

# SENATE BILL NO. 1615

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

6928S.031

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 116.155 as enacted by senate bill no. 22, one hundred third general assembly, first regular session, section 116.155 as enacted by house bill no. 676, ninetieth general assembly, first regular session, section 116.160 as enacted by senate bill no. 22, one hundred third general assembly, first regular session, section 116.160 as enacted by house bill no. 676, ninetieth general assembly, first regular session, section 116.190 as enacted by senate bill no. 22, one hundred third general assembly, first regular session, section 116.190 as enacted by senate bill no. 104, ninety-eighth general assembly, first regular session, section 116.334 as enacted by senate bill no. 22, one hundred third general assembly, first regular session, and section 116.334 as enacted by house bill no. 117, ninety-seventh general assembly, first regular session, and to enact in lieu thereof four new sections relating to ballot titles for statewide ballot measures.

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

Section A. Section 116.155 as enacted by senate bill no.  
2 22, one hundred third general assembly, first regular session,  
3 section 116.155 as enacted by house bill no. 676, ninetieth  
4 general assembly, first regular session, section 116.160 as  
5 enacted by senate bill no. 22, one hundred third general  
6 assembly, first regular session, section 116.160 as enacted by  
7 house bill no. 676, ninetieth general assembly, first regular  
8 session, section 116.190 as enacted by senate bill no. 22, one  
9 hundred third general assembly, first regular session, section  
10 116.190 as enacted by senate bill no. 104, ninety-eighth general  
11 assembly, first regular session, section 116.334 as enacted by

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

12 senate bill no. 22, one hundred third general assembly, first  
13 regular session, and section 116.334 as enacted by house bill  
14 no. 117, ninety-seventh general assembly, first regular  
15 session, are repealed and four new sections enacted in lieu  
16 thereof, to be known as sections 116.155, 116.160, 116.190, and  
17 116.334, to read as follows:

2 [116.155. 1. The general assembly may  
3 include the official summary statement and a  
4 fiscal note summary in any statewide ballot  
5 measure that it refers to the voters.

6 2. The official summary statement approved  
7 by the general assembly shall, taken together  
8 with the approved fiscal note summary, be the  
9 official ballot title and such summary statement  
10 shall contain no more than one hundred words,  
11 excluding articles. The title shall be a true  
12 and impartial statement of the purposes of the  
13 proposed measure in language neither  
14 intentionally argumentative nor likely to create  
15 prejudice either for or against the proposed  
16 measure.]

17 3. The fiscal note summary approved by the  
18 general assembly shall contain no more than  
19 fifty words, excluding articles, which shall  
20 summarize the fiscal note prepared for the  
21 measure in language neither argumentative nor  
22 likely to create prejudice for or against the  
proposed measure.]

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  
16 the measure in language neither argumentative nor likely to  
17 create prejudice for or against the proposed measure.

2 [116.160. 1. If the general assembly  
3 adopts a joint resolution proposing a  
4 constitutional amendment or a bill without a  
5 fiscal note summary, which is to be referred to  
6 a vote of the people, after receipt of such  
7 resolution or bill the secretary of state shall  
8 promptly forward the resolution or bill to the  
9 state auditor. If the general assembly adopts a  
10 joint resolution proposing a constitutional  
11 amendment or a bill without an official summary  
12 statement, which is to be referred to a vote of  
13 the people, within twenty days after receipt of  
14 the resolution or bill, the secretary of state  
15 shall prepare and transmit to the attorney  
16 general a summary statement of the measure as  
17 the proposed summary statement. The secretary  
18 of state may seek the advice of the legislator  
19 who introduced the constitutional amendment or  
20 bill and the speaker of the house or the  
21 president pro tem of the legislative chamber  
22 that originated the measure. The summary  
23 statement may be distinct from the legislative  
24 title of the proposed constitutional amendment  
25 or bill. The attorney general shall within ten  
26 days approve the legal content and form of the  
27 proposed statement.

28 2. If the general assembly adopts a joint  
29 resolution proposing a constitutional amendment  
30 or statutory measure that includes an official  
31 summary statement, the statement shall appear on  
32 the ballot, unless it is challenged pursuant to  
33 section 116.190, in which case the provisions of  
that section shall apply.

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

26 to section 116.190, in which case the provisions of that  
27 section shall apply.

