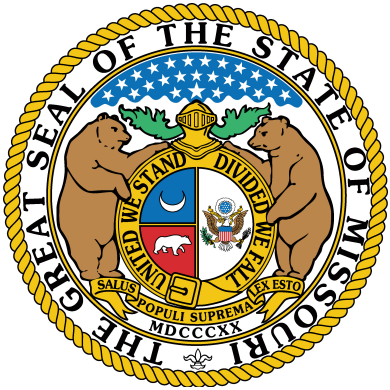

Make Your Voice Heard

Missouri's Initiative Petition Process

John R. Ashcroft
Secretary of State

Make Your Voice Heard:

Missouri's Initiative Petition Process

Prepared by
The Missouri Secretary of State's office

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Initiative Petition Overview

The initiative petition process gives Missouri citizens the opportunity to directly participate in our democracy. The secretary of state's office is charged with overseeing this process and certifying proposed petitions for the ballot.

Petitioners will first submit proposed petitions to the secretary of state's office. The office approves the proposed petition's form and prepares ballot summary language. The state auditor also prepares a fiscal note and fiscal note summary for the proposed petition. The secretary of state's office then certifies the official ballot title for the petition, which consists of the ballot summary language and fiscal note summary. After the official ballot title is certified, petitioners can circulate their proposed petitions and collect signatures. Next, petitioners submit these signatures to the secretary of state's office. The office distributes copies of the petition pages to local election authorities to verify that the signatures are those of registered Missouri voters in the correct Congressional district. Finally, the secretary of state's office receives the verified signatures and determines whether the petition contains a sufficient number of valid signatures. If so, the secretary of state's office issues a certificate of sufficiency, stating that the petition shall be placed on the ballot for the general election. The details of the process are outlined below.

Submitting a Proposed Petition

Step 1: A petitioner submits a proposed petition, in the form in which it will be circulated, and a petition submission cover sheet to the secretary of state's office, which issues a receipt to the petitioner. If a person or committee, other than the petitioner, is funding a portion of the drafting or submission of the sample sheet, the petitioner must also attach to the proposed petition a copy of the filed statement of committee organization required under Section 130.021.5, RSMo, showing the date the statement was filed.

Step 2: The secretary of state's office sends a copy of the proposed petition to the attorney general's office and the auditor's office.

Step 3: The proposed petition is posted on the secretary of state's office website for a minimum thirty day public comment period.

Step 4: The attorney general's office reviews the form and forwards its comments to the secretary of state's office within 10 days after receiving the proposed petition. The auditor's office prepares a fiscal note and fiscal note summary and forwards it to the attorney general's office within 20 days after receiving the proposed petition.

Step 5: The secretary of state's office approves or rejects the form of the proposed petition within 15 days after receiving the proposed petition from the petitioner. The petitioner is informed of the approval or rejection.

Step 6: The secretary of state's office prepares a proposed ballot summary statement and forwards it to the attorney general's office for review within 23 days after the approval of the proposed petition's form.

Step 7: The attorney general's office forwards its review to the secretary of state's office within 10 days after receiving the proposed ballot summary statement. The attorney general's office also forwards its approval or rejection of the fiscal note and fiscal note summary to the auditor's office within 10 days after receiving the proposed fiscal note and fiscal note summary. The auditor's office then forwards the fiscal note and fiscal note summary to the secretary of state's office.

Step 8: Within 3 days after receiving the ballot summary statement, approved fiscal note summary and fiscal note, the secretary of state's office certifies the official ballot title, which consists of the ballot summary statement and fiscal note summary. The official ballot title is then posted on the secretary of state's website.

Circulating the Petition

Any registered Missouri voter can sign an initiative petition. Petition circulators, who must be at least eighteen years of age and registered with the secretary of state's office, collect signatures on petition pages that contain the official ballot title and the full and correct text of the proposed measure. Each petition page may only contain signatures of voters from one county. Signatures of voters from counties other than the one designated by the circulator in the upper right-hand corner of the petition page will not be counted.

Note: Individuals that sign any name other than their own to any petition; knowingly sign their name more than once for the same measure for the same election; sign knowing that they are not a Missouri registered voter; or knowingly accept or offer money or anything of value to another person in exchange for a signature on a petition may be charged with a class A misdemeanor.

Submitting and Checking Signatures

All petitioners must deliver signed petitions to the secretary of state's office no less than six months before the election. For the 2016 election cycle, the submission deadline for signatures is 5:00 PM on May 8. Petitioners also submit paperwork showing the number of pages per county, and contact information for each petition. All pages of the petition must be submitted at one time, placed in order and numbered sequentially by county, unless an alternate numbering scheme is approved in writing by the secretary of state's office prior to submission. After verifying the count of signature pages, the secretary of state's office will issue a receipt to the petitioner.

Proposed constitutional amendments and statutory measures will be numbered or lettered in the order in which they were passed by the general assembly or submitted by initiative petition.

The secretary of state's office will inventory every petition page by county, documenting any missing or duplicate pages.

Petition pages are then copied and distributed to local election authorities for signature verification. If only one petition is submitted to the secretary of state's office, the local election authority must receive the copies no later than two weeks after the petition is submitted. If three petitions are submitted, the local election authority must receive the copies no later than three weeks after the petition is submitted. If more than three petitions are submitted, the local election authority must receive the copies no later than four weeks after the petition is submitted. The secretary of state's office chooses whether to verify every signature or use random sampling and instructions for verifying the signatures are sent to local election authorities. If every signature is verified, verification must be certified and delivered to the secretary of state's office by 5:00 PM on the last Tuesday in July prior to the election. For the 2016 election cycle, the deadline is 5:00 PM on July 26.

Issuing the Certificate of Sufficiency

Upon receiving verified signatures from each local election authority, the secretary of state's office determines the sufficiency of each petition by tallying the valid signatures. For the 2016 election cycle, the number of valid signatures needed is outlined on page 5 (Table A). If the office finds that a sufficient number of valid signatures have been submitted on a petition, the secretary of state issues a certificate stating that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and state law and shall be placed on the ballot. However, if the office finds the petition insufficient, the secretary of state issues a certificate stating the reasons for the insufficiency. The certificate must be issued before 5:00 PM on the 13th Tuesday prior to the general election or, if the signatures were verified by random sample, two weeks after the date the local election authority certifies the results of the verification, whichever is later.

