

SENATE SUBSTITUTE  
FOR  
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Section A. Sections 116.155, 116.160, and 116.190, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 116.155, 116.160, and 116.190, to read as follows: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  
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 court may offer suggested revisions for the  
30 summary statement to remedy the legal flaws, but the summary  
31 statement shall only be rewritten by the secretary of state,  
32 provided that the general assembly may, by passage of a  
33 concurrent resolution, pass a new summary statement at any

34 time during a meeting of the general assembly prior to the  
35 eighth Tuesday before the election at which the ballot  
36 measure will be voted on by the people. Any such summary  
37 statement shall comply with section 116.155 or this section,  
38 as applicable.

39 3. The official summary statement shall contain no  
40 more than **[fifty]** one hundred words, excluding articles.  
41 The title shall be a true and impartial statement of the  
42 purposes of the proposed measure in language neither  
43 intentionally argumentative nor likely to create prejudice  
44 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 unfair or insufficient in  
40 the case of a summary statement for an initiative petition,  
41 the court may offer suggested revisions for the summary  
42 statement to remedy the legal flaws, but it shall, in its  
43 decision, order the secretary of state to write a new  
44 summary statement that is fair and sufficient. Only a  
45 summary statement prepared by the secretary of state for an  
46 initiative petition shall appear on the ballot. If a  
47 summary statement approved by the general assembly in a  
48 joint resolution proposing a constitutional amendment or a  
49 statutory measure is found by the court to be unfair or  
50 insufficient, the provisions of subsection 2 of section  
51 116.160 shall control. Insofar as the action challenges the  
52 fiscal note or the fiscal note summary portion of the  
53 official ballot title, the court shall consider the  
54 petition, hear arguments, and in its decision, either  
55 certify the fiscal note or the fiscal note summary portion

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

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