28 3. The official summary statement shall contain no  
29 more than [fifty] **one hundred** words, excluding articles.  
30 The title shall be a true and impartial statement of the  
31 purposes of the proposed measure in language neither  
32 intentionally argumentative nor likely to create prejudice  
33 either for or against the proposed measure.

2 [116.190. 1. Any citizen who wishes to  
3 challenge the official ballot title or the  
4 fiscal note prepared for a proposed  
5 constitutional amendment submitted by the  
6 general assembly, by initiative petition, or by  
7 constitutional convention, or for a statutory  
8 initiative or referendum measure, may bring an  
9 action in the circuit court of Cole County. The  
10 action shall be brought within ten days after  
11 the official ballot title is certified by the  
12 secretary of state in accordance with the  
13 provisions of this chapter, in the case of an  
14 initiative petition and not later than the  
15 twenty-second Tuesday prior to the general  
16 election at which the ballot measure will be  
17 submitted to the voters, in the case of all  
18 other statewide ballot measures.

19 2. The secretary of state shall be named  
20 as a party defendant in any action challenging  
21 the official ballot title prepared by the  
22 secretary of state. When the action challenges  
23 the fiscal note or the fiscal note summary  
24 prepared by the auditor, the state auditor shall  
25 also be named as a party defendant. The  
26 president pro tem of the senate, the speaker of  
27 the house and the sponsor of the measure and the  
28 secretary of state shall be the named party  
29 defendants in any action challenging the  
30 official summary statement, fiscal note or  
31 fiscal note summary prepared pursuant to section  
32 116.155.

33 3. The petition shall state the reason or  
reasons why the summary statement portion of the

34 official ballot title is insufficient or  
35 unfair. Alternatively, the petition shall state  
36 the reasons why the fiscal note or the fiscal  
37 note summary portion of the official ballot  
38 title is insufficient or unfair and shall  
39 request a different fiscal note or fiscal note  
40 summary portion of the official ballot title.

41 4. (1) The action shall be placed at the  
42 top of the civil docket.

43 (2) (a) Insofar as the action challenges  
44 the summary statement portion of the official  
45 ballot title, the court shall consider the  
46 petition, hear arguments, and in its decision  
47 certify the summary statement portion of the  
48 official ballot title to the secretary of state  
49 as originally written if the court finds the  
50 summary statement to be sufficient and fair. If  
51 the court finds the summary statement to be  
52 insufficient or unfair, the court may offer  
53 suggested revisions for the summary statement to  
54 remedy the legal flaws, but it shall, in its  
55 decision, order the secretary of state to write  
56 a first revised summary statement that is  
57 sufficient and fair.

58 (b) The secretary of state shall submit a  
59 first revised summary statement to the court  
60 within seven days. If, after submission to the  
61 court of a first revised summary statement by  
62 the secretary of state, the court finds the  
63 first revised summary statement to be sufficient  
64 and fair, the court shall certify to the  
65 secretary of state that statement and order it  
66 to appear on the ballot. If the court finds the  
67 first revised summary statement to be  
68 insufficient or unfair, the court may offer  
69 suggested revisions for the statement to remedy  
70 the legal flaws, but it shall, in its decision,  
71 order the secretary of state to write a second  
72 revised summary statement that is sufficient and  
73 fair.

74 (c) The secretary of state shall submit a  
75 second revised summary statement to the court  
76 within five days. If, after submission to the  
77 court of a second revised summary statement by

78 the secretary of state, the court finds the  
79 second revised summary statement to be  
80 sufficient and fair, the court shall certify to  
81 the secretary of state that statement and order  
82 it to appear on the ballot. If the court finds  
83 the second revised summary statement to be  
84 insufficient or unfair, the court may offer  
85 suggested revisions for the statement to remedy  
86 the legal flaws, but it shall, in its decision,  
87 order the secretary of state to write a third  
88 revised summary statement that is sufficient and  
89 fair.

90 (d) The secretary of state shall submit a  
91 third revised summary statement to the court  
92 within three days. If, after submission to the  
93 court of a third revised summary statement by  
94 the secretary of state, the court finds the  
95 third revised summary statement to be sufficient  
96 and fair, the court shall certify to the  
97 secretary of state that statement and order it  
98 to appear on the ballot. If the court finds the  
99 third revised summary statement to be  
100 insufficient or unfair, or if the secretary of  
101 state neglects or refuses to submit any of the  
102 revised summary statements within the times  
103 mandated by this subdivision when so ordered,  
104 the court shall revise the summary statement in  
105 a manner that is sufficient and fair and order  
106 the secretary of state to place that summary  
107 statement on the ballot with the measure.