Number of Required Signatures

Petitions proposing statutory changes must be signed by five percent of legal voters in any six of the eight congressional districts. Petitions proposing constitutional changes must be signed by eight percent of legal voters in any six of the eight congressional districts. These numbers are shown in Table A, below.

Table A (Required Signatures Per District)

Congressional District	Gubernatorial Votes Cast in 2012	5% for Statutory Change	8% for Constitutional Change
1st	345,026	17,252	27,603
2nd	404,209	20,211	32,337
3rd	351,362	17,569	28,109
4th	325,375	16,269	26,030
5th	334,068	16,704	26,726
6th	338,577	16,929	27,087
7th	324,291	16,215	25,944
8th	304,975	15,249	24,398

For example, the number of signatures required for six of the eight congressional districts with the lowest number of votes for governor at the last general election are shown in Table B on page 6.

Table B (Example for Minimum Number of Signatures Required)

Congressional District	Example Statutory Change	Example Constitutional Change
1st	17,252	27,603
4th	16,269	26,030
5th	16,704	26,726
6th	16,929	27,087
7th	16,215	25,944
8th	15,249	24,398
TOTAL SIGNATURES NEEDED	98,618	157,788

Filing Instructions and Procedures

1. Petitioners must submit all petition pages at the same time to the secretary of state's office by 5:00 PM on May 8, 2016 for the 2016 election cycle.

2. Petitioners must submit an Initiative Petition Receipt form with each petition showing the number of pages by county that are being filed with the secretary of state's office. This form is available from the Elections Division (800-669-8683 or 573-751-2301) and will become the petitioner's receipt after review by the secretary of state's office.

3. Petitioners must number petition pages sequentially and by county before submitting the petition to the secretary of state's office. The page number and county in which the petition signers on that page are registered to vote must be designated in the upper right-hand corner of each page. (i.e., Cole 1, Cole 2, etc.) The county in which the petition signers are registered to vote must also be designated in the paragraph at the top of the page which begins with "We, the undersigned" and in the blank immediately before the circulator's signature at the bottom of the page. The "Circulator's Affidavit" at the bottom of the page must also state the county in which the circulator's signature is notarized.

4. When attaching the full and correct text of the proposed measure to each page of an initiative petition, we recommend the following guidelines:

•If space allows, place the full text of the proposed measure on the back of each petition signature page.

•If the full text of the proposed measure exceeds the space on the back of each page, the additional text may be attached on the front and back of each consecutive page and stapled down the left side of the page and not diagonally in the corner. Remember that all petitions must be circulated and submitted in the form of the sample sheet that was approved by the secretary of state's office.

5. Petitioners should arrange petition pages in file folders limited to 100 pages per folder, which should be labeled with county and page numbers. (i.e., Cole County 1–100, Cole County 101–200, etc.)

6. Petitioners should place the folders in cardboard file boxes clearly labeled with the contents by county.

7. The secretary of state's office will not count any signatures on petition pages circulated by an individual who has not registered with the secretary of state on or before 5:00 p.m. on the final day for filing petitions. A petition circulator is considered registered at the time a signed circulator's affidavit is delivered to the secretary of state's office. Please ensure that the name and address of each petition circulator is clearly printed on the circulator affidavit on each petition page.

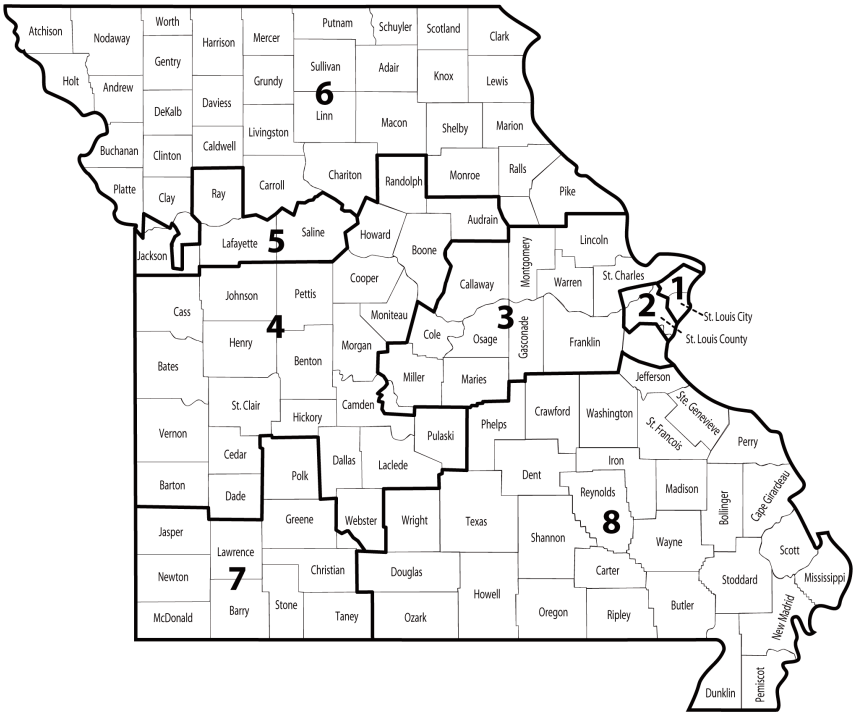
8. Each petition circulator must be at least 18 years old and registered with the secretary of state. No person shall qualify as a circulator who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state.

Missouri Congressional Districts

District	County	Population
1	St. Louis City, parts of St. Louis County.	748,616
2	Parts of Jefferson, St. Charles, St. Louis County.	748,616
3	Callaway, Camden (part), Cole, Franklin, Gasconade, Jefferson (part), Lincoln, Maries, Miller, Montgomery, Osage, St. Charles (part), Warren.	748,615
4	Audrain (part), Barton, Bates, Benton, Boone, Camden (part), Cass, Cedar, Cooper, Dade, Dallas, Henry, Hickory, Howard, Johnson, Laclede, Moniteau, Morgan, Pettis, Pulaski, Randolph, St. Clair, Vernon, Webster (part).	748,616
5	Clay (part), Jackson (part), Kansas City, Lafayette, Ray, Saline.	748,616
6	Adair, Andrew, Atchison, Audrain (part), Buchanan, Caldwell, Carroll, Chariton, Clark, Clay (part), Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Jackson (part), Knox, Lewis, Linn, Livingston, Macon, Marion, Mercer, Monroe, Nodaway, Pike, Platte, Putnam, Ralls, Schuyler, Scotland, Shelby, Sullivan, Worth.	748,616
7	Barry, Christian, Greene, Jasper, Lawrence, McDonald, Newton, Polk, Stone, Taney, Webster (part)	748,616
8	Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Jefferson (part), Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Perry, Phelps, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Texas, Washington, Wayne, Wright.	748,616

Congressional District Map

This map shows the current boundaries of the congressional districts as they were apportioned according to House Bill 193, 96th General Assembly, 1st Regular Session in 2011.



