

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1763
94TH GENERAL ASSEMBLY

Reported from the Special Committee on General Laws February 13, 2008 with recommendation that House Committee Substitute for House Bill No. 1763 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4622L.02C

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Section A. Section 116.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 116.080, to read as follows: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 Missouri resident**, and registered with the secretary of state. **No person shall qualify as a petition circulator who has been convicted of, or found guilty of, or pled guilty to an offense involving forgery under the laws of this state, or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state. No petition circulator shall be paid on a per signature basis, receive any signature by mail or via the Internet, or circulate more than one petition concurrently.** 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] **prior to the collection of such signatures** shall not be counted. **Signatures collected by any circulator who has been paid on a per signature basis, received any signature by mail or via the Internet, or circulated more than one petition concurrently 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.

13 2. [Each petition circulator] **In order to become registered as a petition circulator,**
14 **prior to the collection of any signatures, each person seeking to circulate a petition shall**
15 supply the following information to the secretary of state's office:

16 (1) Name of petition;

17 (2) Name of circulator **and proof of United States citizenship;**

18 (3) Residential address, including street number, city, state and zip code, **and proof of**
19 **Missouri resident status;**

20 (4) Mailing address, if different;

21 (5) [Have you been or] Do you expect to be paid for soliciting signatures for this
22 petition?

23 ☐ YES

☐ NO

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

25 (7) Signature of circulator.

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

28 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL
29 STATEMENTS MADE BY ME ARE TRUE AND CORRECT, **THAT I HAVE NEVER**
30 **BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE**
31 **INVOLVING FORGERY. I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF**
32 **LAW THAT I AM LEGALLY RESPONSIBLE FOR MY SIGNATURE GATHERING**
33 **ACTIVITIES AND MAY BE HELD LEGALLY RESPONSIBLE FOR FRAUDULENT**
34 **OR DECEPTIVE SIGNATURE GATHERING PRACTICES. I HEREBY SWEAR OR**
35 **AFFIRM UNDER PENALTY OF LAW THAT I WILL NOT BE PAID ON A PER**
36 **SIGNATURE BASIS FOR THE COLLECTION OF ANY SIGNATURE, RECEIVE ANY**
37 **SIGNATURE BY MAIL OR VIA THE INTERNET, OR CIRCULATE MORE THAN**
38 **ONE PETITION CONCURRENTLY.**

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

44 5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false,
45 **receives payment for collecting signatures on a per signature basis, receives any signature**
46 **by mail or via the Internet, or circulates more than one petition concurrently** is guilty of a
47 class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to

48 the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not
49 to exceed ten thousand dollars or both.

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