

SECOND REGULAR SESSION

# SENATE BILL NO. 602

89TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GOODE.

Pre-filed December 16, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2666.011

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## AN ACT

To repeal section 116.190, RSMo Supp. 1997, relating to initiative petitions, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Section 116.190, RSMo Supp. 1997, is repealed and three new sections enacted in lieu thereof, to be known as sections 116.043, 116.047 and 116.190, to read as follows:

**116.043. 1. Upon receipt of an initiative petition submitted pursuant to section 116.100, and again upon certification of the official ballot title pursuant to 116.180, the secretary of state shall make such petition and any approved fiscal note, fiscal note summary, summary statement and petition title available for public inspection and shall deliver copies of such petition and any approved fiscal note, fiscal note summary, summary statement and petition title to the secretary of the senate, to the clerk of the house of representatives, to all election authorities, to the office of administration and to any person upon request.**

**2. The secretary of state shall also publish said petition and any approved fiscal note, fiscal note summary, summary statement and petition title in the Missouri Register and on the official world wide web site of the secretary of state as soon as practicable after the petition is filed and after the official ballot title containing the petition is certified.**

**3. Each election authority shall make available information provided by the secretary of state pursuant to subsection 1 of this section for public display at the office of the election authority and, at the discretion of the election authority, at other public offices located within the jurisdiction of the election authority.**

**4. The office of administration shall timely disclose information provided by the secretary of state pursuant to subsection 1 of this section in any public notice which**

the office of administration distributes.

5. All information regarding petitions which are published or otherwise made available pursuant to this section shall include a statement that anyone may file a statement in support of or in opposition to the petition with the secretary of state beginning as soon as the petition is filed and not more than thirty days after publication of the notice containing the petition and the certified official ballot title in the Missouri Register.

116.047. Any person may file a statement in support of or in opposition to an initiative petition filed pursuant to the provisions of this chapter with the secretary of state beginning as soon as the petition is filed and not more than thirty days after publication of the notice containing the petition and the certified official ballot title in the Missouri Register. At the expiration of the thirty day comment period, the secretary of state shall:

(1) Timely publish all comments received regarding the petition, in addition to all information required to be available for public inspection pursuant to section 116.043, in the Missouri Register and on the official world wide web site of the secretary of state; and

(2) Provide all information to be published pursuant to subdivision (1) of this section to the secretary of the senate, to the clerk of the house of representatives and to any person upon request.

116.190. 1. Any citizen who wishes to challenge a determination of sufficiency as to a petition form made pursuant to section 116.332, the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title. When the action challenges the fiscal note or the fiscal note summary, the state auditor shall also be named as a party defendant. **When the action challenges a determination made pursuant to section 116.332, the attorney general shall also be named as a party defendant.**

3. The petition shall state the reason or reasons why the official ballot title is insufficient or unfair and shall request a different official ballot title. **When the challenge is being made pursuant to a determination made pursuant to section 116.332, the petition shall state why the petition form is invalid and should be rejected.**

4. The action shall be placed at the top of the civil docket. The court shall consider the petition, hear arguments, and in its decision certify the official ballot title to the secretary of

state. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, the secretary of state shall certify the language which the court certifies to him.

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