

# Talking Points for SCS-HB228

## Constitutional Principles

### Missouri Constitution

Article I § 1: *“That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”*

Article III § 49: *“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.”*

### Hallmarks of an American Republic

All power is vested in the people and the power they convey to government is Distributed, Diffused and “Checked”.

#### **The “checks” include:**

- Checks among and between branches of government.
- Elections.
- Ballot Initiative, through which the people can circumvent a government when it is oppressive, unresponsive or unduly influenced by special interests.
- The right to forcibly throw off an oppressive government and establish a new government.

## **How does SCS-HB228 address these principles?**

The “theme” of SCS-HB228 is to respect and protect the will of the voter.

### **I. Deals with fraud against the people and the proponent.**

- A. Prohibits convicted forgers from circulating petitions.
- B. Makes signing another's name a felony.
- C. Outlaws "bait and switch" of petitions.
- D. Outlaws interfering with someone who desires to sign a petition.

### **II. Protects the Rights of Petition signers and Proponents**

- A. Prevents the mistakes of others from disenfranchising a voter.
- B. Prevents well-heeled special interests from hijacking the petition process.
- C. Places a time limit on ballot title challenges. Court challenges must be complete within 3 1/2 months.
- D. Guarantees the proponent's right to intervene in the court case when another party challenges his ballot title.
- E. Clarifies some procedural issues which are presently ambiguous and can be arbitrarily used against some proponents.

### **III. Misc. cleanup of existing language.**

- A. Defines "day"
- B. Fixes an improper statute reference from existing statutes.
- C. Allows strike-through fonts in petitions to designate repealed language.

## I. Elements Of The Bill

- A. The use of the initiative is expanded to allow its use to reduce local taxes in all taxing jurisdictions. 67.095
  - 1. This provision was added as a House floor amendment – it is not part of the underlying petition reform bill.
  - 2. It requires 33% of voters to sign a petition to gain ballot access and then 66% to pass a tax reduction measure.
- B. “Day” is defined
  - 1. There has been some confusion about whether to count weekends and holidays in the time limits already present in statutes. 116.101(2)
- C. New section: Declares that the will of the signer should be the primary consideration when determining what to do with his signature. 116.020.2
  - 1. Under current law, other’s mistakes can cause the signer to be disenfranchised.
- D. Strike-through font is allowed in addition to the required brackets around deleted language because the average voter better understands strike-through than he does brackets. 116.050.2(1)
- E. The meaning of “repealed” is clarified. 116.050.2(2)
  - 1. There has been some confusion over how to deal with what must be included in a petition.
- F. Signatures accidentally placed on the wrong county petition sheet can be recovered. 116.060
  - 1. Local election authorities are not charged with this responsibility.
- G. Requires circulators to be citizens of the United States 116.080
- H. Prohibits those convicted of forgery from circulating a petition. 116.080
- I. If a circulator registration form is lost, the voters will no longer be disenfranchised so long as proof of authenticity of their signature is provided. 116.080
- J. Circulator oath expanded to include a statement acknowledging their legal culpability. 116.080
- K. Signing another’s name is made a felony. 116.090.1
- L. Additional fraudulent activities (e.g. “bait and switch”) are defined. 116.090.3
- M. Obstructing a voter from signing a petition is made a crime. 116.090.4
- N. New provision allows counting all the signatures properly filed with the SOS. 116.100
  - 1. Currently, the entire petition can be thrown out if even a small part of it is not properly organized.
- O. Late challenges to the ballot title don’t disenfranchise voters who signed a petition with a previously approved ballot title. 116.190.1
- P. Petition proponent can elect to participate in a challenge to the ballot title brought by another party. 116.190.2
- Q. Time limits on litigation of the ballot title. 116.190.4
- R. When more than one ballot measure on similar topics are approved by the voters all the non-conflicting elements become law. 116.320.4
  - 1. Presently, another ballot measure can supersede the entirety of an amendment even when there are elements that are totally unique.
- S. Time limits specified for the SOS to convey a newly submitted petition to the AG and auditor. 116.332.1