of the petition,
12 stating the reasons for rejection, if any.

13 **2. Within two days of receipt of any such sample sheet, the secretary of state shall**
14 **conspicuously post the text of the proposed measure on its website, a disclaimer stating that**
15 **such text may not constitute the full and correct text as required under section 116.050, and**
16 **the name of the person or organization submitting the sample sheet. The posting shall be**
17 **removed within three days of either the withdraw of a petition under section 116.115 or**
18 **when a petition is rejected for any reason. The secretary of state's failure to comply with**
19 **this section shall be considered a violation under subsection 3 of section 610.027.**

20 **3.** Upon receipt of a petition from the office of the secretary of state, the attorney general
21 shall examine the petition as to form. If the petition is rejected as to form, the attorney general
22 shall forward his or her comments to the secretary of state within ten days after receipt of the

23 petition by the attorney general. If the petition is approved as to form, the attorney general shall
24 forward his or her approval as to form to the secretary of state within ten days after receipt of the
25 petition by the attorney general.

26 [3.] 4. The secretary of state shall review the comments and statements of the attorney
27 general as to form and make a final decision as to the approval or rejection of the form of the
28 petition. The secretary of state shall send written notice to the person who submitted the petition
29 sheet of the approval within [thirty] **fifteen** days after submission of the petition sheet. The
30 secretary of state shall send written notice if the petition has been rejected, together with reasons
31 for rejection, within [thirty] **fifteen** days after submission of the petition sheet.

116.333. 1. Persons submitting a sample sheet under section 116.332 shall also
2 **submit, with the sample sheet, at least one thousand but no more than two thousand**
3 **sponsoring signatures of registered voters of the state in support of the initiative. If such**
4 **person fails to submit sponsoring signatures pursuant to the provisions of this section, the**
5 **secretary of state shall send notice that the petition has been rejected.**

6 **2. For the purposes of this section:**

7 **(1) Sponsoring signatures shall be gathered and submitted on pages in the form**
8 **that shall be submitted for approval by the secretary of state under sections 116.040 and**
9 **116.332, except that each signature page shall contain the following statement:**

10 **We, the undersigned, registered voters of the state of Missouri and
11 County (or city of St. Louis), respectfully request that the following
12 proposed law (or amendment to the constitution) shall be submitted to the
13 Secretary of State for certification of an Official Ballot Title, and each for
14 himself or herself says: I have personally signed this petition; I am a
15 registered voter of the state of Missouri and County (or city of St.
16 Louis); my registered voting address and the name of the city, town or
17 village in which I live are correctly written after my name.**

18 **(2) Each petition page shall contain sponsoring signatures of voters from only one**
19 **county, which shall be designated in the upper right-hand corner of the page. All pages**
20 **shall be submitted at one time and shall be in order and numbered sequentially by county.**
21 **Sponsoring signatures on pages that do not comply with these requirements shall not be**
22 **counted as valid.**

23 **(3) Each person gathering sponsoring signatures shall meet the requirements of**
24 **section 116.080 except that signatures collected by any circulator who has not registered**
25 **with the secretary of state pursuant to section 116.080 on or before 5:00 p.m. on the day**
26 **the sponsoring signatures are submitted to the secretary of state shall not be counted.**

27 **3. Within five days of receipt of sponsoring signature pages under this section, the**
28 **secretary of state may send copies of the pages to election authorities to verify that the**
29 **persons whose names are listed as sponsoring signers to the petition are registered voters.**
30 **Such verification may either be of each signature or by random sampling as provided in**
31 **section 116.120, as the secretary shall direct. Each election authority shall check the**
32 **signatures against voter registration records in the election authority's jurisdiction**
33 **pursuant to the rules adopted by the secretary of state under subsection 5 of section**
34 **116.130.**

35 **4. Such verification shall be completed and certified to the secretary of state not**
36 **later than fifteen days from the date the election authority receives the sponsoring**
37 **signature pages.**

116.334. 1. If the petition form is approved[,] and at least one thousand sponsoring
2 **signatures are verified as registered voters, within three days of the receipt of such**
3 **certification, the secretary of state shall notify the person who submitted the sponsoring**
4 **signatures, make a copy of the sample petition and make such initial certification and the**
5 **date of such initial certification available on the secretary of state's website and refer a**
6 **copy of the sample petition to the state auditor for purposes of preparing a fiscal note and**
7 **fiscal note summary. For a period of fifteen days after the petition is initially certified, the**
8 **secretary of state shall accept public comments regarding the proposed measure and**
9 **provide copies of such comments upon request. Within [ten] twenty-three days of receipt**
10 **of such initial certification, the secretary of state shall prepare and transmit to the attorney**
11 **general a summary statement of the measure which shall be a concise statement not exceeding**
12 **one hundred words. This statement shall be in the form of a question using language neither**
13 **intentionally argumentative nor likely to create prejudice either for or against the proposed**
14 **measure. The attorney general shall within ten days approve the legal content and form of the**
15 **proposed statement.**

16 2. [Signatures obtained prior to the date the official ballot title is certified by the
17 secretary of state shall not be counted] **If the election authority certifies that less than one**
18 **thousand sponsoring signatures have been verified as registered voters, within three days**
19 **of receipt of the certification from the election authority, the secretary of state shall notify**
20 **the person who submitted the signatures that the petition has been rejected.**

Section B. The provisions of this act are severable. If any provision of this act is found
2 by a court of competent jurisdiction to be unconstitutional, the remaining provisions are valid
3 except to the extent that the court finds the valid provisions, standing alone, are incomplete and
4 are incapable of being executed in accordance with the will of the people.

Section C. Because of the need to ensure proper vetting of initiative and referendum
2 petitions prior to circulation, the enactment of section 116.153 of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and the enactment of
5 section 116.153 of this act shall be in full force and effect upon its passage and approval.

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