

HB 3146 -- BALLOT SUMMARY STATEMENTS (Simmons)

COMMITTEE OF ORIGIN: Standing Committee on Elections

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, or if the SOS neglects or refuses to submit any of the revised summary statements within the times mandated when ordered, 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. Throughout this process, the SOS will have a shorter time to rewrite language in an election year than in a non-election year.

Unless an action challenging a summary statement isn't fully adjudicated within a certain number of days before the election, an appellate court that concludes that the summary statement was insufficient or unfair shall remand the summary statement to the circuit court for further proceedings. The appellate court can offer suggestions for new language, but it cannot itself modify the statement.

If the action isn't fully adjudicated within a certain number of days before the election, an appeal to the supreme court can be permitted. If, upon appeal, the supreme court concludes that the summary statement was insufficient or unfair, it can offer suggestions for new language, but it cannot itself modify the

statement. The Supreme Court will also have to remand the judgment to the circuit court for further proceedings.

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).