

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 22
AN ACT

To repeal sections 116.155, 116.160, and 116.190, RSMo, and to enact in lieu thereof three new sections relating to ballot summaries.

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

Section A. Sections 116.155, 116.160, and 116.190, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 116.155, 116.160, and 116.190, to read as
4 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] one
8 hundred words, excluding articles. The title shall be a
9 true and impartial statement of the purposes of the proposed
10 measure in language neither intentionally argumentative nor
11 likely to create prejudice either for or against the
12 proposed measure.

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

116.160. 1. If the general assembly adopts a joint
2 resolution proposing a constitutional amendment or a bill
3 without a fiscal note summary, which is to be referred to a
4 vote of the people, after receipt of such resolution or bill
5 the secretary of state shall promptly forward the resolution
6 or bill to the state auditor. If the general assembly
7 adopts a joint resolution proposing a constitutional
8 amendment or a bill without an official summary statement,
9 which is to be referred to a vote of the people, within
10 twenty days after receipt of the resolution or bill, the
11 secretary of state shall prepare and transmit to the
12 attorney general a summary statement of the measure as the
13 proposed summary statement. The secretary of state may seek
14 the advice of the legislator who introduced the
15 constitutional amendment or bill and the speaker of the
16 house or the president pro tem of the legislative chamber
17 that originated the measure. The summary statement may be
18 distinct from the legislative title of the proposed
19 constitutional amendment or bill. The attorney general
20 shall within ten days approve the legal content and form of
21 the proposed statement.

22 2. If the general assembly adopts a joint resolution
23 proposing a constitutional amendment or statutory measure
24 that includes an official summary statement, the statement
25 shall appear on the ballot, unless it is challenged pursuant
26 to section 116.190, in which case the provisions of that
27 section shall apply.

28 3. The official summary statement shall contain no
29 more than [fifty] one hundred words, excluding articles.
30 The title shall be a true and impartial statement of the
31 purposes of the proposed measure in language neither
32 intentionally argumentative nor likely to create prejudice
33 either for or against the proposed measure.

116.190. 1. Any citizen who wishes to challenge the
official ballot title or the fiscal note prepared for a
proposed constitutional amendment submitted by the general
assembly, by initiative petition, or by constitutional
convention, or for a statutory initiative or referendum
measure, may bring an action in the circuit court of Cole
County. The action ~~[must]~~ shall be brought within ten days
after the official ballot title is certified by the
secretary of state in accordance with the provisions of this
chapter, in the case of an initiative petition and not later
than the twenty-second Tuesday prior to the general election
at which the ballot measure will be submitted to the voters,
in the case of all other statewide ballot measures.

2. The secretary of state shall be named as a party
defendant in any action challenging the official ballot
title prepared by the secretary of state. When the action
challenges the fiscal note or the fiscal note summary
prepared by the auditor, the state auditor shall also be
named as a party defendant. The president pro tem of the
senate, the speaker of the house and the sponsor of the
measure and the secretary of state shall be the named party
defendants in any action challenging the official summary
statement, fiscal note or fiscal note summary prepared
pursuant to section 116.155.

3. The petition shall state the reason or reasons why
the summary statement portion of the official ballot title
is insufficient or unfair ~~[and shall request a different~~
~~summary statement portion of the official ballot title]~~.
Alternatively, the petition shall state the reasons why the
fiscal note or the fiscal note summary portion of the
official ballot title is insufficient or unfair and shall
request a different fiscal note or fiscal note summary
portion of the official ballot title.

34 4. (1) The action shall be placed at the top of the
35 civil docket.

36 (2) (a) Insofar as the action challenges the summary
37 statement portion of the official ballot title, the court
38 shall consider the petition, hear arguments, and in its
39 decision certify the summary statement portion of the
40 official ballot title to the secretary of state as
41 originally written if the court finds the summary statement
42 to be sufficient and fair. If the court finds the summary
43 statement to be insufficient or unfair, the court may offer
44 suggested revisions for the summary statement to remedy the
45 legal flaws, but it shall, in its decision, order the
46 secretary of state to write a first revised summary
47 statement that is sufficient and fair.

