

Preparing an Election Petition in Missouri

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Initiative and referendum petitions provide citizens with the power to make and overturn existing laws. Through the initiative petition, the people can compel an election on the question of enacting an amendment to the Missouri Constitution or enacting a proposed law. Through the referendum petition, the people can compel an election to decide whether an existing law should be retained. The procedure to be followed in drafting these petitions is specified in the Constitution and Statutes of Missouri.

Although this guide deals only with initiative and referendum petitions, there are various other petitions that can be useful in Missouri. For instance, the people in a third class city with a commission form of government may draft petitions for initiative or referendum of city ordinances. The requirements for these are set out in the Statutes of Missouri. Interestingly, initiative and referendum do not seem to be available to fourth-class cities or to third-class cities with the mayor-council or city manager form of government. People in charter cities in Missouri generally have the power to compel elections through initiative and referendum petitions. The requirements for such petitions can usually be found in each individual city's charter. (Appendix F for a sample initiative petition in Columbia) However, the courts of Missouri have limited the power of initiative in cities by saying only those ordinances that the city council or governing body is itself empowered to enact can be proposed by the initiative. Petitions are also available in Missouri to initiate measures on many limited topics ranging from school re-districting to water conservation. Since such petitions are usually very involved and often have rigid requirements, an attorney should be consulted before attempting to draft one.

Obtaining signatures

The basic purpose of initiative and referendum petitions on the state-wide level is to compel particular state officials to call for a vote on **a proposed constitutional amendment, a proposed law or an existing law**. But before a vote can be compelled, a certain number of voters in Missouri must signify that they want such a vote by signing the petition. If enough voters sign, the people of Missouri become empowered to directly change the laws of Missouri without legislative approval.

As mentioned earlier, there are constitutional and statutory requirements that must be satisfied before these petitions become effective. Certain requirements are common to all three petitions under consideration. For instance, all three petitions can only be signed by qualified Missouri voters. A qualified voter is anyone who meets the legal voting requirements in his or her particular congressional district, but he or she need not be registered to vote.

To determine the number of signatures required, reference can be made to the official canvass of voters at the last gubernatorial election, which is available in the Secretary of State's office. For a state constitutional amendment petition, the sponsors must obtain the signatures of 8 percent of the legal voters in two-thirds of the congressional districts in Missouri. Since there are presently 10 districts, the sponsors must obtain the required percentage in seven districts. For an initiative or referendum petition on a state statute, the signatures of 5 percent of the legal voters in two-thirds of Missouri's congressional districts must be obtained.

There are additional signature requirements. Each petition may contain signatures of qualified voters from only one congressional district. When circulated for signatures, each sheet for petitioners' signatures must be attached to or contain a full and correct copy of the title and text of the measure so proposed by the initiative petition, and the petition must be filed with the Secretary of State, numbered in sequence for each congressional district. Referendum petitions must have attached to or contain a full and correct copy of the measure on which the referendum is demanded and must be filed in like manner, numbered in sequence by congressional districts.

The enacting clause

The first form requirement for a constitutional amendment petition is that it contain an enacting clause, which should read: "Be it resolved by the people of the State of Missouri that the Constitution be amended." (Appendix B.) The full text of the proposed amendment should follow this enacting clause. An initiative petition must also contain the following enacting clause: "Be it enacted by the people of the State of Missouri." (Appendix C.) The title and full text of the measure being proposed for adoption should follow the enacting clause. Also, other laws, which have been repealed, amended or placed in conflict with the proposal, must be expressly referred to in the petition. Missouri statutes require that a referendum petition contain or have attached to it a copy of the bill that the voters will approve or disapprove. (Appendix D.) There is no enacting clause requirement for referendum petitions.

Subject limitations

As to subject matter limitations, a constitutional amendment petition may not contain more than one amended, revised or new article, nor may there be more than one subject dealt with in any proposed amendment. Likewise, each petition for initiative cannot contain more than one subject, and that subject must be clearly expressed in the title of the proposed statute. Also, the Missouri Constitution prohibits proposing an appropriation law through the initiative process unless the proposed measure at the same time provides for raising revenue to fund the appropriation. The referendum petition is limited to any one bill passed by the general assembly. Furthermore, the Missouri Constitution prohibits a referendum on an emergency or appropriation measure passed by the general assembly. But the definitions of "emergency" and "appropriation" are vague and subject to judicial interpretation.

Publication requirements

There are publication requirements with regard to a constitutional amendment petition. The Secretary of State will designate in what newspapers in each county proposed amendments shall be published. If possible, each amendment should be published once a week for two consecutive weeks in two newspapers of different political affiliation in each county. The last publication should not precede the next election by more than 30 nor less than 15 days.

