

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

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FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 117

AN ACT

To repeal sections 116.030, 116.040, 116.080, 116.090, 116.190, 116.332, and 116.334, RSMo, and to enact in lieu thereof nine new sections relating to initiative and referendum petitions, with penalty provisions and a delayed effective date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 116.030, 116.040, 116.080, 116.090,
2 116.190, 116.332, and 116.334, RSMo, are repealed and nine new
3 sections enacted in lieu thereof, to be known as sections
4 116.030, 116.040, 116.080, 116.090, 116.115, 116.153, 116.190,
5 116.332, and 116.334, to read as follows:

6 116.030. The following shall be substantially the form of
7 each page of referendum petitions on any law passed by the
8 general assembly of the state of Missouri:

9 County

10 Page No.

11 It is a class A misdemeanor punishable, notwithstanding the

1 provisions of section 560.021, RSMo, to the contrary, for a term
2 of imprisonment not to exceed one year in the county jail or a
3 fine not to exceed ten thousand dollars or both, for anyone to
4 sign any referendum petition with any name other than his or her
5 own, or knowingly to sign his or her name more than once for the
6 same measure for the same election, or to sign a petition when
7 such person knows he or she is not a registered voter.

8 PETITION FOR REFERENDUM

9 To the Honorable, Secretary of State for the state of
10 Missouri:

11 We, the undersigned, registered voters of the state of
12 Missouri and County (or city of St. Louis),
13 respectfully order that the Senate (or House) Bill No.
14 entitled (title of law), passed by the general
15 assembly of the state of Missouri, at the regular (or
16 special) session of the general assembly, shall be
17 referred to the voters of the state of Missouri, for their
18 approval or rejection, at the general election to be held on the
19 day of,, unless the general assembly
20 shall designate another date, and each for himself or herself
21 says: I have personally signed this petition; I am a registered
22 voter of the state of Missouri and County (or city of
23 St. Louis); my registered voting address and the name of the
24 city, town or village in which I live are correctly written after
25 my name. (Official Ballot title)

26 CIRCULATOR'S AFFIDAVIT

27 State Of Missouri,
28 County Of

1 I,, being first duly sworn, say (print or
2 type names of signers)
3

4 REGISTERED VOTING

5 NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
6 (Signature)	SIGNED	(Street) (City, 7 Town or Village)	CODE	DIST.	(Printed 8 or Typed)

9
10
11 (Here follow numbered lines for signers)
12

13 signed this page of the foregoing petition, and each of them
14 signed his or her name thereto in my presence; I believe that
15 each has stated his or her name, registered voting address and
16 city, town or village correctly, and that each signer is a
17 registered voter of the state of Missouri and County.

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

22 I am at least 18 years of age. I do do not (check
23 one) expect to be paid for circulating this petition. If paid,
24 list the payer

25

26 Signature of Affiant

27 (Person obtaining signatures)

28

29 (Printed Name of Affiant)

30

31 Address of Affiant

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

33

34

1 Signature of Notary

2 Address of Notary

3 Notary Public (Seal)

4 My commission expires

5 If this form is followed substantially and the requirements of
6 section 116.050 and section 116.080 are met, it shall be
7 sufficient, disregarding clerical and merely technical errors.

8 116.040. The following shall be substantially the form of
9 each page of each petition for any law or amendment to the
10 Constitution of the state of Missouri proposed by the initiative:

11 County

12 Page No.

13 It is a class A misdemeanor punishable, notwithstanding the
14 provisions of section 560.021, RSMo, to the contrary, for a term
15 of imprisonment not to exceed one year in the county jail or a
16 fine not to exceed ten thousand dollars or both, for anyone to
17 sign any initiative petition with any name other than his or her
18 own, or knowingly to sign his or her name more than once for the
19 same measure for the same election, or to sign a petition when
20 such person knows he or she is not a registered voter.

21 INITIATIVE PETITION

22 To the Honorable, Secretary of State for the state of
23 Missouri:

24 We, the undersigned, registered voters of the state of
25 Missouri and County (or city of St. Louis),
26 respectfully order that the following proposed law (or amendment
27 to the constitution) shall be submitted to the voters of the
28 state of Missouri, for their approval or rejection, at the

1 general election to be held on the day of,
2, and each for himself or herself says: I have personally
3 signed this petition; I am a registered voter of the state of
4 Missouri and County (or city of St. Louis); my
5 registered voting address and the name of the city, town or
6 village in which I live are correctly written after my name.
7 (Official Ballot title)

8 CIRCULATOR'S AFFIDAVIT

9 State Of Missouri,
10 County Of

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

13

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

14
15
16
17
18

19
20 -----
21 (Here follow numbered lines for signers)
22 -----

23 signed this page of the foregoing petition, and each of them
24 signed his or her name thereto in my presence; I believe that
25 each has stated his or her name, registered voting address and
26 city, town or village correctly, and that each signer is a
27 registered voter of the state of Missouri and County.