Detailed congressional maps for split jurisdictions may be obtained from the University of Missouri Geographic Resources Center. To order, call (573) 882-1404.

General Maps of Congressional Districts can be found at the Secretary of State Website: www.sos.mo.gov/elections

Redistricting questions can be directed to the State Demographer, Office of Administration, Division of Budget and Planning, (573) 751-2345.

Sample Initiative Petition Submission Cover Page

INITIATIVE PETITION SUBMISSION COVER PAGE

RETURN TO:
Missouri Secretary of State
Elections Division
600 W. Main St.
Jefferson City, MO 65101

MISSOURI SECRETARY OF STATE
JOHN R. ASHCROFT

PHONE: (800) 669-8683
WEB: http://www.sos.mo.gov

Pursuant to Sections 116.100 and 116.332, RSMo, upon submitting a petition, please provide the following contact information:

_____
DATE OF SUBMISSION

_____ _____
LAST NAME* FIRST NAME*

_____
STREET ADDRESS*

_____ _____ _____
CITY* STATE* ZIP CODE*

_____ _____
PHONE* EMAIL

_____
ORGANIZATION

CHECK ONE*:

☐ A PERSON OR COMMITTEE, OTHER THAN ME, IS FUNDING A PORTION OF THE DRAFTING OR SUBMISSION OF THIS SAMPLE SHEET. AS A RESULT, I AM ATTACHING A COPY OF THE FILED STATEMENT OF COMMITTEE ORGANIZATION REQUIRED UNDER SECTION 130.021.5, RSMO, SHOWING THE DATE THE STATEMENT WAS FILED.

☐ I AFFIRM THAT NO PORTION OF THE DRAFTING OR SUBMISSION OF THIS SAMPLE SHEET HAS BEEN FUNDED BY A PERSON OR COMMITTEE OTHER THAN ME.

_____
SIGNATURE OF PERSON SUBMITTING THE SAMPLE SHEET*

*REQUIRED INFORMATION

To request submission cover pages, please contact the Elections Division at 800-669-8683 or 573-751-2301.

Constitution of Missouri

Article III, Sections 49-53

INITIATIVE AND REFERENDUM

Section 49. Reservation of power to enact and reject laws.— The people reserve power to propose and enact or reject laws and amendments to the constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.

Section 50. Initiative petitions—signatures required—form and procedure.—Initiative petitions proposing amendments to the constitution shall be signed by eight percent of the legal voters in each of two-thirds of the congressional districts in the state, and petitions proposing laws shall be signed by five percent of such voters. Every such petition shall be filed with the secretary of state not less than six months before the election and shall contain an enacting clause and the full text of the measure. Petitions for constitutional amendments shall not contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, and the enacting clause thereof shall be "Be it resolved by the people of the state of Missouri that the Constitution be amended:". Petitions for laws shall contain not more than one subject which shall be expressed clearly in the title, and the enacting clause thereof shall be "Be it enacted by the people of the state of Missouri:".

Section 51. Appropriations by initiative—effective date of initiated laws—conflicting laws concurrently adopted.—The initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any other purpose prohibited by this constitution. Except as provided in this constitution, any measure proposed shall take effect when approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election the one receiving the largest affirmative votes shall prevail.

Section 52(a). Referendum—exceptions—procedure.—A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts

in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.

Section 52(b). Veto power—elections—effective date.—The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.

Section 53. Basis for computation of signatures required.— The total vote for governor at the general election last preceding the filing of any initiative or referendum petition shall be used to determine the number of legal voters necessary to sign the petition. In submitting the same to the people the secretary of state and all other officers shall be governed by general laws.

Article XII, Section 2(b)

AMENDING THE CONSTITUTION

Section 2(b). Submission of amendments proposed by general assembly or by the initiative.—All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.

Revised Statutes of Missouri, Chapter 116

INITIATIVE AND REFERENDUM

116.010. Definitions.—As used in this chapter, unless the context otherwise indicates,

(1) "County" means any one of the several counties of this state or the city of St. Louis;

(2) "Election authority" means a county clerk or board of election commissioners, as established by section 115.015, RSMo;

(3) "General election" means the first Tuesday after the first Monday in November in even-numbered years;

(4) "Official ballot title" means the summary statement and fiscal note summary prepared for all statewide ballot measures in accordance with the provisions of this chapter which shall be placed on the ballot and, when applicable, shall be the petition title for initiative or referendum petitions;

(5) "Statewide ballot measure" means a constitutional amendment submitted by initiative petition, the general assembly or a constitutional convention, a statutory measure submitted by initiative or referendum petition, the question of holding a constitutional convention, and a constitution proposed by a constitutional convention;

(6) "Voter" means a person registered to vote in accordance with section 115.151, RSMo.

(L. 1980 S.B. 658, A.L. 1997 S.B. 132)

116.020. Application of laws.—This chapter shall apply to elections on statewide ballot measures. The election procedures contained in chapter 115, RSMo, shall apply to elections on statewide ballot measures, except to the extent that the provisions of chapter 116 directly conflict, in which case chapter 116 shall prevail, and except to the extent that a constitutional convention's provisions under section 3(c) of article XII of the constitution directly conflict, in which case the convention's provisions shall prevail.

(L. 1980 S.B. 658) Effective 1-1-81

116.025. Attorney general sent fair ballot language, when—statement posted at polling place.—The secretary of state within twenty days of receiving a statewide ballot measure shall prepare and

transmit to the attorney general fair ballot language statements that fairly and accurately explain what a vote for and what a vote against the measure represent. Each statement shall be posted in each polling place next to the sample ballot. Such fair ballot language statements shall be true and impartial statements of the effect of a vote for and against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. In addition, such fair ballot language shall include a statement as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax. Such fair ballot language statements may be challenged in accordance with section 116.190. The attorney general shall within ten days approve the legal content and form of the proposed statements.