48 (b) The secretary of state shall submit a first
49 revised summary statement to the court within seven days.
50 If, after submission to the court of a first revised summary
51 statement by the secretary of state, the court finds the
52 first revised summary statement to be sufficient and fair,
53 the court shall certify to the secretary of state that
54 statement and order it to appear on the ballot. If the
55 court finds the first revised summary statement to be
56 insufficient or unfair, the court may offer suggested
57 revisions for the statement to remedy the legal flaws, but
58 it shall, in its decision, order the secretary of state to
59 write a second revised summary statement that is sufficient
60 and fair.

61 (c) The secretary of state shall submit a second
62 revised summary statement to the court within five days.
63 If, after submission to the court of a second revised
64 summary statement by the secretary of state, the court finds
65 the second revised summary statement to be sufficient and
66 fair, the court shall certify to the secretary of state that

67 statement and order it to appear on the ballot. If the
68 court finds the second revised summary statement to be
69 insufficient or unfair, the court may offer suggested
70 revisions for the statement to remedy the legal flaws, but
71 it shall, in its decision, order the secretary of state to
72 write a third revised summary statement that is sufficient
73 and fair.

74 (d) The secretary of state shall submit a third
75 revised summary statement to the court within three days.
76 If, after submission to the court of a third revised summary
77 statement by the secretary of state, the court finds the
78 third revised summary statement to be sufficient and fair,
79 the court shall certify to the secretary of state that
80 statement and order it to appear on the ballot. If the
81 court finds the third revised summary statement to be
82 insufficient or unfair, or if the secretary of state
83 neglects or refuses to submit any of the revised summary
84 statements within the times mandated by this subdivision
85 when so ordered, the court shall revise the summary
86 statement in a manner that is sufficient and fair and order
87 the secretary of state to place that summary statement on
88 the ballot with the measure.

89 (e) During all revisions as provided in this
90 subdivision, the case shall remain open.

91 (f) Any non-prevailing party may make appeals as
92 provided by law only following:

93 a. The finding of the circuit court that a summary
94 statement was sufficient and fair; or

95 b. The circuit court ordering its own summary
96 statement to be placed on the ballot pursuant to paragraph
97 (d) of this subdivision.

98 (g) Any action brought pursuant to this section
99 challenging a statewide ballot measure appearing on the

100 ballot at an election called by the governor pursuant to
101 Article XII, Section 2(b), Missouri Constitution, whether at
102 the primary election or at a special election, or at a
103 special election for a referendum petition measure called by
104 the general assembly pursuant to Article III, Section 52(b),
105 Missouri Constitution, shall be expedited by the court to
106 bring a resolution of the matter prior to the printing of
107 ballots. The court may shorten any timeframe under this
108 section to achieve this purpose.

109 (3) Insofar as the action challenges the fiscal note
110 or the fiscal note summary portion of the official ballot
111 title, the court shall consider the petition, hear
112 arguments, and in its decision, either certify the fiscal
113 note or the fiscal note summary portion of the official
114 ballot title to the secretary of state or remand the fiscal
115 note or the fiscal note summary to the auditor for
116 preparation of a new fiscal note or fiscal note summary
117 pursuant to the procedures set forth in section 116.175.
118 Any party to the suit may appeal to the supreme court within
119 ten days after a circuit court decision pursuant to this
120 subdivision. [In making the legal notice to election
121 authorities under section 116.240, and for the purposes of
122 section 116.180, the secretary of state shall certify the
123 language which the court certifies to him.]

124 5. Any action brought under this section that is not
125 fully and finally adjudicated within one hundred eighty days
126 of filing, and more than [fifty-six] seventy days prior to
127 election in which the measure is to appear, including all
128 appeals, shall be extinguished, unless a court extends such
129 period upon a finding of good cause for such extension.
130 Such good cause shall consist only of court-related
131 scheduling issues and shall not include requests for
132 continuance by the parties.