28 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF
29 PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND
30 THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED
31 GUILTY TO ANY OFFENSE INVOLVING FORGERY.

32 I am at least 18 years of age. I do do not (check
33 one) expect to be paid for circulating this petition. If paid,
34 list the payer

1
2

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

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted. A petition circulator shall be deemed registered at the time such circulator delivers a signed circulator's affidavit pursuant to section 116.030, with respect to a referendum petition, or section 116.040, with respect to an initiative petition, to the office of the secretary of state.

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

3 (1) Name of petition;

4 (2) Name of circulator;

5 (3) Residential address, including street number, city,
6 state and zip code;

7 (4) Mailing address, if different;

8 (5) Have you been or do you expect to be paid for
9 soliciting signatures for this petition?

10 YES NO;

11 (6) If the answer to subdivision (5) is yes, then identify
12 the payor;

13 (7) Signature of circulator.

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

17 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
18 STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

19 4.] No person shall qualify as a petition circulator who has
20 been convicted of, found guilty of, or pled guilty to an offense
21 involving forgery under the laws of this state or an offense
22 under the laws of any other jurisdiction if that offense would be
23 considered forgery under the laws of this state.

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

1 to the affidavit only if the circulator personally appears before
2 the notary and subscribes and swears to the affidavit in his or
3 her presence.

4 [5.] 3. Any circulator who falsely swears to a circulator's
5 affidavit knowing it to be false is guilty of a class A
6 misdemeanor punishable, notwithstanding the provisions of section
7 560.021 to the contrary, for a term of imprisonment not to exceed
8 one year in the county jail or a fine not to exceed ten thousand
9 dollars or both.

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

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

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

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

22 (4) Forges or falsifies signatures; or

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

25 2. Any person who knowingly causes a petition circulator's
26 signatures to be submitted for counting, and who either knows
27 that such circulator has violated subsection 1 of this section
28 or, after receiving notice of facts indicating that such person

1 may have violated subsection 1 of this section, causes the
2 signatures to be submitted with reckless indifference as to
3 whether such circulator has complied with subsection 1 of this
4 section, shall also be deemed to have committed the crime of
5 petition signature fraud.

6 3. A person who violates subsection 1 or 2 of this section,
7 shall, upon conviction thereof, be guilty of a class A
8 misdemeanor punishable, notwithstanding the provisions of section
9 560.021 to the contrary, [for] by a term of imprisonment not to
10 exceed one year in the county jail or a fine not to exceed ten
11 thousand dollars or both.

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

19 4. Any person employed by or serving as an election
20 authority, that has reasonable cause to suspect a person has
21 committed petition signature fraud, shall immediately report or
22 cause a report to be made to the appropriate prosecuting
23 authorities. Failure to so report or cause a report to be made
24 shall be a class A misdemeanor.

25 116.115. Any person who submits a sample sheet to or files
26 an initiative petition with the secretary of state may withdraw
27 the petition upon written notice to the secretary of state. If
28 such notice is submitted to the secretary of state, the proposed

1 petition shall no longer be circulated by any person, committee,
2 or other entity. The secretary of state shall vacate the
3 certification of the official ballot title within three days of
4 receiving notice of the withdrawal.

5 116.153. Within thirty days of issuing certification that
6 the petition contains a sufficient number of valid signatures
7 pursuant to section 116.150, the joint committee on legislative
8 research shall hold a public hearing in Jefferson City to take
9 public comments concerning the proposed measure. Such hearing
10 shall be a public meeting under chapter 610. Within five
11 business days after the end of the public hearing, the joint
12 committee on legislative research shall provide a summary of the
13 hearing to the secretary of state or his or her designee and the
14 secretary of state shall post a copy of the summary on the
15 website of the office of the secretary of state.

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

25 2. The secretary of state shall be named as a party
26 defendant in any action challenging the official ballot title
27 prepared by the secretary of state. When the action challenges
28 the fiscal note or the fiscal note summary prepared by the

1 auditor, the state auditor shall also be named as a party
2 defendant. The president pro tem of the senate, the speaker of
3 the house and the sponsor of the measure and the secretary of
4 state shall be the named party defendants in any action
5 challenging the official summary statement, fiscal note or fiscal
6 note summary prepared pursuant to section 116.155.

7 3. The petition shall state the reason or reasons why the
8 summary statement portion of the official ballot title is
9 insufficient or unfair and shall request a different summary
10 statement portion of the official ballot title. Alternatively,
11 the petition shall state the reasons why the fiscal note or the
12 fiscal note summary portion of the official ballot title is
13 insufficient or unfair and shall request a different fiscal note
14 or fiscal note summary portion of the official ballot title.

