

SECOND REGULAR SESSION

HOUSE BILL NO. 1763

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARSON.

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

D. ADAM CRUMBLISS, Chief Clerk

4622L.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Section A. Section 116.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 116.080, to read as follows: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 Missouri resident, a registered voter, and registered with the secretary of state. No petition circulator shall be paid on a per signature basis, solicit or receive any signature by mail or via the Internet, or solicit signatures for two or more petitions concurrently. 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] prior to 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 and proof of United States citizenship;

(3) The time span during which the circulator collected signatures;

(4) Residential address, including street number, city, state and zip code, proof of Missouri resident status and proof of current voter registration in Missouri;

[(4)] (5) Mailing address, if different;

[(5) Have you been or] (6) Do you expect to be paid for soliciting signatures for this petition?

YES

NO

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

[(7)] (8) Certification that the circulator shall not be paid on a per signature basis;

(9) Certification that the circulator has not solicited or received any signature by mail or via the Internet;

(10) Certification that the circulator has not concurrently solicited signatures for two or more petitions;

(11) Signature of circulator.

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

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT. I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT I AM LEGALLY RESPONSIBLE FOR MY SIGNATURE GATHERING ACTIVITIES AND MAY BE HELD LEGALLY RESPONSIBLE FOR FRAUDULENT OR DECEPTIVE SIGNATURE GATHERING PRACTICES. I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT I WILL NOT BE PAID ON A PER SIGNATURE BASIS FOR THE COLLECTION OF ANY SIGNATURE, SOLICIT OR RECEIVE ANY SIGNATURE BY MAIL OR VIA THE INTERNET, OR SOLICIT SIGNATURES FOR TWO OR MORE PETITIONS CONCURRENTLY.

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

5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false or receives payment for collecting signatures on a per signature basis, solicits or receives any signature by mail or via the Internet, or solicits signatures for two or more petitions concurrently is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section [560.021] 560.016, 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.