

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 79

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

4266S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 50 and 51 of article III of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to procedures for ballot measures submitted to the voters.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2024, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article III of the
7 Constitution of the state of Missouri:

Section A. Sections 50 and 51, article III, Constitution
2 of Missouri, are repealed and three new sections adopted in
3 lieu thereof, to be known as sections 50, 51, and 54, to read
4 as follows:

Section 50. Initiative petitions proposing amendments
2 to the constitution shall be signed by eight percent of the
3 legal voters in each of two-thirds of the congressional
4 districts in the state, and petitions proposing laws shall
5 be signed by five percent of such voters. Every such
6 petition shall be filed with the secretary of state not less
7 than six months before the election and shall contain an
8 enacting clause and the full text of the measure. **Legal**
9 **voters in each congressional district shall have the**

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

10 opportunity to review and comment upon all initiative
11 petitions proposing an amendment to this constitution
12 following the filing of the petition with the secretary of
13 state and not less than fifteen days before the measure
14 appears on the ballot. Such review and comment process
15 shall be administered by the secretary of state in a public
16 forum. Petitions for constitutional amendments shall not
17 contain more than one amended and revised article of this
18 constitution, or one new article which shall not contain
19 more than one subject and matters properly connected
20 therewith, and the enacting clause thereof shall be "Be it
21 resolved by the people of the state of Missouri that the
22 Constitution be amended:". Petitions for laws shall contain
23 not more than one subject which shall be expressed clearly
24 in the title, and the enacting clause thereof shall be "Be
25 it enacted by the people of the state of Missouri:". **For**
26 **purposes of this article and article XII of this**
27 **constitution, only citizens of the United States of America,**
28 **who are eighteen years of age or older, who are residents of**
29 **the State of Missouri, and who are properly registered to**
30 **vote in the State of Missouri shall be considered legal**
31 **voters or electors.**

Section 51. 1. The initiative shall not be used:

- 2 (1) For the appropriation of money other than of new
3 revenues created and provided for thereby[, or];
- 4 (2) To permit a public official to receive gifts from
5 lobbyists;
- 6 (3) To raise sales taxes on food;
- 7 (4) To raise, expand, or impose any taxes or fees on
8 real estate, real estate transactions, or real or personal
9 property;

10 (5) To reduce the appropriation of money dedicated to
11 any law enforcement agency, the Missouri Department of the
12 National Guard, or first responders;

13 (6) To reduce state revenues for public education
14 under section 3(b) of article IX of this constitution; or

15 (7) For any other purpose prohibited by this
16 constitution. [Except as provided in this constitution,]

17 2. It shall be unlawful for:

18 (1) A government of a foreign country or a foreign
19 political party to sponsor an initiative petition for any
20 purpose whatsoever, including but not limited to, the
21 purchase of farmland in Missouri;

22 (2) A government of a foreign country or a foreign
23 political party to directly or indirectly make:

24 (a) A contribution or donation of money or other thing
25 of value, or make an express or implied promise to make a
26 contribution or donation, in connection with an initiative
27 petition;

28 (b) A contribution or donation to a political
29 committee or a political party favoring or opposing an
30 initiative petition; or

31 (c) An expenditure, independent expenditure, or
32 disbursement for an electioneering communication, whether
33 print, broadcast, or digital media, or otherwise, related to
34 an initiative petition; or

35 (3) A person to solicit, accept, or receive a
36 contribution or donation from a government of a foreign
37 country or a foreign political party, in connection with an
38 initiative petition.

39 3. (1) Any measure [proposed] proposing laws shall
40 take effect when approved by a majority of the votes cast
41 thereon.

42 (2) Notwithstanding section 2(b) of article XII of
43 this constitution to the contrary, any measure proposing an
44 amendment to this constitution shall take effect when
45 approved by a majority of the votes cast thereon statewide
46 by legal voters and also a majority of votes cast thereon in
47 each of more than half of the congressional districts by
48 legal voters.

49 (3) When conflicting measures are approved at the same
50 election the one receiving the largest affirmative vote
51 shall prevail.

52 4. The general assembly shall have exclusive authority
53 to enact laws enforcing provisions in this constitution
54 relating to ballot measures.

 Section 54. 1. Notwithstanding section 27 of this
2 article to the contrary, until three years following the
3 effective date of any law approved by the people through the
4 initiative petition process, the general assembly shall not
5 pass any law amending or repealing such measure unless, by a
6 vote of yeas and nays, at least four-sevenths of the members
7 serving in each house, less any vacancies, be recorded as
8 voting favorably.

9 2. In the event that a court of competent jurisdiction
10 issues a final judgment that declares a law approved by the
11 people through the initiative petition process
12 unconstitutional or otherwise invalid, in whole or in part,
13 or that otherwise renders the law inoperable and of no force
14 and effect of law, in whole or in part, the provisions of
15 subsection 1 of this section shall not apply and the general
16 assembly may amend or repeal such measure in a manner that
17 is otherwise consistent with this constitution.

18 3. If any initiative petition proposing a
19 constitutional amendment that is approved by the people is

20 found by a court of competent jurisdiction to be
21 unconstitutional or otherwise invalid, in whole or in part,
22 the remaining provisions of the amendment shall also be
23 invalid.

24 4. Subsections 1 and 2 of this section shall not apply
25 to any constitutional amendment adopted through the
26 initiative petition process.

Section B. Under chapter 116, and other applicable
2 constitutional provisions and laws of this state allowing
3 the general assembly to adopt ballot language for the
4 submission of a joint resolution to the voters of this
5 state, the official ballot title of the amendment proposed
6 in Section A shall be as follows:

7 "Shall the Missouri Constitution be amended to:

- 8 • Allow only U.S. citizens to sign and vote on
9 initiatives;
- 10 • Forbid foreign countries from funding initiatives;
- 11 • Restrict lawmakers from undoing laws approved by the
12 people;
- 13 • Ban initiatives allowing lobbyists' gifts to
14 lawmakers;
- 15 • Pass constitutional initiatives by a majority vote in
16 a majority of congressional districts?".

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