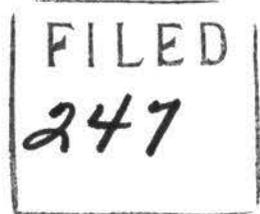


December 11, 1975

OPINION LETTER NO. 247
Answer by Letter - Klaffenbach

Honorable Donald J. Gralike
State Senator, District 1
648 Buckley Road
St. Louis, Missouri 63125



Dear Senator Gralike:

This letter is in response to your question asking:

"Can the circulator of an initiative referendum petition be under the age of 18? Will the signatures obtained on the petition by a circulator who is under 18 be valid?"

The laws respecting initiative and referendum petitions do not contain requirements limiting the age of the circulator. See § 126.061, RSMo. The circulator must be capable of making the required affidavit.

In the absence of statutory regulation it is said that generally anyone who has knowledge of the facts and is competent to testify may make an affidavit. 3 Am.Jur.2d, Affidavits, § 3, p. 381. Under § 491.060(2), RSMo, a child under ten years of age who appears incapable of receiving just impressions of the facts respecting which he is examined or of relating them truly, is incompetent to testify.

We understand that legislation may be introduced requiring that such circulators be registered voters. However, at this time, there is no such limitation and we conclude that a child who is competent to testify may circulate such petitions.

Very truly yours,

JOHN C. DANFORTH
Attorney General