16-024

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JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

February 9, 2015

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

RE: Petition approval request from Jill Carter regarding a proposed constitutional amendment to Article I, version 4 (2016-024)

Dear Auditor Schweich:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Jill Carter on February 6, 2015.

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

RECEIVED
FEB 09 2015
STATE AUDITORS OFFICE

cc: Hon. Chris Koster
Sheri Hoffman
Barbara Wood

County .....

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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.

(Official Ballot title goes here.)

RECEIVED
2015 FEB -6 PM 4:57
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) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
1.					1.
2.					2.
3.					3.
4.					4.
5.					5.
6.					6.
7.					7.
8.					8.
9.					9.
10.					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)

(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 .....

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

Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 36, to read as follows:

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare:

Section 36. 1. That every parent has a fundamental right to exercise exclusive control over all aspects of their minor children's lives without governmental interference, including, but not limited to, decisions regarding their minor children's custody, upbringing, education, religious instruction, discipline, physical and mental health care, and place of habitation; provided, this fundamental right shall not extend to any decision or action by a parent that threatens clear, immediate, and substantial physical injury to their minor child, nor shall it permit a parent to compel a minor child to have an abortion.

2. That every parent also has the right to require government entities to obtain the parent's explicit permission before gathering or sharing information or data about their child or the child's family members for purposes not directly related to a criminal investigation or, if enrolled in a public school, the child's knowledge of academic subjects; neither the parent nor child shall in any way be punished or penalized if the parent refuses such permission.

3. That every parent has the right to decide what educational setting will best prepare their children to meet the obligations of responsible adulthood, and therefore parents may choose to have their children educated in public, private, or parochial schools or to educate their children at home as an alternative to enrolling the children in any school; provided, nothing in this section shall require or prohibit any state or local government to fund or subsidize education in a non-public school setting or, unless otherwise required by law, require a public school to enroll or educate a child who does not live in that public school's district.

4. That a government entity in this state shall only be justified in interfering with the parental rights acknowledged in this section if (1) the interference is temporary and limited to only the degree and duration necessary to protect a child from a clear, immediate and substantial threat of physical injury; (2) a court of law has found by clear and convincing evidence that a parent has knowingly exposed a child to neglect, abandonment, reckless endangerment, or physical abuse, as each of those terms are defined by state statute; (3) a court of law has found by clear and convincing evidence that a parent is mentally incompetent as that term is defined by state statute; (4) a court of law has ruled that minor child is emancipated in accordance with state statutes; (5) a court of law has assumed jurisdiction over a minor child charged with violating or found beyond a reasonable doubt to have violated a criminal statute; or (6) a court of law has assigned parental rights to one parent or someone other than a biological parent as a result of adoption or marital dissolution. If, after considering evidence, a judge has first determined that a government entity has probable cause to believe that a parent has subjected their child to criminal physical abuse, neglect, or endangerment, it shall not be considered an interference with the parental rights acknowledged in this section for the government entity to question the parent or the child about the alleged crime, or for police to obtain a warrant to search the parent's home for evidence of the suspected crime.

5. That any parent whose rights under this section have been adversely affected by any statute, regulation, ordinance, policy, or other act of government authority shall be permitted to file a lawsuit challenging the constitutionality of the statute, regulation, ordinance, policy, or other act of government authority, and seeking damages against the government entity responsible for the violation of the parent's rights. In considering such a lawsuit, courts may not presume the constitutionality of the statute, regulation, ordinance, policy, or other act of government authority being challenged, may not defer to claims made by a government entity that the statute, regulation, ordinance, policy, or other act of government authority is justified unless the government entity supports all such claims with competent evidence, and shall award damages and reasonable attorney's fees for any infringement of this constitutional right that is not justified in accordance with subsection 4 of this section.

6. For the purposes of this section the term "parent" includes a child's legal guardian.