

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 22

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

0713S.08P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 116.155, 116.160, 116.190, 116.334, and 526.010, RSMo, and to enact in lieu thereof five new sections relating to judicial proceedings, with an emergency clause for a certain section.

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

Section A. Sections 116.155, 116.160, 116.190, 116.334,
2 and 526.010, RSMo, are repealed and five new sections enacted
3 in lieu thereof, to be known as sections 116.155, 116.160,
4 116.190, 116.334, and 526.010, to read as follows:

116.155. 1. The general assembly may include the
2 official summary statement and a fiscal note summary in any
3 statewide ballot measure that it refers to the voters.

4 2. The official summary statement approved by the
5 general assembly shall, taken together with the approved
6 fiscal note summary, be the official ballot title and such
7 summary statement shall contain no more than **[fifty]** **one**
8 **hundred** words, excluding articles. The title shall be a
9 true and impartial statement of the purposes of the proposed
10 measure in language neither intentionally argumentative nor
11 likely to create prejudice either for or against the
12 proposed measure.

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

13 3. The fiscal note summary approved by the general
14 assembly shall contain no more than fifty words, excluding
15 articles, which shall summarize the fiscal note prepared for
16 the measure in language neither argumentative nor likely to
17 create prejudice for or against the proposed measure.

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

22 2. **If the general assembly adopts a joint resolution**
23 **proposing a constitutional amendment or statutory measure**
24 **that includes an official summary statement, the statement**
25 **shall appear on the ballot, unless it is challenged pursuant**
26 **to section 116.190, in which case the provisions of that**
27 **section shall apply.**

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

116.190. 1. Any citizen who wishes to challenge the
2 official ballot title or the fiscal note prepared for a
3 proposed constitutional amendment submitted by the general
4 assembly, by initiative petition, or by constitutional
5 convention, or for a statutory initiative or referendum
6 measure, may bring an action in the circuit court of Cole
7 County. The action [must] **shall** be brought within ten days
8 after the official ballot title is certified by the
9 secretary of state in accordance with the provisions of this
10 chapter, **in the case of an initiative petition and not later**
11 **than the twenty-second Tuesday prior to the general election**
12 **at which the ballot measure will be submitted to the voters,**
13 **in the case of all other statewide ballot measures.**

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

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

4. (1) The action shall be placed at the top of the civil docket.

(2) (a) Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state **as originally written if the court finds the summary statement to be sufficient and fair. If the court finds the summary statement to be insufficient or unfair, the court may offer suggested revisions for the summary statement to remedy the legal flaws, but it shall, in its decision, order the secretary of state to write a first revised summary statement that is sufficient and fair.**

(b) The secretary of state shall submit a first revised summary statement to the court within seven days. If, after submission to the court of a first revised summary statement by the secretary of state, the court finds the first revised summary statement to be sufficient and fair, the court shall certify to the secretary of state that statement and order it to appear on the ballot. If the court finds the first revised summary statement to be insufficient or unfair, the court may offer suggested revisions for the statement to remedy the legal flaws, but it shall, in its decision, order the secretary of state to

59 write a second revised summary statement that is sufficient
60 and fair.

61 (c) The secretary of state shall submit a second
62 revised summary statement to the court within five days.
63 If, after submission to the court of a second revised
64 summary statement by the secretary of state, the court finds
65 the second revised summary statement to be sufficient and
66 fair, the court shall certify to the secretary of state that
67 statement and order it to appear on the ballot. If the
68 court finds the second revised summary statement to be
69 insufficient or unfair, the court may offer suggested
70 revisions for the statement to remedy the legal flaws, but
71 it shall, in its decision, order the secretary of state to
72 write a third revised summary statement that is sufficient
73 and fair.

