

HCS HBs 684 & 414 -- CONSTITUTIONAL AMENDMENTS

SPONSOR: Simmons

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections by a vote of 7 to 2 with 1 member voting present. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 7 to 3.

The following is a summary of the House Committee Substitute for HB 684.

This bill provides that a court does not have the authority to edit the summary statement or ballot language of any ballot measure proposed by the General Assembly.

If the summary statement or ballot language is challenged in court and found to be legally flawed, the General Assembly must rewrite the statement. If this ruling is made at a time when the General Assembly is not in session, the Secretary of State will rewrite the statement.

This bill changes the word limit for summary statements of measures referred to the people by the General Assembly from 50 words to 100 words, excluding articles.

Currently, summary statements for initiative petitions are limited to 100 words. This bill excludes articles from that 100 word limit.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the General Assembly, not the courts, ought to have the sole authority to write ballot language for measures the General Assembly refers to the people. Courts cannot change language in a bill, but rather can only uphold or strike down a law, they shouldn't have the authority to modify ballot language proposed as part of a bill. It is appropriate, if the General Assembly is not in Session, to designate a statewide elected official to fulfill this duty. Whether the General Assembly or the Secretary of State writes the summary statement, the officials involved are accountable to voters, unlike judges.

Testifying in person for the bill were Representative Simmons; Campaign Life Missouri; Missouri Right To Life.

OPPONENTS: Those who oppose the bill say that it is the responsibility of the courts to check the power of the other two branches of government when they engage in behavior that violates the law. The law requires the summary statement to be fair and impartial; to send a flawed statement back to the body that broke the law when drafting it throws the separation of powers on its head and would allow for unlimited delay. Taking this ability away from the courts would further politicize the initiative petition process. The fact that the courts aren't elected makes them a better arbitrator for these political disagreements.

Testifying in person against the bill were Denise Lieberman, Missouri Voter Protection Coalition; American Civil Liberties Union of Missouri; Abortion Action Missouri; Marilyn Mcleod, League of Women Voters of Missouri; Jobs With Justice Voter Action; Tara Hallmark; Arnie Dienoff.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.