

FIRST REGULAR SESSION

# HOUSE BILL NO. 837

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STORCH (Sponsor), LAMPE, TALBOY, ROORDA, OXFORD,  
GRILL, SCHIEFFER AND YAEGER (Co-sponsors).

0739L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 116.080, 116.090, and 116.332, RSMo, and to enact in lieu thereof three new sections relating to initiative or referendum petitions, 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Section A. Sections 116.080, 116.090, and 116.332, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 116.080, 116.090, and 116.332, to read  
3 as follows:

116.080. 1. Each petition circulator shall be at least eighteen years of age, **a resident**  
2 **of this state**, and registered with the secretary of state. **No person shall qualify as a petition**  
3 **circulator who has been convicted of, found guilty of, or pled guilty to an offense involving**  
4 **forgery under the laws of this state, or any offense under the laws of any other jurisdiction**  
5 **if it would be considered forgery under the laws of this state.**

6 **2. No person or organization shall compensate or offer to compensate any person,**  
7 **nor shall any person or organization receive compensation or agree to receive**  
8 **compensation, for collecting signatures on an initiative or referendum petition if such**  
9 **compensation is based on the number of signatures obtained. This subsection shall not be**  
10 **construed to prohibit compensation for collection of signatures on an initiative or**  
11 **referendum petition that is not based on the number of signatures obtained.**

12 **3. Signatures collected by any circulator who has not registered with the secretary of**  
13 **state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the**  
14 **secretary of state 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.

15 [2.] 4. Each petition circulator shall supply the following information to the secretary of  
16 state's office:

17 (1) Name of petition;

18 (2) Name of circulator;

19 (3) Residential address, including street number, city, state and zip code;

20 (4) Mailing address, if different;

21 (5) Have you been or do you expect to be paid for soliciting signatures for this 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.] 5. The circulator information required in [subsection 2 of] this section shall be  
26 submitted 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 AN OFFENSE**  
30 **INVOLVING FORGERY, AND THAT I HAVE NOT ACCEPTED AND WILL NOT**  
31 **ACCEPT COMPENSATION FOR OBTAINING SIGNATURES BASED ON THE**  
32 **NUMBER OF SIGNATURES I OBTAIN.**

33 [4.] 6. Each petition circulator shall subscribe and swear to the proper affidavit on each  
34 petition page such circulator submits before a notary public commissioned in Missouri. When  
35 notarizing a circulator's signature, a notary public shall sign his or her official signature and affix  
36 his or her official seal to the affidavit only if the circulator personally appears before the notary  
37 and subscribes and swears to the affidavit in his or her presence.

38 [5.] 7. Any circulator who falsely swears to a circulator's affidavit knowing it to be false  
39 is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section  
40 [560.021] **560.016**, RSMo, to the contrary, for a term of imprisonment not to exceed one year  
41 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 own to any  
2 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**, RSMo, to the contrary, for a term of imprisonment not to exceed one year  
9 in the 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.

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition,  
2 or a referendum petition may be circulated for signatures, a sample sheet [must] **shall** be  
3 submitted to the secretary of state in the form in which it will be circulated. When a person  
4 submits a sample sheet of a petition he or she shall designate to the secretary of state the name  
5 and address of the person to whom any notices shall be sent pursuant to sections 116.140 and  
6 116.180. **The person submitting the sample sheet shall also deposit with the secretary of**  
7 **state five hundred dollars for each petition submitted. Upon the certification of the**  
8 **proposed measure as sufficient for the general election ballot under section 116.150, the**  
9 **deposit shall be immediately refunded to such person. If such proposed measure is not**  
10 **certified for the general election ballot under section 116.150, the deposit shall be forfeited**  
11 **and shall be deposited into the state's general revenue fund. A person submitting a petition**  
12 **may withdraw and resubmit a petition without paying an additional deposit if the petition**  
13 **is withdrawn before the secretary of state's rejection of approval as to form under this**  
14 **section.**

15 2. The secretary of state shall refer a copy of the petition sheet to the attorney general for  
16 [his] **the attorney general's** approval and to the state auditor for purposes of preparing a fiscal  
17 note and fiscal note summary. The secretary of state and attorney general [must] **shall** each  
18 review the petition for sufficiency as to form and approve or reject the form of the petition,  
19 stating the reasons for rejection, if any.

20 [2.] 3. Upon receipt of a petition from the office of the secretary of state, the attorney  
21 general shall examine the petition as to form. If the petition is rejected as to form, the attorney  
22 general shall forward his or her comments to the secretary of state within ten days after receipt  
23 of the petition by the attorney general. If the petition is approved as to form, the attorney general  
24 shall forward his or her approval as to form to the secretary of state within ten days after receipt  
25 of the petition by the attorney general.

26 [3.] 4. The secretary of state shall review the comments and statements of the attorney  
27 general as to form and make a final decision as to the approval or rejection of the form of the  
28 petition. The secretary of state shall send written notice to the person who submitted the petition  
29 sheet of the approval within thirty days after submission of the petition sheet. The secretary of  
30 state shall send written notice if the petition has been rejected, together with reasons for  
31 rejection, within thirty days after submission of the petition sheet.