

HCS HJR 3 -- RELATING TO BALLOT MEASURES

SPONSOR: Lewis

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections by a vote of 10 to 5. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 7 to 3.

The following is a summary of the House Committee Substitute for HJR 3.

Upon voter approval, this constitutional amendment establishes the "Protect Missouri Voters" amendment.

This constitutional amendment would prohibit political committees that make expenditures relating to a Statewide ballot measure placed on the ballot by initiative petition or legislative referral from knowingly receiving, soliciting, or accepting contributions from a foreign adversary of the United States, as that phrase is defined in the amendment. A foreign adversary of the United States would be prohibited under this amendment from making any contribution in support of or opposition to a Statewide ballot measure. Any violation of this provision would be a class A misdemeanor, with the Attorney General given exclusive criminal jurisdiction.

This constitutional amendment would permit the General Assembly to enact further restrictions relating to these provisions, enact restrictions on foreign support or opposition to Statewide ballot measures, enact reporting requirements relating to foreign support for persons or committees in support of or opposition to ballot measures, and provide for the investigation and enforcement of such provisions.

Any person who commits certain acts specified in the constitutional amendment would be guilty of the crime of petition signature fraud; this crime would be a class A misdemeanor and carries penalties as may be provided by law, with the Attorney General given exclusive criminal jurisdiction to prosecute.

This constitutional amendment would require the Secretary of State or a designee thereof, at a reasonable time and place after an initiative petition is submitted with signatures and before a petition is placed on a ballot to conduct at least one in-person or web-based hearing to receive additional public comment regarding the purpose and effect of the initiative petition. Transcripts or summaries of the hearings must be made available to the public no more than seven days after the hearing is conducted and before the petition is placed on the ballot.

This constitutional amendment would require any Statewide ballot measure proposed by initiative petition to receive a majority of affirmative votes in each congressional district in order to go into effect.

This constitutional amendment would require the full text of any Statewide ballot measure proposed by initiative petition to be made available to each voter at the time a ballot is made available to the voter for voting. The secretary of state will have rule making authority for the implementation of this provision.

The provisions of this constitutional amendment are self-executing, and all provisions of this constitutional amendment are severable.

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 our constitution has been amended too many times and that it should be a guide, not the way we legislate. Our Constitution deserves a higher threshold for it to be changed. This system has increasingly become abused and outside interest groups are paying to tip the scales. This constitutional amendment requires initiative petitions to receive a majority of affirmative votes in each congressional district in order to go into effect. This will make it harder to change the Constitution while making sure all areas of Missouri are represented.

Testifying in person for the bill were Representative Lewis; AIM; Missouri Chamber of Commerce & Industry; Missouri Restaurant Association; FGA Action; State Shield; NFIB (National Federation of Independent Business); Campaign Life Missouri; Missouri Farm Bureau; and Missouri Right To Life.

OPPONENTS: Those who oppose the bill say that this constitutional amendment is not meant to protect the Constitution. It is meant to remove power from the citizens of Missouri and give that power to the legislature. The initiative petition process is in place so the citizens have their voices heard when the legislature isn't listening. This would virtually eliminate the initiative petition process.

Testifying in person against the bill were Jobs With Justice Voter Action; Sarah Little; Missouri Realtors; Missouri AFL-CIO; Justin Eli Flower; American Civil Liberties Union of Missouri; Missouri First, Inc.; Abortion Action Missouri; Dr. Jason K Beavers; Justin Eli Flowers; Marilyn McLeod; Samantha Binning; Webster Davis, MO NAACP; Missouri Voter Protection Coalition; Truman Oaks; Joshua M.

Welker; Missouri Association of Realtors; Planned Parenthood Great Rivers Action; Mikaela; James Figueroa Robnett Jr., Missouri State Conference of the NAACP; Louis Lutrell; Connor Pinkley; Simon Mcavin; Abigail Herndon; Cruz Lewis; Abel Richardson; Rebecca Kroll; Jen Bernstein, National Council of Jewish Women St. Louis; Jennie Loomis; Sebastian Montgomery; Theresa Nicolosi; Arnie Dienoff; Luke Barber; Rita Fitzjarrell; Yvonne Reeveschong; and Missouri National Education Association.

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.