

SECOND REGULAR SESSION

# SENATE BILL NO. 909

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Pre-filed January 7, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4169S.011

## 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Section A. Section 116.080, RSMo, is repealed and one new section  
2 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  
2 age, **a citizen of the United States, a Missouri resident, a registered**  
3 **voter**, and registered with the secretary of state. **No petition circulator shall**  
4 **be paid on a per signature basis. All petition signature gathering**  
5 **activities shall be subject to the general, regulatory supervision of the**  
6 **secretary of state.** Signatures collected by any circulator who has not  
7 registered with the secretary of state pursuant to this chapter [on or before 5:00  
8 p.m. on the final day for filing petitions with the secretary of state] **prior to the**  
9 **collection of such signatures** shall not be counted.

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

12 (1) Name of petition;

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

14 (3) Residential address, including street number, city, state and zip code,  
15 **proof of Missouri resident status and proof of current voter registration**  
16 **in Missouri;**

17 (4) Mailing address, if different;

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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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YES

NO

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

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(7) **Certification that the circulator shall not be paid on a per**

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**signature basis;**

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(8) Signature of circulator.

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3. The circulator information required in subsection 2 of this section shall

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be submitted to the secretary of state's office with the following oath and

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affirmation:

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I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT

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ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT. I HEREBY

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SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT I AM LEGALLY

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RESPONSIBLE FOR MY SIGNATURE GATHERING ACTIVITIES AND

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MAY BE HELD LEGALLY RESPONSIBLE FOR FRAUDULENT OR

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DECEPTIVE SIGNATURE GATHERING PRACTICES. I HEREBY SWEAR

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OR AFFIRM UNDER PENALTY OF LAW THAT I WILL NOT BE PAID ON

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A PER SIGNATURE BASIS FOR THE COLLECTION OF ANY

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SIGNATURE.

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4. Each petition circulator shall subscribe and swear to the proper

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affidavit on each petition page such circulator submits before a notary public

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commissioned in Missouri. When notarizing a circulator's signature, a notary

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public shall sign his or her official signature and affix his or her official seal to

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the affidavit only if the circulator personally appears before the notary and

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subscribes and swears to the affidavit in his or her presence.

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5. Any circulator who falsely swears to a circulator's affidavit knowing it

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to be false **or receives payment for collecting signatures on a per**

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**signature basis** is guilty of a class A misdemeanor punishable, notwithstanding

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the provisions of section 560.021, RSMo, to the contrary, for a term of

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imprisonment not to exceed one year in the county jail or a fine not to exceed ten

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thousand dollars or both.

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