15 4. The action shall be placed at the top of the civil
16 docket. Insofar as the action challenges the summary statement
17 portion of the official ballot title, the court shall consider
18 the petition, hear arguments, and in its decision certify the
19 summary statement portion of the official ballot title to the
20 secretary of state. Insofar as the action challenges the fiscal
21 note or the fiscal note summary portion of the official ballot
22 title, the court shall consider the petition, hear arguments, and
23 in its decision, either certify the fiscal note or the fiscal
24 note summary portion of the official ballot title to the
25 secretary of state or remand the fiscal note or the fiscal note
26 summary to the auditor for preparation of a new fiscal note or
27 fiscal note summary pursuant to the procedures set forth in
28 section 116.175. Any party to the suit may appeal to the supreme

1 court within ten days after a circuit court decision. In making
2 the legal notice to election authorities under section 116.240,
3 and for the purposes of section 116.180, the secretary of state
4 shall certify the language which the court certifies to him.

5 5. Any action brought under this section that is not fully
6 and finally adjudicated within one hundred eighty days of filing,
7 including all appeals, shall be extinguished, unless a court
8 extends such period upon a finding of good cause for such
9 extension. Such good cause shall consist only of court-related
10 scheduling issues and shall not include requests for continuance
11 by the parties.

12 116.332. 1. Before a constitutional amendment petition, a
13 statutory initiative petition, or a referendum petition may be
14 circulated for signatures, a sample sheet must be submitted to
15 the secretary of state in the form in which it will be
16 circulated. When a person submits a sample sheet of a petition
17 he or she shall designate to the secretary of state the name and
18 address of the person to whom any notices shall be sent pursuant
19 to sections 116.140 and 116.180 and, if a committee or person,
20 except the individual submitting the sample sheet, is funding any
21 portion of the drafting or submitting of the sample sheet, the
22 person submitting the sample sheet shall submit a copy of the
23 filed statement of committee organization required under
24 subsection 5 of section 130.021 showing the date the statement
25 was filed. The secretary of state shall refer a copy of the
26 petition sheet to the attorney general for his approval and to
27 the state auditor for purposes of preparing a fiscal note and
28 fiscal note summary. The secretary of state and attorney general

1 must each review the petition for sufficiency as to form and
2 approve or reject the form of the petition, stating the reasons
3 for rejection, if any.

4 2. Within two business days of receipt of any such sample
5 sheet, the office of the secretary of state shall conspicuously
6 post on its website the text of the proposed measure, a
7 disclaimer stating that such text may not constitute the full and
8 correct text as required under section 116.050, and the name of
9 the person or organization submitting the sample sheet. The
10 secretary of state's failure to comply with such posting shall be
11 considered a violation of chapter 610 and subject to the
12 penalties provided under subsection 3 of section 610.027. The
13 posting shall be removed within three days of either the
14 withdrawal of the petition under section 116.115 or the rejection
15 for any reason of the petition.

16 3. Upon receipt of a petition from the office of the
17 secretary of state, the attorney general shall examine the
18 petition as to form. If the petition is rejected as to form, the
19 attorney general shall forward his or her comments to the
20 secretary of state within ten days after receipt of the petition
21 by the attorney general. If the petition is approved as to form,
22 the attorney general shall forward his or her approval as to form
23 to the secretary of state within ten days after receipt of the
24 petition by the attorney general.

25 [3.] 4. The secretary of state shall review the comments
26 and statements of the attorney general as to form and make a
27 final decision as to the approval or rejection of the form of the
28 petition. The secretary of state shall send written notice to

1 the person who submitted the petition sheet of the approval
2 within [thirty] fifteen days after submission of the petition
3 sheet. The secretary of state shall send written notice if the
4 petition has been rejected, together with reasons for rejection,
5 within [thirty] fifteen days after submission of the petition
6 sheet.

7 116.334. 1. If the petition form is approved, the secretary
8 of state shall make a copy of the sample petition available on
9 the secretary of state's website. For a period of fifteen days
10 after the petition is approved as to form, the secretary of state
11 shall accept public comments regarding the proposed measure and
12 provide copies of such comments upon request. Within [ten]
13 twenty-three days of receipt of such approval, the secretary of
14 state shall prepare and transmit to the attorney general a
15 summary statement of the measure which shall be a concise
16 statement not exceeding one hundred words. This statement shall
17 be in the form of a question using language neither intentionally
18 argumentative nor likely to create prejudice either for or
19 against the proposed measure. The attorney general shall within
20 ten days approve the legal content and form of the proposed
21 statement.

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

25 3. Signatures for statutory initiative petitions shall be
26 filed not later than six months prior to the general election
27 during which the petition's ballot measure is submitted for a
28 vote, and shall also be collected not earlier than the day after

1 the day upon which the previous general election was held.

2 Section B. The repeal and reenactment of sections 116.030,
3 116.040, 116.080, 116.190, 116.332, and 116.334, and the
4 enactment of sections 116.115 and 116.153 shall become effective
5 on November 4, 2014.

6 Section C. The provisions of this act are severable. If any
7 provision of this act is found by a court of competent
8 jurisdiction to be unconstitutional, the remaining provisions are
9 valid except to the extent that the court finds the valid
10 provisions, standing alone, are incomplete and are incapable of
11 being executed in accordance with the will of the people.

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