STATE AUDITOR'S OFFICE
RECEIVED
NOV 12 2014

JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

ELECTIONS DIVISION
(573) 751-2301

16-004

November 12, 2014

The Honorable Tom Schweich
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Bradley Ketcher regarding a proposed constitutional amendment to Article III, version 2 (2016-004)

Dear Auditor Schweich:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Constitution of Missouri filed by Bradley Ketcher on November 12, 2014.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Jason Kander

Jason Kander

cc: Hon. Chris Koster
Sheri Hoffman
Barbara Wood

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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 Jason Kander, 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 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 8th day of November, 2016, 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.

[SPACE RESERVED FOR OFFICIAL BALLOT TITLE]

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2014 NOV 12 AM 9:40
SEC OF STATE

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, No PO Boxes)	(City, Town or Village)	Zip Code	Cong. Dist.	NAME (Printed or Typed)
1.	/ /					
2.	/ /					
3.	/ /					
4.	/ /					
5.	/ /					
6.	/ /					
7.	/ /					
8.	/ /					
9.	/ /					
10.	/ /					

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)

_____

_____
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 _____

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Be it resolved by the people of the state of Missouri that the Constitution be amended:

Section A. Article III of the Constitution is revised by amending Sections 12, 19 and 39 and adopting 3 new sections to be known as Article III Sections 16(a), 19(a), and 19(b), to read as follows:

Section 12. 1. No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. When any senator or representative accepts any office or employment under the United States, this state or any municipality thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary as senator or representative. During the term for which he was elected no senator or representative shall accept any appointive office or employment under this state which is created or the emoluments of which are increased during such term. This subsection shall not apply to members of the organized militia, of the reserve corps and of school boards, and notaries public.

2. No senator or representative or their employees shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employee last served. When any senator or representative violates this subsection their office shall thereby be vacated and shall thereafter perform no duty and receive no salary as senator or representative. In addition, any knowing violation of this subsection shall be punishable by a term of imprisonment of up to four years and the imposition of a fine of up to five thousand dollars or both.

3. No senator or representative or their employees or any entity controlled by a senator or representative or their employees shall act or serve as a paid employee or consultant to a candidate or issue campaign or solicit prospective employers or clients as a paid employee or consultant to a candidate or issue campaign. When any senator or representative violates this subsection their office shall thereby be vacated and shall thereafter perform no duty and receive no salary as senator or representative. In addition, any knowing violation of this subsection shall be punishable by a term of imprisonment of up to four years and the imposition of a fine of up to five thousand dollars or both.

Section 16(a). No senator or representative or their employees or staff shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value in excess of five dollars from any lobbyist or lobbyist principal. Senators or representatives, their employees and staff may accept informational material relevant to the general assembly's official functions and items that are available or distributed free of charge to members of the general public. Candidates for senator or representative or offices within the senate or house, including candidates for reelection, may accept campaign contributions consistent with section 19(a) of this article. Any knowing violation of this section shall be punishable by a term of imprisonment of up to six months and the imposition of a fine of up to five hundred dollars or both.

Section 19. 1. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and for the fifteen days next before the commencement and after the termination of each session; and they shall not be questioned for any speech or debate in either house in any other place.

2. Legislative records shall be public records and subject to generally applicable state laws governing public access to public records. Legislative records include, but are not limited to, all records, in whatever form or format, of the official acts of the general assembly, of the official acts of legislative committees, of the official acts of members of the general assembly, of individual legislators their employees and staff, of the conduct of legislative business and all records that are created, stored or distributed through legislative branch facilities, equipment or mechanisms, including electronic. Each member of the general assembly is the custodian of legislative records under the custody and control of the member, their employees and staff. The chief clerk of the house or the secretary of the senate are the custodians for all other legislative records relating to the house and the senate respectively.

