



JOHN R. ASHCROFT

SECRETARY OF STATE
STATE OF MISSOURI

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

ELECTIONS DIVISION
(573) 751-2301

June 18, 2019

RECEIVED

JUN 18 2019

STATE AUDITORS OFFICE

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Mary Anne Sedey regarding a proposed constitutional amendment to Article VIII, Version 4 (2020-091)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Mary Anne Sedey on June 17, 2019.

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,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

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.

County: _____

INITIATIVE PETITION

Page No: _____

To the Honorable John R. Ashcroft, 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 3rd day of November, 2020, 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]

CIRCULATORS AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____, I, _____, being first duly sworn, say (print names of signers)

| NAME (Signature) | DATE Signed | REGISTERED VOTING ADDRESS (Number)(Street), (City, Town Or Village) | ZIP CODE | CONG. DIST. | NAME (Printed or Typed) |
|---------------------|----------------|------------------------------------------------------------------------|-------------|----------------|----------------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

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John Ashcroft

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 (or city of St. Louis). 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 PLEADED 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: _____, A.D.

Signature of Affiant (Person obtaining signatures)

Street Address of Affiant

Printed Name of Affiant

City, State and Zip Code of Affiant

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

Signature of Notary

Address of Notary

(Seal)

NOTICE: You are advised that the proposed constitutional amendment may change, repeal, or modify by implication or may be construed by some persons to change, repeal, or modify by implication, the following Sections of the Missouri Revised Statutes: Sections 115.003 through 115.960. The proposed amendment revises Article VIII of the Constitution by amending Sections 5 and 7, and adopting five new sections to be known as Article VIII, Sections 24, 25, 26, 27, and 28.

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

Section A. Article VIII of the Constitution is revised by amending Sections 5 and 7, and adopting five new sections to be known as Article VIII, Sections 24, 25, 26, 27, and 28 to read as follows:

Section 5. Registration of voters [may be provided for by law] shall occur as specified herein. All laws governing registration shall be interpreted liberally to ensure, to the extent possible, that all eligible citizens be allowed to register to vote and to vote.

(1) The secretary of state shall establish a process to conduct automatic voter registration based on driver's license information and state issued nondriver's license information.

(2) The department of revenue shall, on at least a weekly basis, provide the secretary of state with a list of eligible citizens who have applied for, applied to renew, or changed the address related to a driver's license or state issued nondriver's license, are citizens of the United States, residents of Missouri, and meet the legal criteria to be eligible to vote in the State of Missouri. Such list shall contain any information required to register to vote under applicable law, and any available electronic signature information.

(3) The secretary of state shall designate the department of social services and the department of conservation to serve as sources for lists of citizens who are eligible to vote, any available electronic signature information, and any other information required to register to vote under applicable law.

(4) The secretary of state shall designate additional state agencies including:

(a) all agencies that have current data on citizenship, residency, and age of individuals;

(b) any agency that does or could provide applicants with the opportunity to affirm voter eligibility criteria as part of their agency transaction;

(c) any agency that has records of eligible citizens who would not otherwise be registered to vote; and

(d) any agency that is required to offer voter registration services under any other provision of law, including but not limited to Section 7 of the National Voter Registration Act, as amended.

(5) Based on the lists received under this section, the secretary of state shall provide lists of citizens who are presumptively eligible to vote to local election authorities. These lists shall be sent to local election authorities as often as required by law, but at least every thirty days, and fourteen days prior to any election. These lists shall include the names of presumptively eligible voters, the information required to determine whether an individual is eligible to vote, and any available electronic signature information. The local election authorities shall include such presumptively eligible voters on voter registration lists subject to existing verification procedures for determining whether an individual is eligible to vote. Local election authorities shall retain full jurisdiction and power to decline to register individuals not verified to be eligible to vote, and in accordance with applicable state and federal law, may remove the names of individuals who are no longer eligible to vote from voter registration lists.

(6) Regardless of the amount of time it takes to process the registration, an individual shall be deemed registered to vote on the day the local election authority receives the information from the secretary of state provided that such individual is later determined eligible to vote by the local election authority. Within seven business days of the local election authority receiving an individual's information from the secretary of state, the local election authority shall update its list of eligible voters and send notice of automatic registration to newly registered voters and provide the opportunity to decline registration. Such notice may be sent in the same manner and at the same time as voter identification cards or other communication required by law. If, after a period of thirty days, the notice declining registration is not returned to the local election authority, the individual's name shall remain on the voter registration list. Any time an individual declines registration the individual's name shall be removed from the voter registration list. This subsection shall not be construed to prevent removal from voter registration lists by any other method allowed under state and federal law.

(7) The provisions of this section shall not be interpreted to invalidate any other method for voter registration.

(8) No individual who does not meet the legal criteria to be eligible to vote shall be considered to have caused a false or fictitious voter registration, if the record and signature of such individual is transmitted by the secretary of state to a local election authority pursuant to this section without the individual's affirmative consent. If such an individual is added to the voter registration list, the individual shall not be subject to any penalty under law. Upon determining such individual is not eligible to vote, the local election authority shall remove the individual from the voter registration list.

