

FIRST REGULAR SESSION

SENATE BILL NO. 135

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 14, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0488S.011

AN ACT

To repeal sections 116.025, 116.160, and 116.334, RSMo, and to enact in lieu thereof four new sections relating to ballot language.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 116.025, 116.160, and 116.334, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 116.023,
3 116.025, 116.160, and 116.334, to read as follows:

116.023. The fair ballot commission is hereby established for the
2 **purpose of approving the legal content and form of proposed fair ballot**
3 **language statements and ballot summary statements. The commission**
4 **shall consist of eight members. The pro tempore and minority leader**
5 **of the senate and the speaker and minority leader of the house of**
6 **representatives shall each appoint one attorney licensed in the state**
7 **and one private citizen of the state who is not an attorney to establish**
8 **membership. The initial terms of the members appointed by the pro**
9 **tempore of the senate and the minority leader of the house of**
10 **representatives shall be for two years while the initial terms of the**
11 **members appointed by the minority leader of the senate and the**
12 **speaker of the house of representatives shall be for four years. After**
13 **the initial term, each subsequent member shall be appointed to a four-**
14 **year term.**

116.025. 1. The secretary of state within twenty days of receiving a
2 statewide ballot measure shall prepare and transmit to the attorney general **and**
3 **the fair ballot commission**, fair ballot language statements that fairly [and],
4 accurately, **and plainly** explain what a vote for and what a vote against the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 measure represent, **and the current law governing the topic of the**
6 **proposed change**. Each statement shall be posted in each polling place next
7 to the sample ballot. Such fair ballot language statements shall be true and
8 impartial statements of the effect of a vote for and against the measure **and the**
9 **current law governing the topic of the proposed change** in language
10 neither intentionally argumentative nor likely to create prejudice for or against
11 the proposed measure. In addition, such fair ballot language shall include a
12 statement as to whether the measure will increase, decrease, or have no impact
13 on taxes, including the specific category of tax, **and fiscal impact on state and**
14 **local governments**. Such fair ballot language statements may be challenged
15 in accordance with section 116.190. The attorney general shall within ten days
16 approve the legal content and form of the proposed statements.

17 **2. All fair ballot language statements shall be approved by a**
18 **majority of the commission and shall be transmitted to the secretary of**
19 **state upon approval and within ten days of receipt of the statement**
20 **from the secretary of state. If a statement is not approved, the**
21 **statement shall be returned to the secretary of state with an alternative**
22 **statement approved by a majority of the commission and the secretary**
23 **of state shall proceed under subsection 1 of this section as if preparing**
24 **the initial statement.**

116.160. 1. If the general assembly adopts a joint resolution proposing a
2 constitutional amendment or a bill without a fiscal note summary, which is to be
3 referred to a vote of the people, after receipt of such resolution or bill the
4 secretary of state shall promptly forward the resolution or bill to the state auditor
5 **and the fair ballot commission**. If the general assembly adopts a joint
6 resolution proposing a constitutional amendment or a bill without an official
7 summary statement, which is to be referred to a vote of the people, within twenty
8 days after receipt of the resolution or bill, the secretary of state shall prepare and
9 transmit to the attorney general a summary statement of the measure as the
10 proposed summary statement. The secretary of state may seek the advice of the
11 legislator who introduced the constitutional amendment or bill and the speaker
12 of the house or the president pro tem of the legislative chamber that originated
13 the measure. The summary statement may be distinct from the legislative title
14 of the proposed constitutional amendment or bill. The attorney general shall
15 within ten days approve the legal content and form of the proposed statement
16 **and transmit the statement to the fair ballot commission.**

17 **2. All summary statements shall be approved by a majority of the**
18 **commission and shall be transmitted to the secretary of state upon**
19 **approval and within ten days of receipt of the statement from the**
20 **attorney general. If a statement is not approved, the statement shall be**
21 **returned to the secretary of state with an alternative statement**
22 **approved by a majority of the commission within ten days of receipt of**
23 **the statement from the attorney general and the secretary of state shall**
24 **proceed under subsection 1 of this section as if preparing the initial**
25 **statement. If the statement is not approved or returned with an**
26 **alternative statement within ten days, the statement shall be deemed**
27 **to have been approved.**

28 [2.] **3.** The official summary statement shall contain no more than fifty
29 words, excluding articles. The title shall be a true and impartial statement of the
30 purposes of the proposed measure in language neither intentionally
31 argumentative nor likely to create prejudice either for or against the proposed
32 measure.

116.334. 1. If the petition form is approved, the secretary of state shall
2 within ten days **transmit a copy of the proposed measure to the fair**
3 **ballot commission and** prepare and transmit to the attorney general a
4 summary statement of the measure which shall be a concise statement not
5 exceeding one hundred words. This statement shall be in the form of a question
6 using language neither intentionally argumentative nor likely to create prejudice
7 either for or against the proposed measure. The attorney general shall within ten
8 days approve the legal content and form of the proposed statement **and transmit**
9 **the statement to the fair ballot commission.**

10 **2. All summary statements shall be approved by a majority of the**
11 **commission and shall be transmitted to the secretary of state upon**
12 **approval and within ten days of receipt of the statement from the**
13 **attorney general. If a statement is not approved, the statement shall be**
14 **returned to the secretary of state with an alternative statement**
15 **approved by a majority of the commission within ten days of receipt of**
16 **the statement from the attorney general and the secretary of state shall**
17 **proceed under subsection 1 of this section as if preparing the initial**
18 **statement. If the statement is not approved or returned with an**
19 **alternative statement within ten days, the statement shall be deemed**
20 **to have been approved.**

21 [2.] 3. Signatures obtained prior to the date the official ballot title is
22 certified by the secretary of state shall not be counted.

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Unofficial

Bill

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