

SECOND REGULAR SESSION

HOUSE BILL NO. 1761

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STORCH (Sponsor), OXFORD, BAKER (25), BURNETT, YAEGER, ROORDA, SCHIEFFER, LAMPE, DARROUGH, TALBOY AND GRILL (Co-sponsors).

Read 1st time January 22, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4233L.01I

AN ACT

To repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof two new sections relating to initiative or referendum petitions, with penalty provisions.

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

Section A. Sections 116.080 and 116.090, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 116.080 and 116.090, to read as follows:

116.080. 1. Each petition circulator shall be at least eighteen years of age, **a resident**
2 **of this state**, and registered with the secretary of state. **No person shall qualify as a petition**
3 **circulator who has been convicted of, found guilty of, or pled guilty to an offense involving**
4 **forgery under the laws of this state, or any offense under the laws of any other jurisdiction**
5 **if it would be considered forgery under the laws of this state.**

6 **2. No person or organization shall compensate or offer to compensate any person,**
7 **nor shall any person or organization receive compensation or agree to receive**
8 **compensation, for collecting signatures on an initiative or referendum petition if such**
9 **compensation is based on the number of signatures obtained. This subsection shall not be**
10 **construed to prohibit compensation for collection of signatures on an initiative or**
11 **referendum petition that is not based on the number of signatures obtained.**

12 **3. Signatures collected by any circulator who has not registered with the secretary of**
13 **state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the**
14 **secretary of state shall not be counted.**

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.

15 [2.] 4. Each petition circulator shall supply the following information to the secretary of
16 state's office:

17 (1) Name of petition;

18 (2) Name of circulator;

19 (3) Residential address, including street number, city, state and zip code;

20 (4) Mailing address, if different;

21 (5) Have you been or do you expect to be paid for soliciting signatures for this petition?

22 ☐ YES

☐ NO;

23 (6) If the answer to subdivision (5) is yes, then identify the payor;

24 (7) Signature of circulator.

25 [3.] 5. The circulator information required in [subsection 2 of] this section shall be
26 submitted to the secretary of state's office with the following oath and affirmation:

27 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
28 STATEMENTS MADE BY ME ARE TRUE AND CORRECT, **THAT I HAVE NEVER**
29 **BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO AN OFFENSE**
30 **INVOLVING FORGERY, AND THAT I HAVE NOT ACCEPTED AND WILL NOT**
31 **ACCEPT COMPENSATION FOR OBTAINING SIGNATURES BASED ON THE**
32 **NUMBER OF SIGNATURES I OBTAIN.**

33 [4.] 6. Each petition circulator shall subscribe and swear to the proper affidavit on each
34 petition page such circulator submits before a notary public commissioned in Missouri. When
35 notarizing a circulator's signature, a notary public shall sign his or her official signature and affix
36 his or her official seal to the affidavit only if the circulator personally appears before the notary
37 and subscribes and swears to the affidavit in his or her presence.

38 [5.] 7. Any circulator who falsely swears to a circulator's affidavit knowing it to be false
39 is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section
40 [560.021] **560.016**, RSMo, to the contrary, for a term of imprisonment not to exceed one year
41 in the county jail or a fine not to exceed ten thousand dollars or both.

116.090. 1. Any person who **knowingly** signs any name other than his own to any
2 petition[, or] **shall, upon conviction thereof, be guilty of a class one election offense, as**
3 **defined in section 115.631, RSMo.**

4 **2. Any person** who knowingly signs his or her name more than once for the same
5 measure for the same election, or who knows he or she is not at the time of signing or circulating
6 the same a Missouri registered voter and a resident of this state, shall, upon conviction thereof,
7 be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section
8 [560.021] **560.016**, RSMo, to the contrary, for a term of imprisonment not to exceed one year
9 in the county jail or a fine not to exceed ten thousand dollars or both.

10 [2.] **3.** Any person who knowingly accepts or offers money or anything of value to
11 another person in exchange for a signature on a petition is guilty of a class A misdemeanor
12 punishable, notwithstanding the provisions of section [560.021] **560.016**, RSMo, to the contrary,
13 for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten
14 thousand dollars or both.

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