

## 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.

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*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Section A. Sections 116.155, 116.160, and 116.190, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 116.155, 116.160, and 116.190, to read as follows:

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

2. The official summary statement approved by the general assembly shall, taken together with the approved fiscal note summary, be the official ballot title and such summary statement shall contain no more than **[fifty]** one hundred words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

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

116.160. 1. If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary, which is to be referred to a

vote of the people, after receipt of such resolution or bill the secretary of state shall promptly forward the resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without an official summary statement, which is to be referred to a vote of the people, within twenty days after receipt of the resolution or bill, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure as the proposed summary statement. The secretary of state may seek the advice of the legislator who introduced the constitutional amendment or bill and the speaker of the house or the president pro tem of the legislative chamber that originated the measure. The summary statement may be distinct from the legislative title of the proposed constitutional amendment or bill. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. If the general assembly adopts a joint resolution proposing a constitutional amendment or statutory measure that includes an official summary statement, the statement shall appear on the ballot, and no court shall have the authority to rewrite or edit the summary statement or ballot language. If such summary statement is challenged in court and the court finds the summary statement to be legally flawed, the summary statement shall only be rewritten by the secretary of state, provided that the general assembly may, by passage of a concurrent resolution, pass a new summary statement at any time during a meeting of the general assembly prior to the eighth Tuesday before the election at which the ballot measure will be voted on by the people. Any such summary statement shall comply with section 116.155 or this section, as applicable.

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

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.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify [the summary statement portion of the official ballot title to the secretary of state] to the secretary of state the summary statement as originally written by the secretary of state if the court finds the summary statement to be fair and sufficient. If the court finds the summary statement to be insufficient or unfair in the case of a summary statement for an initiative petition, the court shall, in its decision, order the secretary of state to write a new summary statement that is fair and sufficient. If a summary statement approved by the general assembly in a joint resolution proposing a constitutional amendment or a statutory measure is found by the court to be unfair or insufficient, the provisions of subsection 2 of section 116.160 shall control. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. [In making the legal notice to election authorities under section 116.240, and for the purposes of

section 116.180, the secretary of state shall certify the language which the court certifies to him.]

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