

SECOND REGULAR SESSION

HOUSE BILL NO. 1407

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEEKEN.

Pre-filed December 12, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3309L.01I

AN ACT

To repeal section 116.080, RSMo, and to enact in lieu thereof one new section relating to petition circulators, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 116.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 116.080, to read as follows:

116.080. 1. Each petition circulator shall be at least eighteen years of age, **a citizen of the United States, a resident of this state, a registered voter**, and registered with the secretary of state. **No petition circulator shall be paid on a per signature basis. All petition signature-gathering activities shall be subject to the general regulatory supervision of the secretary of state.** Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter [on or before 5:00 p.m. on the final day for filing petitions with the secretary of state] **before the collection of such signatures** shall not be counted.

2. Each petition circulator shall supply the following information to the secretary of state's office:

- (1) Name of petition;
- (2) Name of circulator;
- (3) **Proof of United States citizenship;**
- (4) Residential address, including street number, city, state and zip code;
- (5) **Proof of status as a resident of this state;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(6) Proof of current voter registration in this state;**

17 [(4)] (7) Mailing address, if different;

18 [(5) Have you been or] **(8) Do you expect to be paid for soliciting signatures for this**
19 petition?

20 ☐ YES

☐ NO;

21 [(6)] **(9) If the answer to subdivision [(5)] (8) is yes, then identify the payor;**

22 **(10) Certification that the circulator shall not be paid on a per signature basis;**

23 [(7)] **(11) Signature of circulator.**

24 3. The circulator information required in subsection 2 of this section shall be submitted
25 to the secretary of state's office with the following oath and affirmation:

26 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
27 STATEMENTS MADE BY ME ARE TRUE AND CORRECT. **I HEREBY SWEAR OR**
28 **AFFIRM UNDER PENALTY OF LAW THAT I AM LEGALLY RESPONSIBLE FOR**
29 **MY SIGNATURE-GATHERING ACTIVITIES AND MAY BE HELD LEGALLY**
30 **RESPONSIBLE FOR FRAUDULENT OR DECEPTIVE SIGNATURE-GATHERING**
31 **PRACTICES. I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT**
32 **I WILL NOT BE PAID ON A PER SIGNATURE BASIS FOR THE COLLECTION OF**
33 **ANY SIGNATURE.**

34 4. Each petition circulator shall subscribe and swear to the proper affidavit on each
35 petition page such circulator submits before a notary public commissioned in Missouri. When
36 notarizing a circulator's signature, a notary public shall sign his or her official signature and affix
37 his or her official seal to the affidavit only if the circulator personally appears before the notary
38 and subscribes and swears to the affidavit in his or her presence.

39 5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false **or**
40 **receives payment for collecting signatures on a per signature basis** is guilty of a class A
41 misdemeanor punishable, notwithstanding the provisions of section [560.021] **560.016**, RSMo,
42 to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not
43 to exceed ten thousand dollars or both.

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