(L. 2003 H.B. 511)

116.030. Referendum petition, form—clerical and technical errors to be disregarded, penalties for false signature.—The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County .....

Page No. .....

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 referendum 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.

PETITION FOR REFERENDUM

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. .... entitled (title of law), passed by the ..... general assembly of the state of Missouri, at the ..... regular (or special) session of the ..... general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ..., unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed

this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) .....

CIRCULATOR'S AFFIDAVIT

State Of Missouri, County Of .....

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

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

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

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

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

.....
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.

*(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117) *Effective 11-04-14*

116.040. Initiative petition for law or constitutional amendment, form—clerical and technical errors to be disregarded, penalties for false signature.—The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County .....

Page No. .....

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.

INITIATIVE PETITION

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ..., and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and ..... County (or city of St. Louis), my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) .....

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF .....

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

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

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

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

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

.....

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.

*(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117) *Effective 11-04-14*

116.050. Initiative and referendum petitions, requirements.— 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. 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 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;

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

(3) Otherwise conform to the provisions of article III, section 28 and article III, section 50 of the constitution and those of this chapter.

(L. 1980 S.B. 658, A.L. 1997 S.B. 132)

116.060. Initiative and referendum petitions, who may sign—residents of one county only on a designated page.—Any registered voter of the state of Missouri may sign initiative and referendum petitions. However, each page of an initiative or referendum petition shall contain signatures of voters from only one county. Each petition page filed with the secretary of state shall have the county where the signers are registered designated in the upper right-hand corner of such page. Signatures of voters from counties other than the one designated by the circulator in the upper right-hand corner on a given page shall not be counted as valid.

(L. 1980 S.B. 658, A.L. 1999 H.B. 676) Effective 6-16-99

116.070. Petitioner may sign by mark, procedure.—When any voter wishes to sign an initiative or referendum petition and is

unable to sign his name, the circulator shall print the required information on the petition. The voter shall then make his mark, and the circulator shall attest to it by his signature. For purposes of this chapter, all marks made and attested in accordance with this section shall be considered signatures.

(L. 1980 S.B. 658) Effective 1-1-81

116.080. Qualifications of circulator—affidavit, notarization, penalty.—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. No person shall qualify as a petition circulator who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state.

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

3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 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.

*(L. 1980 S.B. 658, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117) *Effective 11-04-14*

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

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

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

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

(4) Forges or falsifies signatures; or

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

2. Any person who knowingly causes a petition circulator's signatures to be submitted for counting, and who either knows that such circulator has violated subsection 1 of this section or, after receiving notice of facts indicating that such person may have violated subsection 1 of this section, causes the signatures to be submitted with reckless indifference as to whether such circulator has complied with subsection 1 of this section, shall also be deemed to have committed the crime of petition signature fraud.

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

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

(L. 1980 S.B. 658, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117)

116.100. Filing of petition, procedure.—The secretary of state shall not accept any referendum petition submitted later than 5:00 p.m. on the final day for filing referendum petitions. The secretary of state shall not accept any initiative petition submitted later than 5:00 p.m. on the final day for filing initiative petitions. All pages shall be submitted at one time. When an initiative or referendum petition is submitted to the secretary of state, the signature pages shall be in order and numbered sequentially by county, except in counties that include multiple congressional districts, the signatures may be ordered and numbered using an alternate numbering scheme approved in writing by the secretary of state prior to submission of the petition. Any petition that is not submitted in accordance with this section, disregarding clerical and merely technical errors, shall be rejected as insufficient. After verifying the count of signature pages, the secretary of state shall issue a receipt indicating the

number of pages presented from each county. When a person submits a petition he or she shall designate to the secretary of state the name and the address of the person to whom any notices shall be sent under sections 116.140 and 116.180.

(L. 1980 S.B. 658, A.L. 1983 S.B. 234, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676) Effective 6-16-99

116.110. Signature may be withdrawn, when, how, effect, penalty.—Any voter who has signed an initiative or referendum petition may withdraw his or her signature from that petition by submitting to the secretary of state, before the petition is filed with the secretary of state, a sworn statement requesting that his or her signature be withdrawn and affirming the name of the petition signed, the name the voter used when signing the petition, the address of the voter and the county of residence. 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, to knowingly file a false withdrawal statement with the secretary of state.

(L. 1980 S.B. 658, A.L. 1999 H.B. 676) Effective 6-16-99

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

(L. 2013 H.B. 117) Effective 11-04-14

116.120. Secretary of state to determine sufficiency of form and compliance—invalid signatures not counted—signatures may be verified by random sampling, procedure and requirements.—1. When an initiative or referendum petition is submitted to the secretary of state, he or she shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter. Signatures on petition pages that have been collected by any person who is not properly registered with the secretary of state as a circulator shall not be counted as valid. Signatures on petition pages that do not have the official ballot title affixed to the page shall not be counted as valid. The secretary of state may verify the signatures on the petition by use of random sampling. The random sample of signatures to be verified shall

be drawn in such a manner that every signature properly filed with the secretary of state shall be given an equal opportunity to be included in the sample. The process for establishing the random sample and determining the statistically valid result shall be established by the secretary of state. Such a random sampling shall include an examination of five percent of the signatures.

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

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

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

(L. 1980 S.B. 658, A.L. 1988 S.B. 647, A.L. 1999 H.B. 676) Effective 6-16-99

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

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

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

(3) If more than three petitions are filed, all copies of petition

pages, including those petitions selected for verification by random sample pursuant to section 116.120, shall be received in the office of the election authority not later than the fourth week after the petition is filed in the office of the secretary of state.

Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. Signatures shall not be counted as valid if they have been struck through or crossed out.

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

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

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

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

6. After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions.

(L. 1980 S.B. 658, A.L. 1988 S.B. 647, A.L. 1995 S.B. 3, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2003 S.B. 50)

116.140. Secretary of state's authority not to count forged or fraudulent signatures.—Notwithstanding certifications from election authorities under section 116.130, the secretary of state shall have authority not to count signatures on initiative or referendum petitions which are, in his opinion, forged or fraudulent signatures.

