

FIRST REGULAR SESSION

HOUSE BILL NO. 695

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), SCHARNHORST, PARKINSON, SANDER,
FUNDERBURK AND GATSCHENBERGER (Co-sponsors).

0912L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 116.160, 116.180, 116.190, 116.240, and 116.334, RSMo, and to enact in lieu thereof six new sections relating to the joint committee on ballot statements.

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

Section A. Sections 116.160, 116.180, 116.190, 116.240, and 116.334, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 21.860, 116.160,
3 116.180, 116.190, 116.240, and 116.334, to read as follows:

**21.860. 1. There is established a joint committee of the general assembly to be
2 known as the "Joint Committee on Ballot Statements" to be composed of five members of
3 the senate and five members of the house of representatives. The senate members of the
4 joint committee shall be appointed by the president pro tem and minority floor leader of
5 the senate and the house members shall be appointed by the speaker and minority floor
6 leader of the house of representatives. Each member shall be appointed for a term of two
7 years or until a successor has been appointed to fill the member's place when his or her
8 term has expired. Members may be reappointed to the joint committee. No party shall be
9 represented by more than three members from the house of representatives nor more than
10 three members from the senate. A majority of the committee shall constitute a quorum,
11 but the concurrence of a majority of the members shall be required for the determination
12 of any matter within the committee's duties.**

**13 2. The joint committee shall prepare and formally review all summary statements
14 as required by section 116.160, RSMo.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **3. The joint committee shall meet within thirty days after its creation and organize**
16 **by selecting a chair and a vice chair, one of whom shall be a member of the senate and the**
17 **other a member of the house of representatives with a member of the house of**
18 **representatives serving as the initial chair. The chair shall alternate between members of**
19 **the house and senate every two years after the committee's organization.**

20 **4. The committee shall meet as often as necessary to accomplish the ballot statement**
21 **process. The committee may meet at locations other than Jefferson City when the**
22 **committee deems it necessary.**

23 **5. Subject to appropriations, the committee shall be staffed by legislative personnel**
24 **as is deemed necessary to assist the committee in the performance of its duties.**

25 **6. The members of the committee shall serve without compensation but shall be**
26 **entitled to reimbursement from the joint contingent fund for actual and necessary expenses**
27 **incurred in the performance of their official duties.**

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

16 2. The official summary statement shall contain no more than fifty words, excluding
17 articles. The title shall be a true and impartial statement of the purposes of the proposed measure
18 in language neither intentionally argumentative nor likely to create prejudice either for or against
19 the proposed measure.

116.180. Within three days after [receiving] **approving** the official summary statement
2 **and receiving** the approved fiscal note summary and the fiscal note relating to any statewide
3 ballot measure, the [secretary of state] **joint committee on ballot statements** shall certify the
4 official ballot title in separate paragraphs with the fiscal note summary immediately following

5 the summary statement of the measure and shall deliver a copy of the official ballot title and the
6 fiscal note to the speaker of the house or the president pro tem of the legislative chamber that
7 originated the measure or, in the case of initiative or referendum petitions, to the person whose
8 name and address are designated under section 116.332. Persons circulating the petition shall
9 affix the official ballot title to each page of the petition prior to circulation and signatures shall
10 not be counted if the official ballot title is not affixed to the page containing such signatures.

11 116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note
12 prepared for a proposed constitutional amendment submitted by the general assembly, by
13 initiative petition, or by constitutional convention, or for a statutory initiative or referendum
14 measure, may bring an action in the circuit court of Cole County. The action must be brought
15 within ten days after the official ballot title is certified by the [secretary of state] **joint committee**
16 **on ballot statements** in accordance with the provisions of this chapter.

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

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

30 4. The action shall be placed at the top of the civil docket. Insofar as the action
31 challenges the summary statement portion of the official ballot title, the court shall consider the
32 petition, hear arguments, and in its decision certify the summary statement portion of the official
33 ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal
34 note summary portion of the official ballot title, the court shall consider the petition, hear
35 arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion
36 of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note
37 summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to
38 the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme
39 court within ten days after a circuit court decision. In making the legal notice to election

30 authorities under section 116.240, and for the purposes of section 116.180, the [secretary of state]
31 **joint committee** shall certify the language which the court certifies to him **or her**.

116.240. Not later than the tenth Tuesday prior to an election at which a statewide ballot
2 measure is to be voted on, the secretary of state shall send each election authority a certified copy
3 of the legal notice to be published. The legal notice shall include the date and time of the
4 election and a sample ballot, **including all fiscal note information prepared by the secretary**
5 **of state and the official summary statement prepared by the joint committee on ballot**
6 **statements**.

116.334. 1. If the petition form is approved, the [secretary of state] **joint committee on**
2 **ballot statements** shall within ten days prepare and transmit to the attorney general a summary
3 statement of the measure which shall be a concise statement not exceeding one hundred words.
4 This statement shall be in the form of a question using language neither intentionally
5 argumentative nor likely to create prejudice either for or against the proposed measure. The
6 attorney general shall within ten days approve the legal content and form of the proposed
7 statement.

8 2. Signatures obtained prior to the date the official ballot title is certified by the secretary
9 of state shall not be counted.

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