2. In order to vote in any election for which registration is required, the deadline for a person to be registered to vote in the jurisdiction of his or her residence shall be no earlier than 5:00 p.m. on the second Tuesday prior to the election, except with regard to covered voters and intrastate voters as defined by general election law. Intrastate voters may vote in their new jurisdiction if they are registered to vote in the State of Missouri.

3. Nothing in this section shall be interpreted to conflict with the Voting Rights Act of 1965, The National Voter Registration Act of 1993, The Help America Vote Act of 2002, or any other applicable federal law or regulation.

Section 7. All qualified [electors] voters of the state [who are absent, whether within or without the state,] may [be enabled by general law to] vote by absentee ballot without providing a reason at all elections by the people either in person or by mail starting forty-two days before an election. For the purposes of this section, the early voting period shall be the period when eligible voters may cast an absentee ballot in person. Procedures for voting by absentee ballot shall be the same as provided in general election law, except as provided herein.

(1) Voters who choose to vote by absentee ballot shall have the option to receive the absentee ballot in the mail or to vote in person using an absentee ballot during the early voting period. Voters who receive an absentee ballot in the mail shall be allowed to return their completed ballot and envelope by mail, or by dropping it off at any officially designated voting location during the early voting period or on election day. The local election authority may also provide additional options for returning or casting absentee ballots. Nothing in this section shall be construed to prevent a person who has received a ballot in the mail but has not returned a completed ballot from casting a regular or provisional ballot in person during the early voting period or on election day.

(2) Each local election authority shall make one or more locations available to issue absentee ballots and to receive completed absentee ballots during the early voting period. Any such designated location shall be open during the local election authority's regularly scheduled business hours and for at least eight hours on the Saturday and eight hours on the Sunday immediately prior to the election.

(3) Local election authorities may make absentee ballots available for voting in person during the early voting period at additional times and places beyond what is designated in subsection (2).

(4) Notwithstanding any other provision of law to the contrary, voters who cast an absentee ballot by mail shall be required to attest to and sign, whether by signature or mark, the following statement:

I state under penalty of perjury that I am an eligible voter; that my signature and name are as shown on this envelope; that I will not cast more than one vote in this election; and that my ballot is enclosed in accordance with the provisions of the constitution and laws of this state.

However, there shall be no requirement that such signature be notarized or sworn to before the election official receiving the ballot, a notary public, other officer authorized by law to administer oaths, or any other witness.

(5) All qualified voters of the state shall be provided the opportunity to request to permanently receive mail-in absentee ballots in the mail for all future elections. An opportunity to sign up to permanently receive absentee ballots shall be provided, at a minimum, on the application for voter registration, via electronic means, and on the application to receive a mail-in absentee ballot.

(6) Mail-in absentee ballots postmarked or bearing an intelligent mail barcode traceable to a date of entry into the federal mail system on or before the day before election day shall be counted by the local election authority.

(7)Notwithstanding any other provision of law to the contrary, if an absentee ballot envelope is found to have a deficiency, the local election authority shall immediately notify the voter and shall allow the voter an opportunity to cure the deficiency at any time, but no later than seven days after the election. Notification to a voter shall first be attempted by phone or email, if the local election authority has such information, and then by first class mail.

(8) The secretary of state and all local election authorities shall make available a list of all voters who cast ballots under this section or Article VIII, section 24 of this Constitution. Such list shall include voter information that is a matter of public record. This list shall be provided in the same manner required by general election law.

Section 24. An absentee ballot of an overseas or uniformed services voter, as defined by general election law, shall be counted by the local election authority so long as the ballot is dated on or before election day and received by the local election authority within seven days of election day.

Section 25. The secretary of state in conjunction with the state auditor shall provide a recommendation to local election authorities for the best method to conduct a risk-limiting audit of election returns. Each local election authority shall adopt a method of risk-limiting audit for auditing election returns.

Section 26. Notwithstanding any other provision of law to the contrary, the provisional ballot, regardless of type, of a voter who is otherwise entitled to vote shall be accepted as long as the precinct at which the voter cast a ballot is within the jurisdiction of the same local election authority as the precinct to which the voter was assigned by an elections official. Provisional ballots, regardless of type, shall be counted as provided herein.

(1) If the provisional ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the ballot shall be counted.

(2) If the provisional ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

Section 27. An individual who is at least 16 years old and otherwise meets all eligibility requirements to vote shall be pre-registered to vote as provided herein.

(1) Such individuals shall be pre-registered pursuant to the registration process in Section 5 of this Article; or

(2) Such individuals may choose to register pursuant to any other registration procedure available under general election law.

2. Such individuals are prohibited from casting a ballot until he meet all voter eligibility requirements.

Section 28. All provisions of this Act are severable. If any portion, clause, or phrase of this Act is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.