(L. 1980 S.B. 658, A.L. 1988 S.B. 647) Effective 6-6-88

116.150. Secretary of state to issue certificate of sufficiency of petition, when—if insufficient, certificate to state reasons.—1. After the secretary of state makes a determination on the sufficiency of the petition and if the secretary of state finds it sufficient, the secretary of state shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.

2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, the secretary of state shall issue a certificate stating the reason for the insufficiency.

3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later.

(L. 1980 S.B. 658, A.L. 1985 H.B. 543, A.L. 1988 S.B. 647, A.L. 1999 H.B. 676) Effective 6-16-99

116.153. Hearing to take public comments—joint committee on legislative research to provide summary to secretary of state, posting on website.—Within thirty days of issuing certification that the petition contains a sufficient number of valid signatures pursuant to section 116.150, the joint committee on legislative research shall hold a public hearing in Jefferson City to take public comments concerning the proposed measure. Such hearing shall be a public meeting under chapter 610. Within five business days after the end of the public hearing, the joint committee on legislative research shall provide a summary of the hearing to the secretary of state or his or her designee and the

secretary of state shall post a copy of the summary on the website of the office of the secretary of state.

(L. 2013 H.B. 117) Effective 11-04-14

116.155. Official summaries and fiscal notes may be included in ballot measures, summary to be official ballot title if included.—1. The general assembly may include the official summary statement and a fiscal note summary in any statewide ballot measure that it refers to the voters.

2. The official summary statement approved by the general assembly shall, taken together with the approved fiscal note summary, be the official ballot title and such summary statement shall contain no more than fifty words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

3. The fiscal note summary approved by the general assembly shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note prepared for the measure in language neither argumentative nor likely to create prejudice for or against the proposed measure.

(L. 1999 H.B. 676) Effective 6-16-99

116.160. Summary statement to be provided by the secretary of state if summary not provided by general assembly—content.— 1. If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary, which is to be referred to a vote of the people, after receipt of such resolution or bill the secretary of state shall promptly forward the resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without an official summary statement, which is to be referred to a vote of the people, within twenty days after receipt of the resolution or bill, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure as the proposed summary statement. The secretary of state may seek the advice of the legislator who introduced the constitutional amendment or bill and the speaker of the house or the president pro tem of the legislative chamber that originated the measure. The summary statement may be distinct from the legislative title of the proposed constitutional amendment or bill. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. The official summary statement shall contain no more than fifty words, excluding articles. The title shall be a true and impartial

statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

(L. 1980 S.B. 658, A.L. 1983 S.B. 234, A.L. 1985 H.B. 543, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676) Effective 6-16-99

(2004) Secretary of State's duty to place matters on a ballot are not finally triggered until receipt of the original document. Nixon v. Blunt, 135 S.W.3d 416 (Mo. banc).

116.170. Fiscal note and fiscal note summary to be provided by state auditor if not provided by general assembly.—If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary, which is to be referred to a vote of the people, the state auditor shall, within thirty days of delivery to the auditor, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.

(L. 1980 S.B. 658, A.L. 1983 S.B. 234, A.L. 1993 S.B. 350, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676) Effective 6-16-99

(1994) Where statute requires that cost be addressed in a fiscal note summary only in cases when a proposition has cost, fiscal note summary attached to initiative proposition was not insufficient when it did not address cost, since proposition would not generate cost or savings. Committee on Legislative Research v. Mitchell, 886 S.W.2d 662 (Mo. App. W.D.).

116.175. Fiscal impact of proposed measure—fiscal note, fiscal note summary, requirements—return of fiscal note for revision, when.—1. Except as provided in section 116.155, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.

3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

5. If the attorney general or the circuit court of Cole County determines that the fiscal note or the fiscal note summary does* not satisfy the requirements of this section, the fiscal note and the fiscal note summary shall be returned to the auditor for revision. A fiscal note or fiscal note summary that does not satisfy the requirements of this section also shall not satisfy the requirements of section 116.180.

(L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511 merged with S.B. 623)

**Word "do" appears in original rolls.*

(2012) Section imposing a duty on the State Auditor to prepare fiscal notes and fiscal note summaries for initiative petitions is constitutional. Brown v. Carnahan, 370 S.W.3d 637 (Mo.banc).

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

(L. 1980 S.B. 658, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676) Effective 6-16-99

116.185. Identical ballot titles may be changed, how.—Before the ballot is printed, if the title of a ballot issue is identical or

substantially identical to the title of another ballot issue that will appear on the same ballot, the election authority shall promptly notify the officer or entity that certifies the election of the identical or substantially identical title, and if such officer or entity submits a new title to the election authority, the election authority may change the title of the ballot issue prior to printing the official ballot.

(L. 1999 H.B. 676 § 1)

116.190. Ballot title may be challenged, procedure—who are parties defendant—changes may be made by court—appeal to supreme court, when.—1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

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

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal

note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of state shall certify the language which the court certifies to him.

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

*(L. 1980 S.B. 658, A.L. 1985 H.B. 543, A.L. 1993 S.B. 350, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511 merged with S.B. 623, A.L. 2013 H.B. 117) *Effective 11-04-14.*

116.195. Costs of court-ordered ballot title change to be paid by the state.—Whenever the reprinting of a statewide ballot measure is necessary as a result of a court-ordered change to the ballot language for such measure, the costs of such reprinting shall be paid by the state.

(L. 1999 H.B. 676 § 2)

116.200. Secretary of state's decision as to sufficiency of petition may be reversed, procedure—appeal.—1. After the secretary of state certifies a petition as sufficient or insufficient, any citizen may apply to the circuit court of Cole County to compel him to reverse his decision. The action must be brought within ten days after the certification is made. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible.

2. If the court decides the petition is sufficient, the secretary of state shall certify it as sufficient and attach a copy of the judgment. If the court decides the petition is insufficient, the court shall enjoin the secretary of state from certifying the measure and all other officers from printing the measure on the ballot.

3. Within ten days after a decision is rendered, any party may appeal it to the supreme court.

(L. 1980 S.B. 658) Effective 1-1-81

116.210. Numbering of proposed constitutional amendments.—The secretary of state shall number proposed constitutional amendments in the order in which they are passed by the general assembly, or submitted by initiative petition, or adopted by constitutional convention. He shall number the first as "Constitutional Amendment No. 1" and so on consecutively. A new series of numbers shall be started after each general election.

