

FIRST REGULAR SESSION

# HOUSE BILL NO. 1043

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

2147H.02I

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal sections 116.050 and 116.080, RSMo, and to enact in lieu thereof two new sections relating to initiative petitions.

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

Section A. Sections 116.050 and 116.080, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 116.050 and 116.080, to read as follows:

116.050. 1. Initiative and referendum petitions filed under the provisions of this chapter shall consist of pages of a uniform size. Each page, excluding the text of the measure, shall be no larger than eight and one-half by fourteen inches **and the font shall be at least fourteen point and in Times New Roman**. Each page of an initiative petition shall be attached to or shall contain a full and correct text of the proposed measure.

Each page of a referendum petition shall be attached to or shall contain a full and correct text of the measure on which the referendum is sought.

2. **The secretary of state shall collect a filing fee of five hundred dollars for each initiative petition filed. Each fee collected under this section shall be placed in a trust fund established by the state treasurer and shall be refunded if the initiative petition qualifies for the ballot within two years after a summary statement has been prepared by the secretary of state under section 116.334. Any fees that are not refunded shall revert to the general revenue.**

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

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

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.

17 (2) Include all sections of existing law or of the constitution which would be repealed  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

19 (3) Otherwise conform to the provisions of Article III, Section 28 and Article III, Section  
20 50 of the Constitution and those of this chapter.

21 **4. Initiative petitions shall be filed no earlier than January thirty-first following a**  
22 **general election and no later than nine months prior to the election at which the proposed**  
23 **measure is to be submitted for a vote.**

24 **5. Any proponent of an initiative or referendum petition who is unable to deposit**  
25 **with the secretary of state the filing fee under subsection 2 of this section shall certify to the**  
26 **secretary of state their inability to pay the costs associated with examination and**  
27 **verification of signatures and shall receive a waiver of costs.**

116.080. 1. Each petition circulator shall be at least eighteen years of age, **a Missouri**  
2 **resident, registered to vote in Missouri,** and registered **to circulate petitions** with the secretary  
3 of state. Signatures collected by any circulator who has not registered with the secretary of state  
4 pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the  
5 secretary of state shall not be counted. A petition circulator shall be deemed registered at the  
6 time such circulator delivers a signed circulator's affidavit pursuant to section 116.030, with  
7 respect to a referendum petition, or section 116.040, with respect to an initiative petition, to the  
8 office of the secretary of state. No person shall qualify as a petition circulator who has been  
9 convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this  
10 state or an offense under the laws of any other jurisdiction if that offense would be considered  
11 forgery under the laws of this state.

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

17 3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is  
18 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section ~~[560.021]~~  
19 **558.002** to the contrary, for a term of imprisonment not to exceed one year in the county jail or  
20 a fine not to exceed ten thousand dollars or both.

21 **4. (1) Each petition circulator who is not paid for the purpose of circulating a**  
22 **petition shall display an identification badge while circulating petitions. Such badge shall**  
23 **include the words "VOLUNTEER CIRCULATOR" in boldfaced type that is clearly**  
24 **legible.**

25           **(2) Each petition circulator who is paid for the purpose of circulating a petition**  
26 **shall display an identification badge while circulating petitions. Such badge shall include**  
27 **the words "PAID CIRCULATOR" in boldfaced type that is clearly legible and the name**  
28 **and telephone number of the individual employing the circulator.**

29           **5. It shall be unlawful for any individual, campaign committee, as that term is**  
30 **defined in section 130.011, or other organization to pay or offer to pay any petition**  
31 **circulator on a basis related to the number of signatures obtained for circulating a petition.**

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