

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 Robin Carnahan, 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 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 6th day of November, 2012, 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.**

(Ballot title goes here)

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____
(County in which notary witnessed circulator's signature.)

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)
1.	/ 20	_____	_____	_____	1.
2.	/ 20	_____	_____	_____	2.
3.	/ 20	_____	_____	_____	3.
4.	/ 20	_____	_____	_____	4.
5.	/ 20	_____	_____	_____	5.
6.	/ 20	_____	_____	_____	6.
7.	/ 20	_____	_____	_____	7.
8.	/ 20	_____	_____	_____	8.
9.	/ 20	_____	_____	_____	9.
10.	/ 20	_____	_____	_____	10.

SAMPLE

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.

(County signers are registered to vote in.)

Signature of Affiant: _____
(Person obtaining signatures)

Signature of Notary: _____

 (Address of Affiant)

 (Address of Notary)

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

Notary Public (Seal)
 My commission expires _____

THE PROPOSED STATUTE

Be it enacted by the people of the State of Missouri as follows:

Section A. Section 116.190 is repealed and three new sections enacted in place thereof to be known as sections 116.023, 116.085 and 116.190 to read as follows:

EXPLANATION: The existing section 116.190 is set forth hereinafter with the new matter underlined and deleted matter in brackets, [thus].

116.023. 1. Sections 116.023, 116.085 and 116.190 shall be known and may be cited as the “The Petition Rights Protection Act”.

2. Whereas Article III, Section 49 of the Missouri Constitution says, “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.”: Therefore, those reserved powers of the people shall be inviolate.

3. (1) Mistakes, errors, and omissions by other parties, including but not limited to petition circulators, petition proponents and others involved in the the signature gathering and petition filing process, as well as government officials, shall not invalidate the signature of a duly qualified voter of the state of Missouri so long as that voter's intent is reasonably clear.

(2) Notwithstanding any other provisions of this chapter to the contrary:

(a) For purposes of filing a petition, pages within a petition are independent of and severable from all other such pages and no page which is individually in conformity with the standards set forth in this chapter shall be considered insufficient.

(b) Any properly registered voter's signature found to be invalid due to placement on the wrong county petition page or found to be invalid because it was collected by a petition circulator found to be not properly registered shall be considered valid if such voter or the proponent of the petition provides proof of authenticity of the signer's signature within 30 days of the issuance of the certificate of sufficiency or insufficiency by the secretary of state.

116.085 1. A person commits the crime of intentional misrepresentation of a petition if the person knowingly and fraudulently gathers signatures for a petition under this chapter.

(1) As used in this subsection, "fraudulently gathering signatures" includes:

(a) Causing a voter to sign a petition other than the one the voter intended to sign;

(b) Forging or falsifying signatures.

(2) Notwithstanding provisions of section 560.016 to the contrary, intentional misrepresentation of a petition is a misdemeanor punishable by a term of imprisonment not to exceed one year in the county jail, or by a fine not to exceed ten thousand dollars, or both such imprisonment and fine.

2. A person commits the crime of malicious obstruction of the signing of a petition if the person maliciously intimidates, obstructs, or otherwise prevents a voter from signing a petition under this chapter, or if the person attempts to intimidate, obstruct, or otherwise prevent a voter from signing a petition under this chapter.

(1) Notwithstanding provisions of section 560.016 to the contrary, malicious obstruction of the signing of a petition is a misdemeanor punishable by a term of imprisonment not to exceed one year in the county jail, or by a fine not to exceed ten thousand dollars, or both such imprisonment and fine.

(2) No reasonable effort to inform or educate a potential signer of a petition shall be construed to be malicious obstruction of the signing of a petition under this section.

SAMPLE

116.190. 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] shall 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. Changes to the official ballot title resulting from actions brought later than ten days after the official ballot title is certified by the secretary of state shall have no effect on the validity of signatures collected on petition sheets that contain the original official ballot title.

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. If the challenged ballot title is from an initiative or referendum, and a party other than the proponent of the measure initiates the challenge, the proponent shall receive copies of all communications and court documents relating to the challenge as if the proponent were a party defendant, and shall be allowed to intervene in the case if the proponent seeks to intervene. 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 within fifty-five days of the original certification by 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] within fifty-five days of the original certification by the secretary of state. Any party to the suit may appeal [to the supreme court] within ten days after a circuit court decision. The court of appeals shall render a decision within thirty days of the filing of such appeal. Any party to the suit may appeal to the supreme court within ten days of the appeals court's decision. The supreme court shall render a decision within thirty days of the filing of such appeal. 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] certified by the court [certifies] to [him] the secretary of state within twenty-four hours.