(L. 1980 S.B. 658) Effective 1-1-81

116.220. Labeling of initiative and referendum measures.—The secretary of state shall label statutory initiative and referendum measures alphabetically in the order in which they are submitted by petition or in the order in which they are passed by the general assembly. The secretary of state shall label the first as "Proposition A", and so on consecutively through the letter Z, and then begin labeling as "Proposition AA" and so on. A new series of letters shall be started after each general election. In the event a measure is labeled prior to, but not voted on at, the next succeeding general election, the letter assigned to such measure shall not be reassigned until after such measure has been voted on by the people.

(L. 1980 S.B. 658, A.L. 1999 H.B. 676) Effective 6-16-99

116.230. Sample ballots to be prepared, form.—1. The secretary of state shall prepare sample ballots in the following form.

2. The top of the ballot shall read:

"OFFICIAL BALLOT

STATE OF MISSOURI"

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

"CONSTITUTIONAL AMENDMENTS"

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

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

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

(L. 1980 S.B. 658, A.L. 1985 H.B. 543)

116.240. Certification to election authorities of notice to be published—contents.—Not later than the tenth Tuesday prior to an election at which a statewide ballot measure is to be voted on, the secretary of state shall send each election authority a certified copy of the legal notice to be published. The legal notice shall include the date and time of the election and a sample ballot.

(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132)

116.250. Publication of legal notice.—On receiving a notice under section 116.240, each election authority shall cause the legal notice to be published in accordance with subsection 2 of section 115.127, RSMo.

(L. 1980 S.B. 658) Effective 1-1-81

116.260. Newspapers for publication of text of measures to be designated—measures to be published, how.—The secretary of state shall designate in what newspaper or newspapers in each county the text of statewide ballot measures shall be published. If possible, each shall be published once a week for two consecutive weeks in two newspapers of different political faiths in each county, the last publication to be not more than thirty or less than fifteen days next preceding the election. If there is but one newspaper in any county, publication for four consecutive weeks shall be made, the first publication to be not less than twenty-eight days next preceding the election. If there are two or more newspapers in a county, none of which is of different political faiths from another, the statewide ballot measures shall be published once a week for two consecutive weeks in any two newspapers in the county with the last publication not more than thirty or less than fifteen days next preceding the election.

(L. 1980 S.B. 658, A.L. 1983 H.B. 670, A.L. 1997 S.B. 132)

116.270. Publications fund created—payments from fund for what, how made.—1. There is hereby created a "Publications Fund" which shall be used only to pay printing, publication, and

other expenses incurred in submitting statewide ballot measures to the voters.

2. The secretary of state shall certify to the commissioner of administration all valid claims for payment from the publications fund. On receiving the certified claims, the commissioner of administration shall issue warrants on the state treasurer payable to each individual out of the publications fund.

(L. 1980 S.B. 658) Effective 1-1-81

116.280. Paper ballots for statewide measures, form.—In jurisdictions using paper ballots, election authorities shall cause the ballots for statewide ballot measures to be printed on paper not less than four inches wide and ten inches long, and all in the same color and size. Measures may be printed in more than one column.

(L. 1980 S.B. 658) Effective 1-1-81

116.290. Printing of copies of statewide measures—to be posted at polling places—distribution, exception.—1. The secretary of state shall distribute copies of each statewide ballot measure, except proposed constitutions as published in newspapers for legal notice of the election.

2. The secretary of state shall print copies of each proposed constitution in pamphlet form.

3. From copies delivered by the secretary of state, each election authority shall post at least two copies of each notice and pamphlet at each polling place during the time the polls are open.

4. The secretary of state shall print any new language being proposed for adoption or rejection in boldface type.

(L. 1980 S.B. 658, A.L. 1983 S.B. 234)

116.300. Challengers and watchers at polling places, how designated.—Not later than the fourth Tuesday prior to an election on a statewide ballot measure, each chairman of a county campaign committee favoring a measure and each chairman of a county campaign committee opposing a measure shall file with the election authority a list of committee officers and a request to have the right to designate challengers and watchers under section 116.310. If only one committee favoring a particular measure and one committee opposing a particular measure file a list and a request, then each filing chairman shall have the right to designate challengers and watchers under section 116.310. If more than one committee favoring a particular measure or more than one committee opposing a particular measure files a list and request,

then the election authority shall determine which chairman has the right to designate challengers and watchers. If the measure was submitted by initiative or referendum petition, the person designated under section 116.100 as the person to receive notice under sections 116.140 and 116.180 shall be entitled to designate the county campaign committee chairmen's names to the proper election authorities by the fourth Tuesday prior to the election on that measure.

(L. 1980 S.B. 658) Effective 1-1-81

116.310. Time limited for designating challengers and watchers for polling places and counting locations—effect of failure to designate by prescribed time.—1. Not later than the Tuesday prior to an election on a statewide ballot measure, each county campaign committee chairman who had the right to designate challengers under section 116.300 shall designate such challengers, who may be present at each polling place during the hours of voting. Each such chairman shall also by the same time designate a challenger for each location at which absentee ballots are counted. The challengers so designated may be present while the ballots are being prepared for counting and being counted.

2. Not later than the Tuesday prior to an election on a statewide ballot measure, each campaign committee chairman who has the right to designate watchers under section 116.300 shall designate a watcher for each place votes are counted.

3. After challengers and watchers have been designated, the provisions contained in sections 115.105, 115.107, 115.109, and 115.111, RSMo, shall apply to them.

4. Failure to designate challengers and watchers by the prescribed times shall cause the county campaign committee to forfeit its right to name such persons for those omitted locations for that election.

(L. 1980 S.B. 658) Effective 1-1-81

116.320. Adoption of measure, vote required—effect of approval of conflicting measures.—1. Each statewide ballot measure receiving a majority of affirmative votes is adopted.

2. If voters approve two or more conflicting statutes at the same election, the statute receiving the largest affirmative vote shall prevail, even if that statute did not receive the greatest majority of affirmative votes.

3. If voters approve two or more conflicting constitutional amendments at the same election, the amendment receiving the

largest affirmative vote shall prevail, even if that amendment did not receive the greatest majority of affirmative votes.