Filing

Every constitutional and initiative petition must be filed with the Secretary of State not less than four months before the proposed election. A referendum petition must be filed with the Secretary of State not more than 90 days after the final adjournment of the session of the general assembly that passed the bill on which the referendum is demanded.

Finally, each sheet of a constitutional amendment petition, initiative petition and referendum petition must be verified by the person who circulated that sheet. (Appendix E.)

Appendix A contains a summary of the requirements for those petitions discussed in this guide. Please note, however, that other types of petitions may have specific statutory requirements that are either in conflict with or in addition to the requirements discussed herein.

Appendix A

Constitutional Amendment petition	
Who may sign?	Any qualified voter of Missouri residing within the congressional district.
Number of signatures required?	8 percent of the legal voters in each of two-thirds of the congressional districts of Missouri.
Additional signature requirements?	Each petition may contain signatures of qualified voters from only one congressional district. When circulated for signatures, each sheet for petitioners' signatures must be attached to or contain a full and correct copy of the title and text of the measure so proposed by the initiative petition.
Form requirements?	Every petition must contain an enacting clause ("Be it resolved by the people of the state of Missouri that the Constitution be amended:") and the full text of the measure. Each petition must not contain more than one amended and revised or new article of the Missouri Constitution, nor more than one subject. (Directory form in RSMo. 126.031, 1971; replaces old 126.030)
Publication requirements?	The Secretary of State will designate in what newspaper(s) in each county proposed amendments shall be published. If possible, each amendment should be published once a week for two consecutive weeks in two newspapers of different political affiliation in each county. The last publication should not precede the next election by more than 30 nor less than 15 days. (RSMo. 125.010 for more details.)
Filing deadlines and with whom?	Every petition must be filed with the Secretary of State not less than four months before the election.
Additional filing requirements?	The petition must be numbered in sequence for each congressional district.
Circulator's affidavit required?	Each sheet of a petition must be verified by the circulator in substantially the form of RSMo. 126.061 (replaces old 126.040).
Petition for Initiative on a State Statute	
Who may sign?	Any qualified voter of Missouri residing within the congressional district.
Number of signatures required?	5 percent of the legal voters in each of two-thirds of the congressional districts of Missouri.
Additional signature requirements?	Each petition may contain signatures of qualified voters from only one congressional district. When circulated for signatures, each sheet for petitioners' signatures must be attached to or contain a full and correct copy of the title and text of the measure so proposed by the initiative petition.
Form requirements?	Every petition must contain an enacting clause ("Be it enacted by the people of the state of Missouri:") and the full text of the measure. Each petition must not contain more than one subject, which must be clearly express in the title. (Directory form in RSMo. 126.031, 1971; replaces old 126.030)
Publication requirements?	None.
Filing deadlines and with whom?	Every petition must be filed with the Secretary of State not less than four months before the election.
Additional filing requirements?	The petition must be numbered in sequence for each congressional district.
Circulator's affidavit required?	Each sheet of a petition must be verified by the circulator in substantially the form of RSMo. 126.061 (replaces old 126.040).
Petition for Referendum on a State Statute	
Who may sign?	Any qualified voter of Missouri residing within the congressional district.
Number of signatures required?	5 percent of the legal voters in each of two-thirds of the congressional districts in Missouri.
Additional signature requirements?	Each petition may contain signatures of qualified voters from only one congressional district. When circulated for signatures, each sheet for petitioners' signatures must be attached to or contain a full and correct copy of the measure on which the referendum is demanded.

Form requirements?	(Directory form in RSMo. 126.021, 1971; replaces old 126.020)
Publication requirements?	None.
Filing deadlines and with whom?	Every petition must be filed with the Secretary of State not more than 90 days after the final adjournment of the general assembly that passed the bill on which referendum is demanded.
Additional filing requirements?	The petition must be numbered in sequence for each congressional district.
Circulator's affidavit required?	Each sheet of a petition must be verified by the circulator in substantially the form of RSMo. 126.061 (replaces old 126.040).

Appendix B

Petition to Amend Constitution of Missouri

Be it resolved by the people of the State of Missouri that the Constitution be amended. [Title and Text of Amendment]

Congressional district number _____

Sheet number _____

It is a felony for anyone to sign any initiative or referendum petition with any other name than his Own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a qualified voter.

Initiative Petition

To the Honorable _____, Secretary of State for the state of Missouri;
 We the undersigned, citizens and qualified voters of the state of Missouri and the _____ congressional district, respectfully demand that the following proposed amendment to the Constitution shall be submitted to the qualified voters of the state of Missouri, for their approval or rejection, at the general (special) election to be held on the _____ day of _____, A.D. 19____ and each for himself says: I have personally signed this petition; I am a qualified voter of the state of Missouri, and the _____ congressional district, my street address and the name of the city, town or village where I live are correctly written after my name.

