JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

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

ELECTIONS DIVISION
(573) 751-2301

June 25, 2021

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

RE: Petition approval request from Mitchell Hubbard regarding a proposed constitutional amendment to Article III (2022-039)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Mitchell Hubbard on June 24, 2021.

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

22-039

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 _____
Page No. _____

INITIATIVE PETITION

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 8th day of November, 2022, 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.

RECEIVED
2021 JUN 24 PM 1:37
SEC OF STATE

CIRCULATOR'S AFFIDAVIT

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

	Signature	Date Signed	Registered Voting Address	Zip Code	Cong. District	Printed First and Last Name
1						
2						
3						
4						
5						
6						
7						
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9						
10						

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presences; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and 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 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)

_____
Street Address of Affiant

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

_____
Printed Name of Affiant

_____
City, State and Zip Code of Affiant

_____
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 provisions of the Constitution of Missouri- Sections 5 and 9 of Article I and the following Sections of the RSMo- 44.010 – 44.130, 77.530, 79.380, 80.090, 167.181, 167.183, 171.031, 174.335, 190.091, 192.006, 192.011, 192.014, 192.020 – 192.326, 192.895, 210.003, 455.095, 537.1000, 537.1005, 537.1010, 537.1015, 537.1020, 537.1035. The proposed amendment revises Article III of the Constitution of Missouri by adding one new section to be known as Section 39(g).

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

One new section is adopted by adding one new section to be known as section 39(g) of Article III to read as follows:

Section 39(g). I. That the people of the State of Missouri reserve certain rights during a local or state of emergency.

A. The State of Missouri shall, through general law mandate state, county and local governments and their agents to:
   1. Protect equal treatment under the law by never declaring one non-government entity essential and another non-essential. If one non-government entity remains open then every non-government entity shall remain open; and
   2. Protect religious freedom by prohibiting any interference with the right of individuals and houses of worship to determine the manner, place, and time of worship; the number of attendees; or limiting the ability to evangelize in public; or tracking, or creating a database of members of any religion; or limiting access to public utilities or emergency services; and
   3. Protect the right to privacy by prohibiting:
      a. The use of data collected from cell phones, electronic devices, artificial intelligence, drones, auto license plate readers, facial recognition or other technology to track the movement of any citizen for the purpose of contact tracing; and
      b. Both mandates and inducements for any person to receive a microchip, RFID, quantum dot or other similar technology under their skin or elsewhere in their body or to be worn or carried on any item against their will; except an ankle bracelet may be used temporarily to monitor persons duly convicted of a crime and placed on house arrest according to general law; unless house arrest is ordered as an attempt to bypass the intent of this provision; and
      c. Both mandates and inducements for anyone to receive a vaccine against their religious or sincerely held non-religious beliefs or the religious or sincerely held non-religious beliefs of their parent(s) or guardian(s) if they are a minor; and
      d. Entrance into the residence of any person, against their will, to test, vaccinate, or remove them or others from the residence for failure to be tested or vaccinated, or because someone is or may be ill; and
      e. Unequal or different treatment of any person based on whether or not they have received a vaccine; and
      f. The awarding of any contract, doing business with, or investing state, county or local funds with any non-government entity that treats its employees or volunteers unequally or differently based on whether or not they received the Covid- 19 vaccination, or restricts or refuses to do business with or provide services to any person who is not vaccinated or refuses to show a vaccination card or other proof of vaccination for any vaccination, whether Covid-19 or not, except contracts existing prior to the effective date of this section may be fulfilled, but shall not be renewed, unless the non-government entity agrees in writing to do business with and or provide services to any person, and treat its employees the same, regardless of whether or not they were vaccinated against Covid-19 , without restriction, as part of the new contract; and