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Section 19(a). 1. The amount of contributions, including cash and in-kind contributions, to a candidate for state senate, state representative or any office within the senate or house made by or accepted from any natural person or independent entity other than the candidate in any one election shall not exceed the following:

(a) To elect an individual to the office of state senator or an office within the senate, two thousand dollars;
(b) To elect an individual to the office of state representative or an office within the house, one thousand dollars;
(c) These contribution limits shall be recalculated on January 1 of even-numbered years by multiplying the original contribution limit by the cumulative consumer price index, as defined by law, for all years since January 1, 2017 and rounding to the nearest twenty-five dollars.

2. Unless the illegal contribution is refunded within ten business days, any person or entity making, accepting or retaining a contribution to a candidate for state senate, state representative or an office within the senate or house in excess of those allowed in subsection 1 shall be subject to:

(a) For the first violation, a civil fine of five thousand dollars plus an amount equal to the illegal contribution.
(b) For the second and subsequent violations, any person or entity knowingly making, accepting or retaining an illegal contribution shall be guilty of a crime and upon conviction be punished by a term of imprisonment of up to four years or the imposition of a fine of up to five thousand dollars plus an amount equal to the illegal contribution or both.

3. The legislative contribution limits in subsection 1 shall not apply to a "truly independent expenditure." As used in this section, "truly independent expenditure" means one or more wholly independent expenditures that support the nomination, election, or defeat of a clearly identified candidate that is made without the cooperation or consent of, communication, coordination or consultation with, or the request or suggestion of the candidate, the candidate's committee, the candidate's campaign, the candidate's agents, consultants or advisors. In addition to other penalties of this section, any person or entity who knowingly violates the contribution limits of subsection 1 by making, accepting or facilitating an excessive expenditure that does not meet the requirements for a truly independent expenditure shall be guilty of a crime and upon conviction be punished by a term of imprisonment of up to four years or the imposition of a fine of up to five thousand dollars plus an amount equal to the illegal expenditure or both.

4. The penalties in this section do not limit the power of either the house of representatives or the senate to discipline its own members. Nothing in this section shall restrict the general assembly or the People from passing campaign finance requirements that are more restrictive than those in this section.

Section 19(b). No political fund-raising activities or political fund-raising event, including the solicitation or delivery of contributions, supporting or opposing any candidate, initiative petition, referendum petition, ballot measure, political party or political party committee, shall occur in or on any premises, property or building owned, leased or controlled by the house, senate or general assembly. Any knowing violation of this section shall be punishable by imprisonment for up to one year and or a fine of up to one thousand dollars plus an amount equal to the illegal contributions or both.

Section 39. The general assembly shall not have power:

(1) To give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation;

(2) To pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation;

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(3) To grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part;

(4) To pay or to authorize the payment of any claim against the state or any county or municipal corporation of the state under any agreement or contract made without express authority of law;

(5) To release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation;

(6) To make any appropriation of money for the payment, or on account of or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An Act to Audit and Adjust the War Debts of the State," approved March 19, 1874, or any act of a similar nature, until the claim so audited shall have been presented to and paid by the government of the United States to this state;

(7) To act, when convened in extra session by the governor, upon subjects other than those specially designated in the proclamation calling said session or recommended by special message to the general assembly after the convening of an extra session;

(8) To remove the seat of government from the City of Jefferson;

(9) Except as otherwise provided in section 39(b), section 39(c), section 39(e) or section 39(f) of this article, to authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; except that, nothing in this section shall be so construed as to prevent or prohibit citizens of this state from participating in games or contests of skill or chance where no consideration is required to be given for the privilege or opportunity of participating or for receiving the award or prize and the term "lottery or gift enterprise" shall mean only those games or contests whereby money or something of value is exchanged directly for the ticket or chance to participate in the game or contest. The general assembly may, by law, provide standards and conditions to regulate or guarantee the awarding of prizes provided for in such games or contests under the provision of this subdivision;

(10) To impose a use or sales tax upon the use, purchase or acquisition of property paid for out of the funds of any county or other political subdivision[.];

<u>(11) To prohibit the counting of a genuine signature of a registered voter on a petition because of the signature means, manner, medium, form or format used by the registered voter, and no such law enacted by the general assembly shall be valid.</u>