

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 22

103RD GENERAL ASSEMBLY

0713S.04C

KRISTINA MARTIN, Secretary

## 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2 are repealed and three new sections enacted in lieu thereof, to  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

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

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, and no court shall have the**  
26 **authority to rewrite or edit the summary statement or ballot**  
27 **language. If such summary statement is challenged in court**  
28 **and the court finds the summary statement to be legally**  
29 **flawed, the summary statement shall only be rewritten by the**  
30 **secretary of state, provided that the general assembly may,**

31 by passage of a concurrent resolution, pass a new summary  
32 statement at any time during a meeting of the general  
33 assembly prior to the eighth Tuesday before the election at  
34 which the ballot measure will be voted on by the people.  
35 Any such summary statement shall comply with section 116.155  
36 or this section, as applicable.

37 3. The official summary statement shall contain no  
38 more than [fifty] **one hundred** words, excluding articles.  
39 The title shall be a true and impartial statement of the  
40 purposes of the proposed measure in language neither  
41 intentionally argumentative nor likely to create prejudice  
42 either for or against the proposed measure.

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 referendum  
6 measure, may bring an action in the circuit court of Cole  
7 County. The action must be brought within ten days after  
8 the official ballot title is certified by the secretary of  
9 state in accordance with the provisions of this chapter.

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

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

30           4. The action shall be placed at the top of the civil  
31 docket. Insofar as the action challenges the summary  
32 statement portion of the official ballot title, the court  
33 shall consider the petition, hear arguments, and in its  
34 decision certify [the summary statement portion of the  
35 official ballot title to the secretary of state] **to the**  
36 **secretary of state the summary statement as originally**  
37 **written by the secretary of state if the court finds the**  
38 **summary statement to be fair and sufficient. If the court**  
39 **finds the summary statement to be insufficient or unfair in**  
40 **the case of a summary statement for an initiative petition,**  
41 **the court shall, in its decision, order the secretary of**  
42 **state to write a new summary statement that is fair and**  
43 **sufficient. If a summary statement approved by the general**  
44 **assembly in a joint resolution proposing a constitutional**  
45 **amendment or a statutory measure is found by the court to be**  
46 **unfair or insufficient, the provisions of subsection 2 of**  
47 **section 116.160 shall control.** Insofar as the action  
48 challenges the fiscal note or the fiscal note summary  
49 portion of the official ballot title, the court shall  
50 consider the petition, hear arguments, and in its decision,  
51 either certify the fiscal note or the fiscal note summary  
52 portion of the official ballot title to the secretary of

53 state or remand the fiscal note or the fiscal note summary  
54 to the auditor for preparation of a new fiscal note or  
55 fiscal note summary pursuant to the procedures set forth in  
56 section 116.175. Any party to the suit may appeal to the  
57 supreme court within ten days after a circuit court  
58 decision. [In making the legal notice to election  
59 authorities under section 116.240, and for the purposes of  
60 section 116.180, the secretary of state shall certify the  
61 language which the court certifies to him.]

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

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