

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 684 & 414
103RD GENERAL ASSEMBLY

1681H.04C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 116.160 and 116.334, RSMo, and to enact in lieu thereof two new sections relating to constitutional amendments.

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

Section A. Sections 116.160 and 116.334, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 116.160 and 116.334, to read as follows:

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

14 **2. If the general assembly adopts a joint resolution proposing a constitutional**
15 **amendment or statutory measure that includes an official summary statement, the**
16 **statement shall appear on the ballot, and no court shall have the authority to rewrite or**
17 **edit the summary statement or ballot language. If such summary statement or ballot**
18 **language is challenged in court and the court finds the summary statement or ballot**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 **language to be legally flawed, the general assembly shall rewrite or edit the statement or**
20 **language if the general assembly is in session at the time of the court's ruling. If such a**
21 **court's ruling is made at a time when the general assembly is not in session, the**
22 **secretary of state shall rewrite or edit the statement or language.**

23 [2-] 3. The official summary statement shall contain no more than [~~fifty~~] **one**
24 **hundred** words, excluding articles. The title shall be a true and impartial statement of the
25 purposes of the proposed measure in language neither intentionally argumentative nor likely
26 to create prejudice either for or against the proposed measure.

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

11 2. Signatures obtained prior to the date the official ballot title is certified by the
12 secretary of state shall not be counted.

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

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