

SECOND REGULAR SESSION

# SENATE BILL NO. 1076

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

4205S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 116.160, RSMo, and to enact in lieu thereof one new section relating to ballot summaries prepared by the general assembly.

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

Section A. Section 116.160, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 116.160,  
3 to read as follows:

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 or ballot language is**  
28 **challenged in court and the court finds the summary**  
29 **statement or ballot language to be legally flawed, the**  
30 **summary statement shall only be rewritten by the secretary**  
31 **of state, provided that the general assembly may, by passage**  
32 **of a concurrent resolution, pass a new summary statement at**  
33 **any time during a meeting of the general assembly prior to**  
34 **the sixth Tuesday before the election at which the ballot**  
35 **measure will be voted on by the people. Any such summary**  
36 **statement shall comply with section 116.155 or this section,**  
37 **as applicable.**

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

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