(L. 1980 S.B. 658) Effective 1-1-81

116.330. Board of canvassers or governor to issue statement.—1. After an election at which any statewide ballot measure, other than a proposed constitution or constitutional amendment submitted by a constitutional convention, is voted upon, the secretary of state shall convene the board of state canvassers to total the abstracts. Not later than two weeks after receiving all required abstracts, the board shall issue a statement giving the number of votes cast "yes" and "no" on each question. If voters approve two or more measures at one election which are known to conflict with one another, or to contain conflicting provisions, the board shall also state which received the largest affirmative vote.

2. After an election at which a proposed constitution or constitutional amendment adopted by a constitutional convention is submitted, the governor shall proclaim the results in accordance with section 3(c), article XII of the constitution.

(L. 1980 S.B. 658) Effective 1-1-81

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

2. Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that

such text may not constitute the full and correct text as required under section 116.050, and the name of the person or organization submitting the sample sheet. The secretary of state's failure to comply with such posting shall be considered a violation of chapter 610 and subject to the penalties provided under subsection 3 of section 610.027. The posting shall be removed within three days of either the withdrawal of the petition under section 116.115 or the rejection for any reason of the petition.

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

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

*(L. 1985 H.B. 543 § 1, A.L. 1997 S.B. 132, A.L. 2013 H.B. 117)*Effective 11-04-14*

116.334. Petition approval required, procedure to obtain petition title or summary statement—rejection or approval of petition, procedure—circulation of petition prior to approval, effect—signatures, deadline for filing.—1. If the petition form is approved, the secretary of state shall make a copy of the sample petition available on the secretary of state's website. For a period of fifteen days after the petition is approved as to form, the secretary of state shall accept public comments regarding the proposed measure and provide copies of such comments upon request. Within twenty-three days of receipt of such approval, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

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

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

*(L. 1985 H.B. 543 § 2, A.L. 1997 S.B. 132, A.L. 2013 H.B. 117) *Effective 11-04-14*

116.340. Publication of approved measures.—When a statewide ballot measure is approved by the voters, the secretary of state shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330.

(L. 1980 S.B. 658) Effective 1-1-81

Code of State Regulations

Title 15—Elected Officials
Division 30—Secretary of State
Chapter 15—Initiative, Referendum, New Party and Independent Candidate Petition Rules

15 CSR 30-15.010 Signature Verification Procedures for Initiative, Referendum, New Party and Independent Petitions

PURPOSE: The secretary of state may make rules to ensure uniform, complete and accurate checking of initiative and referendum petition signatures. This rule provides for uniform determination of whether signatures are those of legal voters as required in Article III, Section 50 of the Missouri Constitution.

(1) Voter signatures will be rejected if—

(A) They list an address outside of the county as indicated on the petition except as provided in subsection (2)(B) and (3)(F) of this section; or

(B) They have been struck through or crossed out.

(2) Voter names will only be accepted if—

(A) The name is exactly as it appears on the voting rolls except that there is—

1. The presence or absence of a middle initial when a first name is given or the presence or absence of a first initial when a middle name is given;

2. The substitution of a common nickname for the name on the voting roll, that is, Dick for Richard, Liz or Beth for Elizabeth, Bill for William, Becky for Rebecca, etc.;

3. The presence or absence of terms such as Jr. or Sr. following a name; and

4. The use of only a first and middle initial; provided, that on

either the petition or the voting rolls, both initials can be determined from the name(s) given; and

(B) They were registered to vote within the county named at the top of the petition page on the date the petition was signed.

(3) Voter addresses will be accepted if they meet one (1) or a combination of the following categories:

(A) The address is exactly as it appears on the voting rolls;

(B) The address is exactly as it appears on the voting rolls except that there is—

1. The presence or absence of a letter or number identifying an apartment; and

2. The presence or absence of a letter or grouping of letters indicating the directional location of a street, for example, “E” for east, “NW” for northwest, “S” for south;

(C) The voter resides in the same residence as indicated on the voting rolls and the local election authority can determine that only the address designation has been changed by municipal or postal authorities;

(D) The address as listed on the petition was the voter’s registered address on the date the petition was signed;

(E) The address listed on the petition is different from the address on the voting rolls but within the county named at the top of the page, provided that the local election authority who maintains the registration record of such person shall compare and determine that the individual’s signatures on the petition and on the voter’s registration record are sufficiently alike to identify the petition signer as the same person who is registered to vote within the jurisdiction. If otherwise valid, the signature of an individual whose address is acceptable under this subsection (3)(E) shall be counted in the totals of the local election authority who has jurisdiction over the address listed on the petition; or

(F) The address listed on the petition is different from the address on the voting rolls but the voter was registered to vote within the county named at the top of the page on the date the petition was signed, provided that the local election authority who maintains the registration record of such person shall compare and determine that the individual’s signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who was registered to vote within the jurisdiction on the date the petition was signed. If otherwise valid, the signature of an individual whose address is acceptable under this subsection (3)(F) shall be counted in the totals of the local election authority who has jurisdiction over the address named at the top of the petition page.

(4) A voter’s signature will be accepted as valid if it generally appears to be in a form similar to that found on the voter rolls.

(5) In order for a name to be qualified to appear on the petition, there must be a valid voter name, address and signature. NOTE: Failure of any other information is not a reason to fail to certify a name as being qualified.

(6) A voter's signature shall not be deemed invalid on the basis of source of registration. If otherwise valid, the signature of a person who registered to vote pursuant to the provisions of sections 115.159, 115.160 or 115.162, RSMo shall be accepted as valid without respect to whether such person has previously voted in the jurisdiction or received a voter identification card, provided that each of the following must apply at the time of verification of the petition by the local election authority:

(A) The voter registration application had been received and accepted by the election authority on or before the date the petition was signed;

(B) The verification notice sent by the election authority pursuant to section 115.155.3, RSMo 1994, was not returned by the postal service to the election authority within the time established by the election authority; and

(C) The local election authority's voter registration file reflects the applicant was eligible to vote in the county named at the top of the petition page on the date the petition was signed.