[Title of Amendment]

[Text of Amendment]

(It is suggested that the pages containing all of the language set forth above be attached to each signature page.)

	Name	Street address; City, Town or Village; ZIP
1.		
(etc.)		

Caution
 Consultation with counsel should precede use of this form.

Appendix C

Petition for Initiative in Missouri		
Be it enacted by the people of the State of Missouri:		
[Title of Bill]		
[Text of Bill]		
		Congressional district number _____
		Sheet number _____
It is a felony for anyone to sign any initiative or referendum petition with any other name than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a qualified voter.		
Initiative Petition		
To the Honorable _____, Secretary of State for the state of Missouri;		
We the undersigned, citizens and qualified voters of the state of Missouri and the _____ congressional district, respectfully demand that the following proposed law shall be submitted to the qualified voters of the state of Missouri for their approval or rejection, at the general (special) election to be held on the ___ day of _____, A.D. 19___, and each for himself says: I have personally signed this petition; I am a qualified voter of the state of Missouri, and the _____ congressional district, my street address and the name of the city, town or village where I live are correctly written after my name.		
[Title of Bill]		
[Text of Bill]		
(It is suggested that the pages containing all of the language set forth above be attached to each signature page.)		
	Name	Street address; City, Town or Village; ZIP
1.		
(etc.)		
Circulator's Affidavit (Appendix E.) (This verification must be at the bottom of each signature page.)		

<p>Caution Consultation with counsel should precede use of this form.</p>

Appendix D

Congressional district number _____																		
Sheet number _____																		
It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the same measure, or to sign a petition when he is not a qualified voter.																		
Petition for Referendum																		
<p>To the Honorable _____, Secretary of State for the state of Missouri: We, the undersigned, citizens and qualified voters of the state of Missouri and the _____ congressional district, respectfully order that the senate (or house) bill number _____, entitled (title of law) , passed by the _____ general assembly of the state of Missouri, at the regular (special) session of the general assembly, shall be referred to the people of the state for their approval or rejection, at the general election to be held on the _____ day of _____, A.D. 19 _____, unless the general assembly shall designate another date, and each for himself says: I have personally signed this petition; I am a qualified voter of the state of Missouri and the _____ congressional district; my street address (or rural route) and the name of the city, town or village in which I live are correctly written after my name.</p>																		
[Title of Bill]																		
[Text of Bill]																		
(It is suggested that the pages containing all of the language set forth above be attached to each signature page.)																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Name</th> <th style="width: 70%;">Street address; City, Town or Village; ZIP</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">2.</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">3.</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">4.</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">(etc.)</td> <td></td> <td></td> </tr> </tbody> </table>		Name	Street address; City, Town or Village; ZIP	1.			2.			3.			4.			(etc.)		
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1.																		
2.																		
3.																		
4.																		
(etc.)																		
Circulator's Affidavit (Appendix E.) (This verification must be at the bottom of each signature page.)																		

Caution
 Consultation with counsel should precede use of this form.

Appendix E

Circulator's Affidavit	
State of Missouri _____	
County of _____	
I, _____, being first duly sworn, say (here shall be legibly written or typewritten the names of the signers of the sheet) signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, street address and city, town or village correctly, and that each signer is a qualified voter of the state of Missouri and of the _____ congressional district.	
(Signature and address of affiant)	
Subscribed and sworn to before me this _____ day of _____, A.D. 19 _____.	
(Notary seal and signature)	
Please note the requirement in parentheses to list in the Circulator's Affidavit the names of the signers of the sheet.	

Caution

Consultation with counsel should precede use of this form.

Appendix F

Petition for Initiative in Columbia, Missouri		
To the clerk of Columbia, Missouri: We, the undersigned, voters of Columbia, do hereby demand that the following proposed ordinance be presented to the city council of Columbia, and if not enacted therein by the council, that the same shall be submitted to the voters of Columbia for rejection or approval.		
Be it ordered by the people of the city of Columbia: [Title and text of proposed ordinance]		
	Name	Street address; City, Town or Village; ZIP
1.		
2.		
3.		
4.		
(etc.)		

Statement of Circulator	
State of Missouri _____	
County of _____	
The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be. I believe each signer is a legal voter in the city of Columbia.	
	Signature of Circulator _____
	Address _____
Subscribed and sworn to before me this _____ day of _____, A.D. 19____.	
(Notary seal and signature)	

Caution
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Related MU Extension publications

- DM4001, Rules for Missouri Townships
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- DM4003, Rules for Missouri Fourth-Class Cities
<http://extension.missouri.edu/p/DM4003>
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