

SENATE BILL NO. 399

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

1810S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 116.155 and 116.190, RSMo, and to enact in lieu thereof two new sections relating to ballot titles for proposed ballot measures prepared by the general assembly.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 116.155 and 116.190, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 116.155 and 116.190, to read as follows:

116.155. 1. The general assembly may include the
2 official summary statement and a fiscal note summary in any
3 statewide ballot measure that it refers to the voters.

4 2. The official summary statement approved by the
5 general assembly shall, taken together with the approved
6 fiscal note summary, be the official ballot title and such
7 summary statement shall contain no more than fifty words,
8 excluding articles. The title shall be a true and impartial
9 statement of the purposes of the proposed measure in
10 language neither intentionally argumentative nor likely to
11 create prejudice either for or against the proposed
12 measure. **The official summary statement approved by the
13 general assembly shall appear on the ballot as written by
14 the general assembly. No court shall have jurisdiction to
15 hear any action challenging such statement.**

16 3. The fiscal note summary approved by the general
17 assembly shall contain no more than fifty words, excluding
18 articles, which shall summarize the fiscal note prepared for
19 the measure in language neither argumentative nor likely to
20 create prejudice for or against the proposed measure. **The**

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

21 **fiscal note summary approved by the general assembly shall**
22 **appear on the ballot as written by the general assembly. No**
23 **court shall have jurisdiction to hear any action challenging**
24 **such statement.**

116.190. 1. Any citizen who wishes to challenge the
2 official ballot title or the fiscal note prepared for a
3 proposed constitutional amendment submitted [by the general
4 assembly,] by initiative petition[,] or by constitutional
5 convention, or for a statutory initiative or **a** referendum
6 measure **submitted by the people**, may bring an action in the
7 circuit court of Cole County. The action must be brought
8 within ten days after the official ballot title is certified
9 by the secretary of state in accordance with the provisions
10 of this chapter.

2. The secretary of state shall be named as a party
12 defendant in any action challenging the official ballot
13 title prepared by the secretary of state. When the action
14 challenges the fiscal note or the fiscal note summary
15 prepared by the auditor, the state auditor shall also be
16 named as a party defendant. [The president pro tem of the
17 senate, the speaker of the house and the sponsor of the
18 measure and the secretary of state shall be the named party
19 defendants in any action challenging the official summary
20 statement, fiscal note or fiscal note summary prepared
21 pursuant to section 116.155.]

3. The petition shall state the reason or reasons why
23 the summary statement portion of the official ballot title
24 is insufficient or unfair and shall request a different
25 summary statement portion of the official ballot title.
26 Alternatively, the petition shall state the reasons why the
27 fiscal note or the fiscal note summary portion of the
28 official ballot title is insufficient or unfair and shall

29 request a different fiscal note or fiscal note summary
30 portion of the official ballot title.

31 4. The action shall be placed at the top of the civil
32 docket. Insofar as the action challenges the summary
33 statement portion of the official ballot title, the court
34 shall consider the petition, hear arguments, and in its
35 decision certify the summary statement portion of the
36 official ballot title to the secretary of state. Insofar as
37 the action challenges the fiscal note or the fiscal note
38 summary portion of the official ballot title, the court
39 shall consider the petition, hear arguments, and in its
40 decision, either certify the fiscal note or the fiscal note
41 summary portion of the official ballot title to the
42 secretary of state or remand the fiscal note or the fiscal
43 note summary to the auditor for preparation of a new fiscal
44 note or fiscal note summary pursuant to the procedures set
45 forth in section 116.175. Any party to the suit may appeal
46 to the supreme court within ten days after a circuit court
47 decision. In making the legal notice to election
48 authorities under section 116.240, and for the purposes of
49 section 116.180, the secretary of state shall certify the
50 language which the court certifies to him.

51 5. Any action brought under this section that is not
52 fully and finally adjudicated within one hundred eighty days
53 of filing, and more than fifty-six days prior to election in
54 which the measure is to appear, including all appeals, shall
55 be extinguished, unless a court extends such period upon a
56 finding of good cause for such extension. Such good cause
57 shall consist only of court-related scheduling issues and
58 shall not include requests for continuance by the parties.

✓