AUTHORITY: sections 115.335.7, RSMo 2000 and 116.130.5, RSMo Supp. 2013.* Original rule filed Nov. 22, 1985, effective March 24, 1986. Amended: Filed April 22, 1992, effective Sept. 6, 1992. Emergency amendment filed June 10, 1992, effective June 20, 1992, expired Oct. 17, 1992. Emergency amendment filed July 9, 1996, effective July 19, 1996, expired Jan. 14, 1997. Amended: Filed July 9, 1996, effective Feb. 28, 1997. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000. Amended Filed Aug. 30, 2013, effective Feb. 28, 2014. *Original authority: 115.335.7, 1977, amended 1993, 1995 and 116.130, RSMo 1980, amended 1988, 1995, 1997, 1999, 2003.

15 CSR 30-15.020 Processing Procedures for Initiative, Referendum, New Party and Independent Candidate Petitions

PURPOSE: The secretary of state may make rules to ensure uniform, complete and accurate checking of initiative and referendum petition signatures. This rule provides for uniform processing of petitions once a determination has been made as to the validity of a name on a petition.

(1) Each local election authority shall check each signature designated by the secretary of state against voter registration

records and annotate each signature, according to their findings in red ink in the left margin, on the copies of petition pages sent to him/her in the following manner:

(A) If the name, address and signature are acceptable pursuant to 15 CSR30-15.010 "R" to denote "Registered";

(B) Where possible, if the voter's address on an "R" designated signature is acceptable pursuant to 15 CSR 30-15.010 (3)(F), where the address listed on the petition is different from the address on the voting rolls but the voter was registered to vote within the county named at the top of the petition page on the date the petition was signed, and the local election authority determined that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who was registered to vote within the jurisdiction on the date the petition was signed, the local election authority listed on the top of the petition page shall designate the signature as "R";

(C) Where possible, if the voter's address on an "R" designated signature is acceptable pursuant to 15 CSR 30-15.010(3)(E), where the address listed on the petition is different from the address on the voting rolls but within the county named at the top of the page, and the local election authority determined that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who is registered to vote within the jurisdiction, the local election authority shall add to the "R" designation DA (i.e., "RDA" to denote "Registered, Different Address");

(D) If the name on the petition does not appear in the election authority's registration file as an eligible voter in that jurisdiction "NR" to denote "Not Registered";

(E) If the address on the petition is not an address within the county named at the top of the petition page except as provided in 15 CSR 30-15.010 and subsection (1)(B) of this section "WA" to denote "Wrong Address";

(F) If the name and address are acceptable pursuant to 15 CSR 30-15.010, but the signature appears different than that on file with the election authority "WS" to denote "Wrong Signature";

(G) If a name selected in a random sample for a particular congressional district is actually in another district in the county and otherwise properly registered "OD" to denote "Other District"; and

(H) If a person is registered, but the correct congressional district is not indicated on the petition, the incorrect number should be crossed out and the correct number entered in the right margin.

(2) In the event a duplicate signature is found on the petition, the local election authority shall call this to the attention of the secretary of state in a separate memo, noting the page number(s) and the line number(s) of the signatures.

(3) In the event a situation is identified where one (1) person has signed for him/herself and his/her spouse on one (1) line, that is, Mr. and Mrs. John Jones, the signature may be counted which appears to be that of the petition signer provided that all of the requirements of sections (1) and (2) are met. The local election authority shall call these occurrences to the attention of the secretary of state in a separate memo, noting the page number(s) and the line number(s).

(4) Each local election authority shall review all pages and signatures s/he had been asked to check by the secretary of state for apparent irregularities and call these irregularities to the attention of the secretary of state in a separate memo, noting the page number(s) and the line number(s).

(5) Each local election authority shall certify to the secretary of state, on forms provided, or by means of petition processing summary reports generated by the software provided by the secretary of state as part of the Centralized Voter Registration System authorized by section 115.158, RSMo, the total of each category enumerated in section (1) less the number of duplicate, but otherwise qualified, signatures in section (2). First class counties participating in the Centralized Voter Registration System through the electronic interface allowed by the statute may certify their totals on reports from their automated systems if the report format is approved by the secretary of state.

AUTHORITY: sections 115.335.7, RSMo 2000 and 116.130.5, RSMo Supp. 2013.* Original rule filed Nov. 22, 1985, effective March 24, 1986. Amended: Filed April 22, 1992, effective Sept. 6, 1992. Emergency amendment filed June 10, 1992, effective June 20, 1992, expired Oct. 17, 1992. Emergency amendment filed July 12, 1996, effective July 22, 1996, expired Jan. 14, 1997. Amended: Filed July 12, 1996, effective Feb. 28, 1997. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000. Amended: Filed Aug. 30, 2013, effective Feb. 28, 2014. *Original authority: 115.335.7, RSMo 1977, amended 1993, 1995 and 116.130, RSMo 1980, amended 1988, 1995, 1997, 1999, 2003.

15 CSR 30-15.030 Initiative, Referendum, New Party and Independent Candidate Petitions Missouri Voter Registration System Option

PURPOSE: The purpose of this rule is to clarify that local election authorities have the option to use the centralized Missouri Voter Registration System (MCVR) for initiative, referendum, new party, and independent candidate petition signature verification as allowed under Chapters 115 and 116, RSMo. MCVR is the official statewide voter registration list which was created and implemented as part of the Help America Vote Act of 2002. This system is maintained and administered by the Office of the Secretary of State and contains the name and registration information of every legally registered Missouri voter. It serves as the official voter registration list for the conduct of all elections in Missouri and allows local election authorities immediate real-time electronic access to the information contained in the system. Currently, local election authorities may use this system for petition signature verification as authorized by Chapter 115, RSMo. The secretary of state may make rules to ensure uniform, complete, and accurate checking of initiative and referendum petition signatures.

(1) Each local election authority has the option to comply with the requirements of 15 CSR 30-15.010 and 15 CSR 30-15.020 through the centralized Missouri Voter Registration System (MCVR). Each local election authority shall certify to the secretary of state by means of petition processing summary reports generated by the software provided by the secretary of state as part of the Missouri Voter Registration System authorized by section 115.158, RSMo, the total of each category enumerated in 15 CSR 30-15.020(1) less the number of duplicate, but otherwise qualified, signatures in 15 CSR 30-15.020(2).

AUTHORITY: section 115.335.7, RSMo 2000, and section 116.130.5, RSMo Supp. 2013.* Original rule filed Aug. 14, 2013, effective Feb. 28, 2014. *Original authority: 115.335.7, RSMo 1977, amended 1993, 1995 and 116.130, RSMo 1980, amended 1988, 1995, 1997, 1999, 2003.

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