

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1788

95TH GENERAL ASSEMBLY

4081L.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof two new sections relating to petition circulators, with penalty provisions.

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*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Section A. Sections 116.080 and 116.090, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 116.080 and 116.090, to read as follows: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 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 or circulate more than one petition simultaneously.** 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] **before the collection of such signatures** shall not be counted. **Signatures collected by any circulator who has been paid on a per signature basis or circulated more than one petition simultaneously shall not be counted.**

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

- (1) Name of petition;
- (2) Name of circulator;

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.

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

19 (4) Mailing address, if different;

20 (5) [Have you been or] Do you expect to be paid for soliciting signatures for this  
21 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. The circulator information required in subsection 2 of this section shall be submitted  
26 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 ANY OFFENSE**  
30 **INVOLVING FORGERY. I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF**  
31 **LAW THAT I AM LEGALLY RESPONSIBLE FOR MY SIGNATURE GATHERING**  
32 **ACTIVITIES AND MAY BE HELD LEGALLY RESPONSIBLE FOR FRAUDULENT**  
33 **OR DECEPTIVE SIGNATURE GATHERING PRACTICES. I HEREBY SWEAR OR**  
34 **AFFIRM UNDER PENALTY OF LAW THAT I WILL NOT BE PAID ON A PER**  
35 **SIGNATURE BASIS FOR THE COLLECTION OF ANY SIGNATURE OR**  
36 **CIRCULATE MORE THAN ONE PETITION SIMULTANEOUSLY.**

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

42 5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false,  
43 **receives payment for collecting signatures on a per signature basis or circulates more than**  
44 **one petition simultaneously** is guilty of a class A misdemeanor punishable, notwithstanding the  
45 provisions of section [560.021, RSMo,] **560.016** to the contrary, for a term of imprisonment not  
46 to exceed one year 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 **or her** own to  
2 any 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**, to the contrary, for a term of imprisonment not to exceed one year in the  
9 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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