

HB 3146 -- BALLOT SUMMARY STATEMENTS

SPONSOR: Simmons

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Elections by a vote of 10 to 2. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 7 to 2.

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

The bill requires, for all measures except initiative petitions, challenges to official ballot titles or fiscal notes 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 can 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 three 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 ballot titles for statewide ballot measures to be fully and finally adjudicated no less than 56 days prior to the date of the election at which they will appear on the ballot. This bill extends that period to 70 days prior to the date of the election.

The bill specifies that once the SOS certifies the official ballot title, signatures can 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 is similar to SB 22 (2025).

PROPOSERS: 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 SOS 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. The process played out briefly last year and worked. This simply reinstates the law as it was before a recent court ruling on an unrelated provision.

Testifying in person for the bill were Representative Simmons; Campaign Life Missouri; Missouri Right To Life; Amanda Bell, Missouri Secretary of State.

OPPOSERS: Those who oppose the bill say that it 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. If partisan actors could be trusted to submit fair language to voters there would be no need for courts to intervene. This bill incentivizes bad actors to try different methods of being dishonest to see what sticks. The time provided in the bill for the courts to review language exceeds the maximum time before ballots must be finalized.

Testifying in person against the bill were Denise Lieberman, Missouri Voter Protection Coalition; Jobs With Justice Voter Action; Nancy Copenhaver, League of Women Voters of Missouri; Arnie Dienoff ; Jennie Loomis; and Spencer Toder.

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.