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## Lawmakers look to tighten amendment petitioning process

BY TOM COULTER Jan 30, 2019

JEFFERSON CITY — Missouri residents hoping to get a proposition on the ballot could face new fees and regulations if the legislature approves a bill discussed in a Senate Local Government and Elections Committee hearing on Wednesday.

While proponents of the bill said it would ease the administrative burden on statewide offices, some who spoke at the hearing called out the bill for adding barriers to the democratic process just months after voters approved multiple ballot initiatives.

Senate Bill 5 would require anyone filing a petition to pay a \$500 fee for each submission, although the petitioner would receive a full refund from the Secretary of State's office if the petition makes it on the ballot. Otherwise, the money would go into the state's general revenue stream.

The bill also includes a fee that applies only if the person collecting signatures is being paid to do so. He or she would have to pay an additional 40 cents per signature to the Secretary of State's office. The money from this fee would be used in a stand-alone fund to help offset costs in county clerk offices. In 2018, roughly 217,000 signatures were necessary to get an initiative on the statewide ballot, which would amount to about \$86,000.

During the hearing, Secretary of State Jay Ashcroft said the proposal would allow his office to get rid of frivolous petitions in which there is no real effort to get them on the ballot.

“The individual that filed the most (petitions) with us in the last two-year cycle filed 60 of them and didn't collect signatures for them,” Ashcroft said.

Discussion of the bill comes two months after Missourians decided issues such as a minimum wage increase and medical marijuana through ballot initiatives. Sen. John Rizzo, D-Kansas City, said those decisions “never would have passed this legislature,” and then warned his fellow committee members to be careful of restricting Missourians' voices.

“When you start to make this process harder and people aren't able to get those things on the ballot, the next step in that scenario is to change your elected leadership,” Rizzo said. “Being in basically a super-minority (as a Democrat) my entire career down here, I could stand for some changing.”

The 2018 election saw the state's highest voter turnout for a midterm since 1994. Shawn D'Abreu, a lobbyist and policy director for Missouri Health Care for All, testified against the bill, saying the changes would come too soon after substantial participation in the democratic process.

"It appears that the will of the people only matters when they agree with the majority in this chamber," he said.

Several others who testified at the hearing questioned the constitutionality of the fees outlined in the bill. John "Woody" Cozad, a registered lobbyist from Kansas City, said he sees the per-signature fee as a tax on a constitutional right to collect signatures.

"I actually have a constitutional right to pay people on my behalf to collect signatures. If I do that, this would tax every one of those signatures," Cozad said. "What you want more of, you subsidize, and what you want less of, you tax. This tax presumably will result in fewer people going out and getting signatures."

Cozad said you cannot tax the right to petition, much in the same way a voter cannot be taxed through a poll tax.

Mike Louis, president of the Missouri branch of the American Federation of Labor — Congress of Industrial Organizations, made a different historical reference in his testimony, calling the fee "almost taxation without representation."

“The (sponsoring senator’s) objective is to not have this for sale to the highest bidder, but I believe that’s exactly what it does,” Louis said.

The bill’s sponsor, Sen. David Sater, R-Cassville, pointed out that the number of initiative petitions filed to the Secretary of State’s office has ballooned from 15 in 2004 to 371 last year.

“The current initiative process is no longer a citizen-driven, grassroots process but a corporate one that circumvents the will of the people expressed in our republic form of government,” Sater said.

Along with the per-signature and filing fees, Sater’s bill also includes the following requirements for any submitted petition to gain approval:

- A \$10 fee for each page exceeding 10 pages in the ballot measure.
- A standardized form must be used for gathering signatures.
- The text of any proposed measure must be double-spaced and in 12-point New Times Roman font.
- All signatures must be in black or blue ink.
- All submitted forms must include the congressional district in the top-right corner.
- The measure’s summary statement must contain no more than 150 words.
- Submissions cannot be made after a general election until Jan. 31 of the next year.

The bill would also require the Secretary of State to add the question “Shall the measure summarized be approved?” at the end of the official ballot title. Sater said the question will help clarify confusion over ballot measures that he has seen in his constituents.

“We’re trying to clean up the process, to make sure that our people voting understand what the petition is,” he said.

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