

SS#2 SCS SB 22 -- JUDICIAL PROCEEDINGS

SPONSOR: Brattin

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Elections by a vote of 8 to 4. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 7 to 3.

This bill increases the word limit on summary statements for ballot measures proposed by the General Assembly from 50 to 100 words.

The bill requires, for all measures except initiative petitions, challenges to summary statements to be brought in the Cole County Circuit Court not later than the 22nd Tuesday prior to the general election at which the measure will be submitted to voters.

If, after a challenge, a summary statement is found to be sufficient and fair, the court must order the statement to be placed on the ballot. If the statement is found to be insufficient or unfair, the circuit court may make suggested revisions but will order the Secretary of State (SOS) to prepare a new summary statement that is sufficient and fair. The SOS can be ordered to write up to 3 revised summary statements and the court will determine whether they are sufficient and fair. If any of the revised statements are determined to be sufficient and fair, that summary statement will appear on the ballot, subject to any appeals. If, after submission of a third revised summary statement, the court still finds it to be insufficient and unfair, the court will write its own summary statement that is sufficient and fair and order it to appear on the ballot, subject to any appeals.

Current law requires all actions challenging the ballot titles for statewide ballot measures to be fully and finally adjudicated not less than 56 days prior to the election at which it will appear on the ballot. This bill extends that period to 70 days prior to the election.

The bill specifies that once the SOS certifies the official ballot title, signatures may be collected, even if the ballot title is subject to an action in court challenging its sufficiency and fairness. Signatures gathered prior to a court order changing the ballot title will not be invalidated based on the fact that the title was modified.

This bill allows the Attorney General to appeal any action in which the state or a state official is preliminarily enjoined from implementing any provision of state law. This provision is retrospective in its application and contains an emergency clause.

PROPONENTS: Supporters say that this bill reasserts the General Assembly's authority to put ballot language before voters. It also returns authority over this process to the state's chief election officer in the case of initiative petitions. Whether the General Assembly or the Secretary of State writes the summary statement, the officials involved are accountable to voters, unlike judges. There is adequate time for appeals to play out, and the courts will maintain an important role in this process, ultimately writing the language in certain circumstances. Supporters also believe the Attorney General should have the right to intervene quickly in preliminary injunctions. Because this is a procedural issue the retrospective application of this law is constitutional.

Testifying in person for the bill were Senator Brattin; Missouri Right To Life; Todd Scott, Missouri Attorney General's Office; and Campaign Life Missouri.

OPPONENTS: Those who oppose the bill say that it is unconstitutional in its entirety. This bill undermines checks and balances necessary to ensure voters are presented with fair and accurate information. The intended role of the courts is to remedy infirmities of the other branches of government; this bill seeks to prevent the courts from doing that. The bill also shortens the timeline for gathering signatures such that this task will be much more difficult. If partisan actors could be trusted to submit fair language to voters there would be no need for courts to intervene.

Testifying in person against the bill were Missouri AFL-CIO; My Missouri; Arnie Dienoff; Denise Lieberman, MO Voter Protection Coalition; American Civil Liberties Union of Missouri; Jobs In Justice Voter Action; Missouri Association of Realtors; Abortion Action Missouri; and Marilyn McLeod, League Of Women Voters Of Missouri.

OTHERS: Others testifying on the bill described the degree of involvement their organizations had in negotiating the bill's language.

Testifying in person on the bill were Missouri Association of County Clerks and Election Authorities; Amanda Bell, Missouri Secretary Of State; and Chrissy Peters, Missouri Secretary Of State.

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.