108 (e) During all revisions as provided in  
109 this subdivision, the case shall remain open.

110 (f) Any nonprevailing party may make  
111 appeals as provided by law only following:

112 a. The finding of the circuit court that a  
113 summary statement was sufficient and fair; or

114 b. The circuit court ordering its own  
115 summary statement to be placed on the ballot  
116 pursuant to paragraph (d) of this subdivision.

117 (g) Any action brought pursuant to this  
118 section challenging a statewide ballot measure  
119 appearing on the ballot at an election called by  
120 the governor pursuant to Article XII, Section  
121 2(b), Missouri Constitution, whether at the

122 primary election or at a special election, or at  
123 a special election for a referendum petition  
124 measure called by the general assembly pursuant  
125 to Article III, Section 52(b), Missouri  
126 Constitution, shall be expedited by the court to  
127 bring a resolution of the matter prior to the  
128 printing of ballots. The court may shorten any  
129 timeframe under this section to achieve this  
130 purpose.

131 (3) Insofar as the action challenges the  
132 fiscal note or the fiscal note summary portion  
133 of the official ballot title, the court shall  
134 consider the petition, hear arguments, and in  
135 its decision, either certify the fiscal note or  
136 the fiscal note summary portion of the official  
137 ballot title to the secretary of state or remand  
138 the fiscal note or the fiscal note summary to  
139 the auditor for preparation of a new fiscal note  
140 or fiscal note summary pursuant to the  
141 procedures set forth in section 116.175. Any  
142 party to the suit may appeal to the supreme  
143 court within ten days after a circuit court  
144 decision pursuant to this subdivision.

145 5. Any action brought under this section  
146 that is not fully and finally adjudicated within  
147 one hundred eighty days of filing, and more than  
148 seventy days prior to election in which the  
149 measure is to appear, including all appeals,  
150 shall be extinguished, unless a court extends  
151 such period upon a finding of good cause for  
152 such extension. Such good cause shall consist  
153 only of court-related scheduling issues and  
154 shall not include requests for continuance by  
155 the parties.]

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]** **shall** be brought within ten days

8 after the official ballot title is certified by the  
9 secretary of state in accordance with the provisions of this  
10 chapter, **in the case of an initiative petition, and not**  
11 **later than the twenty-second Tuesday prior to the general**  
12 **election at which the ballot measure will be submitted to**  
13 **the voters, in the case of all other statewide ballot**  
14 **measures.**

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

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

35 4. (1) The action shall be placed at the top of the  
36 civil docket.

37 (2) (a) Insofar as the action challenges the summary  
38 statement portion of the official ballot title, the court  
39 shall consider the petition, hear arguments, and in its

40 decision certify the summary statement portion of the  
41 official ballot title to the secretary of state as  
42 originally written if the court finds the summary statement  
43 to be sufficient and fair. If the court finds the summary  
44 statement to be insufficient or unfair, the court may offer  
45 suggested revisions for the summary statement to remedy the  
46 legal flaws, but it shall, in its decision, order the  
47 secretary of state to write a first revised summary  
48 statement that is sufficient and fair.

49 (b) The secretary of state shall submit a first  
50 revised summary statement to the court within seven days if  
51 the action was originated in a year ending in an odd number,  
52 but within three days if the action was originated in a year  
53 ending in an even number. If, after submission to the court  
54 of a first revised summary statement by the secretary of  
55 state, the court finds the first revised summary statement  
56 to be sufficient and fair, the court shall certify to the  
57 secretary of state that statement and order it to appear on  
58 the ballot. If the court finds the first revised summary  
59 statement to be insufficient or unfair, the court may offer  
60 suggested revisions for the statement to remedy the legal  
61 flaws, but it shall, in its decision, order the secretary of  
62 state to write a second revised summary statement that is  
63 sufficient and fair.

64 (c) The secretary of state shall submit a second  
65 revised summary statement to the court within five days if  
66 the action was originated in a year ending in an odd number,  
67 but within two days if the action was originated in a year  
68 ending in an even number. If, after submission to the court  
69 of a second revised summary statement by the secretary of  
70 state, the court finds the second revised summary statement  
71 to be sufficient and fair, the court shall certify to the

72 secretary of state that statement and order it to appear on  
73 the ballot. If the court finds the second revised summary  
74 statement to be insufficient or unfair, the court may offer  
75 suggested revisions for the statement to remedy the legal  
76 flaws, but it shall, in its decision, order the secretary of  
77 state to write a third revised summary statement that is  
78 sufficient and fair.

