

HCS HB 228 -- CIRCULATION OF PETITIONS

SPONSOR: Jones, 89 (Parson)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 12 to 2.

This substitute changes the laws regarding the circulation of petitions. In its main provisions, the substitute:

- (1) Requires a petition circulator to be a United States citizen and a Missouri resident;
- (2) Specifies that petition circulators cannot have been convicted of, found guilty of, or pled guilty to any offense involving forgery;
- (3) Requires petition circulators to supply information to the Office of the Secretary of State verifying their eligibility and to swear by affidavit that they will comply with the conditions of the substitute;
- (4) Specifies that signatures collected by unregistered circulators will not be counted; and
- (5) Specifies that anyone who knowingly signs any name other than his or her own to any petition will be guilty of a class one election offense.

The substitute becomes effective January 1, 2011.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill will help prevent outside influences from corrupting the Missouri political process.

Testifying for the bill were Representative Parson; Missouri Chamber of Commerce and Industry; Missouri Municipal League; Missouri National Education Association; Missouri Farm Bureau; Missouri Restaurant Association; and Jeff Windett, Missouri Cattlemens Association.

OPPOSERS: Those who oppose the bill say that the requirement of Missouri residency is unconstitutional and has been struck down in numerous federal courts. The prohibition on paying circulators on a per-signature basis is also unconstitutional and should be removed. The Eighth Judicial Circuit upheld these measures in the past, but the cases are unlikely to survive

current judicial review. The prohibition on collecting signatures for multiple petitions limits political speech and is also likely to be unconstitutional.

Testifying against the bill were Americans for Prosperity and Foundation; American Civil Liberties Union of Eastern Missouri; Ron Calzone, Missouri First; Tim Ascher, Missouri Civil Rights Initiative; Patrick Tuohey; Paul Jacob, Citizens in Charge Foundation; John Paulifugot; and Bev Ehlen.