4. Protect the right of healthy people by prohibiting:
    a. Restrictions, limitations, and interference with the right of healthy people to travel either intrastate or interstate, unless travel to a specific location is temporarily unsafe due to damaged infrastructure, natural disaster or acts of war; and
    b. Quarantine and shelter in place orders for healthy people; and
    c. Restrictions, limitations, and interference with the right of healthy people to peacefully assemble; and
    d. Orders requiring healthy people to wear a mask in public, private, or in government buildings or on government property, where the public would normally have access, unless the government facility is one that provides medical care or offers educational services to clients or residents who are considered medically at high risk, as determined by the Department of Health and Senior Services according to general law; and
    e. Public schools from depriving healthy students of the opportunity to receive in person classroom instruction for more than two hundred thirty-eight hours or 34 days of the school year; and
5. Protect the right of healthy patients and residents who are in senior care and health care facilities to visit with their healthy family members and friends; by requiring The Department of Health and Senior Services and or local or county health departments to issue a plan for visitation, using reasonable safety precautions, for any facility where a quarantine order is issued according to general law. The plan for visitation shall be issued simultaneously with the order for quarantine, but may be modified as needed, so long as meaningful and reasonably safe weekly contact visitation is made available to each healthy resident, as determined by the Department of Health and Senior Services according to general law; and
6. Protect the right of people to use cash as legal tender by prohibiting legislation, administrative orders or any government action that restricts or prohibits the use of cash, except government agencies may refuse to accept an unreasonable amount of coins as payment as determined by general law; and
7. Hold harmless any person and any entity that may spread Covid-19, because the spread of the virus shall be deemed an act of God that is not subject to criminal or civil liability, unless the person who spreads or causes the virus to be spread is a healthcare employee or provider who knowingly assigns an infected patient to a room or area, in violation of the reasonable standard of care of a healthcare employee or provider, where those at high risk of dying from exposure to the virus are likely to be exposed; or is an elected government official, government employee or agent who in their official capacity, knowingly, causes a healthcare employee or provider to violate the reasonable standard of care by assigning an infected individual to a room or area as described herein; or is an individual or group of individuals who intentionally developed or dispersed Covid-19 as an act of bioterrorism; and
8. Apply the Doctrine of Anti-Commandeering to any federal law, rule, regulation, order, executive order or other action by the federal government that violates any provision of this section; and

B. Missouri citizens shall have standing to bring a cause of action to enforce the provisions of this section; and

C. Nothing in this section shall be construed to allow the destruction of a human embryo at any stage of development, regardless of the location of said embryo or to allow euthanasia or to prohibit regulation of individuals or businesses that perform abortions; and

D. The rights protected under this section do not spring into effect only during a local or state of emergency; they always exist and cannot be denied or restricted, even during an emergency; and

E. Nothing is this section shall be construed to restrict or hinder the right of any sole proprietorship, partnership, limited liability company, corporation, cooperative, non-profit organization, union, or other non-government entity to set their own policies for employees, interfacing with the public, or generally operating their business or organization; except as set out in provision 1(A)(3)(f) of this section; and

F. Nothing in this section shall be construed to prevent local health departments from instituting reasonable mitigation procedure where employees, interns, agents or volunteers

of any entity are infected with a virus, disease or illness that is the subject of a local or state of emergency and failure to act would endanger the public health; or from acting for the safety of the public health in areas not affected by a local or state of emergency, according to general law; and

G. The provisions of this section are self-executing. All of the provisions of this section are severable. If any of the provisions of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid; and

H. Definitions:

1. Inducements means an action, consideration, promise or threat by the government that persuades or is likely to persuade or influence a person to do something. The application of any technology described in 1(A)(3)(b) of this section without the persons willing and informed written consent shall also be an inducement; and
2. Healthy means any person who has not been diagnosed with a virus, bacteria, disease or illness that is the subject of an ongoing local or state of emergency or someone who has been diagnosed, but is no longer contagious; and
3. Sincerely Held Non-Religious Beliefs means any rational belief that is not based on the religious beliefs of the person; and
4. Legal Tender means the kind of coin, money, or circulating medium which the law compels a creditor to accept in payment of his debt, when tendered by the debtor in the right amount; and
5. Cash means legal tender that is hard currency such as coins or banknotes as opposed to checks, credit, or virtual currency; and
6. Public School means any elementary or secondary school receiving tax payer funding; and
7. School Year means the number of days or hours required by general law for a public school to hold instruction in an academic year; and
8. Senior Care and Healthcare Facilities means any facility other than a correctional facility where health and or mental health services are provided on a non-outpatient basis; and
9. Contact Visitation means visits where healthy patients, family and friends shall have the right to be in close proximity and touch each other. This does not preclude any requirement that patients and or visitors wear personal protective equipment such as gloves or masks or meet in a designated area as determined by the Department of Health and Senior Services according to general law; and
10. Reasonable Mitigation Procedures means any reasonable action that is both necessary and the least restrictive means available to reduce the spread of a virus, bacteria, disease or illness that is the subject of a local or state of emergency, so long as it does not mandate any entity to be closed, reduce hours, or stop providing services for a period longer than necessary to sanitize the facility or remove contaminated products and re-open with personnel that are not under a quarantine order according to general law; and
11. Entity means any business, religious institution, cooperative, union, non-profit organization, government, or any other non-government organization; and
12. Bioterrorism means the intent to cause injury or death to a large group of people through the development of or dispersal of Covid-19 over a large area. No person shall be considered to commit bioterrorism who spreads the virus incidentally through regular human activity; and
13. Healthcare Employee or Provider means any medical doctor, nurse, nurses aid, administrator or other medical professional responsible for assigning patients to a room or area of a hospital, nursing home or healthcare facility for in patient care.