79 (d) The secretary of state shall submit a third  
80 revised summary statement to the court within three days if  
81 the action was originated in a year ending in an odd number,  
82 but within one day if the action was originated in a year  
83 ending in an even number. If, after submission to the court  
84 of a third revised summary statement by the secretary of  
85 state, the court finds the third revised summary statement  
86 to be sufficient and fair, the court shall certify to the  
87 secretary of state that statement and order it to appear on  
88 the ballot. If the court finds the third revised summary  
89 statement to be insufficient or unfair, or if the secretary  
90 of state neglects or refuses to submit any of the revised  
91 summary statements within the times mandated by this  
92 subdivision when so ordered, the court shall revise the  
93 summary statement in a manner that is sufficient and fair  
94 and order the secretary of state to place that summary  
95 statement on the ballot with the measure.

96 (e) During all revisions as provided in this  
97 subdivision, the case shall remain open.

98 (f) Any non-prevailing party may make appeals as  
99 provided by law only following:

100 a. The finding of the circuit court that a summary  
101 statement was insufficient or unfair; or

102           b. The circuit court ordering its own summary  
103 statement to be placed on the ballot pursuant to paragraph  
104 (d) of this subdivision.

105           (g) a. In any appeal of any decision of a circuit  
106 court finding a summary statement to be sufficient and fair  
107 pursuant to this subdivision, if the appellate court  
108 concludes that the summary statement was in fact  
109 insufficient or unfair, the appellate court shall remand the  
110 summary statement to the circuit court for further  
111 proceedings consistent with this subdivision. If the  
112 appellate court finds the summary statement sufficient or  
113 fair, the court may offer suggested revisions for the  
114 summary statement to remedy the legal flaws, but the  
115 appellate court shall not have authority to itself modify or  
116 rewrite the summary statement. No other relief shall issue  
117 from an appellate court on a challenge to a circuit court's  
118 decision that a summary statement is insufficient and unfair  
119 besides remanding the judgment to the circuit court for  
120 further proceedings consistent with this section.

121           b. Notwithstanding subparagraph a of this paragraph to  
122 the contrary, if an action brought under this section has  
123 not been fully and finally adjudicated within one hundred  
124 fifty-two days of filing, or if there are less than ninety-  
125 eight days prior to the election at which the measure is to  
126 appear, the provisions of subparagraph a of this paragraph  
127 requiring the appellate court to remand the summary  
128 statement to the circuit court shall not apply and an appeal  
129 to the supreme court shall be permitted. If, upon such  
130 appeal, the supreme court finds the summary statement  
131 insufficient or unfair, the court may offer suggested  
132 revisions for the summary statement to remedy the legal  
133 flaws, but the supreme court shall not have authority to

134 itself modify or rewrite the summary statement. No other  
135 relief shall issue from the supreme court on a challenge to  
136 a circuit court's decision that a summary statement is  
137 sufficient and fair besides remanding the judgment to the  
138 circuit court for further proceedings consistent with this  
139 section.

140 (h) Any action brought pursuant to this section  
141 challenging a statewide ballot measure appearing on the  
142 ballot at an election called by the governor pursuant to  
143 Article XII, Section 2(b), Missouri Constitution, whether at  
144 the primary election or at a special election, or at a  
145 special election for a referendum petition measure called by  
146 the general assembly pursuant to Article III, Section 52(b),  
147 Missouri Constitution, shall be expedited by the court to  
148 bring a resolution of the matter prior to the printing of  
149 ballots. The court may shorten any timeframe under this  
150 section to achieve this purpose.

151 (3) Insofar as the action challenges the fiscal note  
152 or the fiscal note summary portion of the official ballot  
153 title, the court shall consider the petition, hear  
154 arguments, and in its decision, either certify the fiscal  
155 note or the fiscal note summary portion of the official  
156 ballot title to the secretary of state or remand the fiscal  
157 note or the fiscal note summary to the auditor for  
158 preparation of a new fiscal note or fiscal note summary  
159 pursuant to the procedures set forth in section 116.175.  
160 Any party to the suit may appeal to the supreme court within  
161 ten days after a circuit court decision **pursuant to this**  
162 **subdivision.** [In making the legal notice to election  
163 authorities under section 116.240, and for the purposes of  
164 section 116.180, the secretary of state shall certify the  
165 language which the court certifies to him.]

