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STATE AUDITORS OFFICE

JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

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

ELECTIONS DIVISION
(573) 751-2301

July 30, 2021

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

RE: Petition approval request from David Roland regarding a proposed constitutional amendment to Article VIII, version 1 (2022-051)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by David Roland on July 30, 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

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: _____

22-051

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 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.

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[OFFICIAL BALLOT TITLE]

CIRCULATOR'S 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.					

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 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:_____

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

Signature of Affiant (Person obtaining signatures) _____

Printed Name of Affiant _____

Street Address of Affiant _____

City, State and Zip Code of Affiant _____

Signature of Notary _____

Address of Notary _____

(Seal)

NOTICE: The proposed amendment revises Article VIII of the Constitution by adopting six new Sections to be known as Article VIII, Sections 24, 25, 26, 27, 28, and 29.

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 adopting six new Sections to be known as Article VIII, Sections 24, 25, 26, 27,28, and 29 to read as follows:

Section 24. 1. Every voting machine used to conduct an election in the State of Missouri shall be tested and certified as secure prior to each election in which the machine will be used. Such testing and certification shall meet all federal standards.
2. Every voting machine used to conduct an election in the State of Missouri shall produce an individual, permanent paper record for each vote cast, which shall be made available for inspection and verification by the voter at the time the vote is cast. Such individual, permanent paper record shall be preserved for use in any election audit.
3. The candidate or their designee shall have the right to be present whenever paper ballots or the permanent paper records produced by electronic voting machines are counted, audited, or placed in storage.

Section 25. 1. Beginning at the August 2024 primary election, and notwithstanding any other provision of law to the contrary, primary elections for all statewide offices, members of the Missouri General Assembly, and members of the United States Congress shall be open primaries where the four candidates for each office receiving the most votes advance to the general election.
2. Primary ballots for all statewide offices, members of the Missouri General Assembly, and members of the United States Congress shall meet the following criteria:
(1) All candidates for an office shall appear on a single ballot.
(2) Primary ballots shall include space for a write-in candidate for such offices.
3. In the primary election for all statewide offices, members of the Missouri General Assembly, and members of the United States Congress, a qualified voter shall be permitted to cast a vote for any candidate for whom that voter is otherwise eligible to vote. A qualified voter shall only vote for one candidate for each office.
4. The four candidates for each office receiving the most votes in the primary election shall advance to the general election for that office. Only those candidates shall appear on the general election ballot.
5. If two or more candidates receive an equal number of votes for the same office, such that there is a tie for fourth place, such candidates or their designees shall have the right to draw lots to determine whose name shall appear on the general election ballot. If a candidate declines to participate, the election authority may draw lots on their behalf.

Section 26. 1. For the purposes of this section, the following terms mean:
(1) "Active Candidate", a candidate who has not been eliminated during an instant runoff tabulation.
(2) "Overvote", a vote in which the qualified voter has indicated a preference for more than one candidate at the same placement order.
(3) "Order" or "Placement Order", the number a qualified voter assigns to a candidate indicating that voter's preference, with 1 being the highest placement order and 4 being the lowest placement order.
2. Beginning at the November 2024 general election, and notwithstanding any other provision of law to the contrary, general elections for all statewide offices, members of the Missouri General Assembly, and members of the United States Congress shall be instant runoff elections in which a qualified voter may indicate their preferred candidate order on the ballot.
3. In a general election conducted under this section, each ballot shall count as one vote for the highest-ordered, Active Candidate on that ballot.
4. If, after the initial tabulation, an Active Candidate receives a majority of the votes cast, that candidate is elected and tabulation is complete.
5. If, after the initial tabulation, an Active Candidate has not received a majority of the highest-ordered votes cast, votes shall be tabulated as follows:
(1) The candidate receiving the fewest number of votes shall be eliminated.
(2) For each ballot cast for an eliminated candidate, the official conducting the tabulation shall determine the highest-ordered, Active Candidate on the ballot. The vote cast on that ballot shall be added to the total number of votes received by that Active Candidate.
(3) Votes shall be tabulated pursuant to subdivisions (1) and (2) of this subsection until an Active Candidate receives the majority of the remaining votes.
6. If a ballot has a placement order that does not contain any candidate, and there are no Active Candidates at a higher placement order, the ballot shall count as a vote for the highest-ordered Active Candidate listed after that placement order, if any.
7. Ballots shall not be included in the tabulation process in subsection 5 only if:
(1) The ballot does not include an Active Candidate at any placement order; or
(2) The ballot contains an Overvote that includes the highest-ordered, Active Candidate at any point during the tabulation process.
8. If two or more candidates are tied with an equal and lowest number of votes, and the tabulation in subsection 5 cannot continue until the candidate with the lowest number of votes is eliminated, the candidate to be eliminated shall be determined by such candidates or their designees drawing lots to determine who shall be eliminated. Should a candidate decline to participate, the election authority shall draw lots on their behalf.
9. Ballots shall be laid out to allow voters to indicate their preferred candidate order. The ballot shall be simple and easy to understand, consistent with best practices.
10. Instructions on the general election ballot shall include the following statement: "You may mark up to four choices in order of preference. Marking a second choice cannot help defeat your first choice. Marking a subsequent choice cannot help defeat your higher-ordered choices."

11. Beginning at least one hundred twenty days before the first election utilizing the instant runoff system, the Secretary of State and local election authorities shall conduct a voter education campaign to familiarize voters with the instant runoff voting system.
12. Notwithstanding any other provision of law to the contrary, the aggregated vote totals from the initial tabulation shall be used, as may be required by any other law, for the purposes of identifying the two major political parties.

Section 27. 1. Beginning August 1, 2024, and notwithstanding any other provision of law to the contrary, a special election shall be called to fill any vacancy in a statewide office, office of member of the Missouri General Assembly, and office of member of the United States Congress.
2. A special election to fill a vacancy in any such office shall be conducted pursuant to the primary and general election processes described in Sections 25 and 26 of this Article.

Section 28. The Secretary of State shall issue rules and regulations necessary to implement Sections 24 to 27 of this Article. No rule or portion of a rule promulgated under the authority of such Sections shall become effective unless it has been promulgated pursuant to the requirements provided by law.

Section 29. If any provision of Sections 24, 25, 26, or 27 or the application thereof to anyone or to any circumstance is held invalid, the remainder of those provisions and the application of such provisions to others or other circumstances shall not be affected thereby.