

FIRST REGULAR SESSION

HOUSE BILL NO. 65

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUGGER.

0559H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 116.190, RSMo, and to enact in lieu thereof one new section relating to actions challenging initiatives and referendums.

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

Section A. Section 116.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 116.190, to read as follows:

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 note or the fiscal note summary portion of the official ballot title is insufficient or unfair and
18 shall request a different fiscal note or fiscal note summary portion of the official ballot title.

19 4. The action shall be placed at the top of the civil docket. Insofar as the action
20 challenges the summary statement portion of the official ballot title, the court shall consider the
21 petition, hear arguments, and in its decision certify the summary statement portion of the official
22 ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal
23 note summary portion of the official ballot title, the court shall consider the petition, hear
24 arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion
25 of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note
26 summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to
27 the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme
28 court within ten days after a circuit court decision. In making the legal notice to election
29 authorities under section 116.240, and for the purposes of section 116.180, the secretary of state
30 shall certify the language which the court certifies to him.

31 5. Any action brought under this section that is not fully and finally adjudicated within
32 one hundred eighty days of filing, **and more than fifty-six days prior to election in which the**
33 **measure is to appear**, including all appeals, shall be extinguished, unless a court extends such
34 period upon a finding of good cause for such extension. Such good cause shall consist only of
35 court-related scheduling issues and shall not include requests for continuance by the parties.

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