166           5. Any action brought under this section that is not  
167 fully and finally adjudicated within one hundred eighty days  
168 of filing, and more than ~~[fifty-six]~~ **seventy** days prior to  
169 election in which the measure is to appear, including all  
170 appeals, shall be extinguished, unless a court extends such  
171 period upon a finding of good cause for such extension.  
172 Such good cause shall consist only of court-related  
173 scheduling issues and shall not include requests for  
174 continuance by the parties.

          [116.334. 1. If the petition form is  
2 approved, the secretary of state shall make a  
3 copy of the sample petition available on the  
4 secretary of state's website. For a period of  
5 fifteen days after the petition is approved as  
6 to form, the secretary of state shall accept  
7 public comments regarding the proposed measure  
8 and provide copies of such comments upon  
9 request. Within twenty-three days of receipt of  
10 such approval, the secretary of state shall  
11 prepare and transmit to the attorney general a  
12 summary statement of the measure which shall be  
13 a concise statement not exceeding one hundred  
14 words. This statement shall be in the form of a  
15 question using language neither intentionally  
16 argumentative nor likely to create prejudice  
17 either for or against the proposed measure. The  
18 attorney general shall within ten days approve  
19 the legal content and form of the proposed  
20 statement.

21           2. Signatures obtained prior to the date  
22 the official ballot title is certified by the  
23 secretary of state shall not be counted. Once  
24 the secretary of state certifies the official  
25 ballot title, signatures may be collected, even  
26 if the ballot title is subject to an action in  
27 court challenging the sufficiency and fairness  
28 of the ballot title. If a court orders a change  
29 that alters the content of the official ballot  
30 title, then all signatures gathered before such  
31 change occurred shall not be invalidated based

32 upon the fact that one or more signatures were  
33 gathered prior to the alteration of the official  
34 ballot title, regardless of whether those  
35 signatures were gathered on petition pages that  
36 displayed what was previously the official  
37 ballot title as certified by the secretary of  
38 state. Nothing in this subsection shall prohibit  
39 the invalidation of a signature for a reason  
40 otherwise allowed by this chapter.

41 3. Signatures for statutory initiative  
42 petitions shall be filed not later than six  
43 months prior to the general election during  
44 which the petition's ballot measure is submitted  
45 for a vote, and shall also be collected not  
46 earlier than the day after the day upon which  
47 the previous general election was held.]

116.334. 1. If the petition form is approved, the  
2 secretary of state shall make a copy of the sample petition  
3 available on the secretary of state's website. For a period  
4 of fifteen days after the petition is approved as to form,  
5 the secretary of state shall accept public comments  
6 regarding the proposed measure and provide copies of such  
7 comments upon request. Within twenty-three days of receipt  
8 of such approval, the secretary of state shall prepare and  
9 transmit to the attorney general a summary statement of the  
10 measure which shall be a concise statement not exceeding one  
11 hundred words. This statement shall be in the form of a  
12 question using language neither intentionally argumentative  
13 nor likely to create prejudice either for or against the  
14 proposed measure. The attorney general shall within ten  
15 days approve the legal content and form of the proposed  
16 statement.

17 2. Signatures obtained prior to the date the official  
18 ballot title is certified by the secretary of state shall  
19 not be counted. **Once the secretary of state certifies the**  
20 **official ballot title, signatures may be collected, even if**

21 the ballot title is subject to an action in court  
22 challenging the sufficiency and fairness of the ballot  
23 title. If a court orders a change that alters the content  
24 of the official ballot title, then all signatures gathered  
25 before such change occurred shall not be invalidated based  
26 upon the fact that one or more signatures were gathered  
27 prior to the alteration of the official ballot title,  
28 regardless of whether those signatures were gathered on  
29 petition pages that displayed what was previously the  
30 official ballot title as certified by the secretary of  
31 state. Nothing in this subsection shall prohibit the  
32 invalidation of a signature for a reason otherwise allowed  
33 by this chapter.

34 3. Signatures for statutory initiative petitions shall  
35 be filed not later than six months prior to the general  
36 election during which the petition's ballot measure is  
37 submitted for a vote, and shall also be collected not  
38 earlier than the day after the day upon which the previous  
39 general election was held.

✓