74 (d) The secretary of state shall submit a third
75 revised summary statement to the court within three days.
76 If, after submission to the court of a third revised summary
77 statement by the secretary of state, the court finds the
78 third revised summary statement to be sufficient and fair,
79 the court shall certify to the secretary of state that
80 statement and order it to appear on the ballot. If the
81 court finds the third revised summary statement to be
82 insufficient or unfair, or if the secretary of state
83 neglects or refuses to submit any of the revised summary
84 statements within the times mandated by this subdivision
85 when so ordered, the court shall revise the summary
86 statement in a manner that is sufficient and fair and order
87 the secretary of state to place that summary statement on
88 the ballot with the measure.

89 (e) During all revisions as provided in this
90 subdivision, the case shall remain open.

91 (f) Any non-prevailing party may make appeals as
92 provided by law only following:

93 a. The finding of the circuit court that a summary
94 statement was sufficient and fair; or

95 b. The circuit court ordering its own summary
96 statement to be placed on the ballot pursuant to paragraph
97 (d) of this subdivision.

98 (g) Any action brought pursuant to this section
99 challenging a statewide ballot measure appearing on the
100 ballot at an election called by the governor pursuant to
101 Article XII, Section 2(b), Missouri Constitution, whether at
102 the primary election or at a special election, or at a
103 special election for a referendum petition measure called by
104 the general assembly pursuant to Article III, Section 52(b),
105 Missouri Constitution, shall be expedited by the court to
106 bring a resolution of the matter prior to the printing of
107 ballots. The court may shorten any timeframe under this
108 section to achieve this purpose.

109 (3) Insofar as the action challenges the fiscal note
110 or the fiscal note summary portion of the official ballot
111 title, the court shall consider the petition, hear
112 arguments, and in its decision, either certify the fiscal
113 note or the fiscal note summary portion of the official
114 ballot title to the secretary of state or remand the fiscal
115 note or the fiscal note summary to the auditor for
116 preparation of a new fiscal note or fiscal note summary
117 pursuant to the procedures set forth in section 116.175.
118 Any party to the suit may appeal to the supreme court within
119 ten days after a circuit court decision **pursuant to this**
120 **subdivision.** [In making the legal notice to election
121 authorities under section 116.240, and for the purposes of

section 116.180, the secretary of state shall certify the language which the court certifies to him.]

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

116.334. 1. If the petition form is approved, the secretary of state shall make a copy of the sample petition available on the secretary of state's website. For a period of fifteen days after the petition is approved as to form, the secretary of state shall accept public comments regarding the proposed measure and provide copies of such comments upon request. Within twenty-three days of receipt of such approval, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. Signatures obtained prior to the date the official ballot title is certified by the secretary of state shall not be counted. **Once the secretary of state certifies the official ballot title, signatures may be collected, even if the ballot title is subject to an action in court**

challenging the sufficiency and fairness of the ballot title. If a court orders a change that alters the content of the official ballot title, then all signatures gathered before such change occurred shall not be invalidated based upon the fact that one or more signatures were gathered prior to the alteration of the official ballot title, regardless of whether those signatures were gathered on petition pages that displayed what was previously the official ballot title as certified by the secretary of state. Nothing in this subsection shall prohibit the invalidation of a signature for a reason otherwise allowed by this chapter.

3. Signatures for statutory initiative petitions shall be filed not later than six months prior to the general election during which the petition's ballot measure is submitted for a vote, and shall also be collected not earlier than the day after the day upon which the previous general election was held.

526.010. 1. Injunctions may be granted by a circuit judge[,] or an associate circuit judge.

2. In any action in which the state or a statewide official is preliminarily enjoined from implementing, enforcing, or otherwise effectuating any provision of the Constitution of Missouri, any Missouri statute, or any Missouri regulation, the attorney general may appeal the preliminary injunction.

3. The attorney general may appeal any preliminary injunction that existed prior to August 28, 2025, under subsection 2 of this section.

Section B. Because immediate action is necessary to ensure judicial efficiency, the repeal and reenactment of section 526.010 of section A of this act is deemed necessary

4 for the immediate preservation of the public health,
5 welfare, peace and safety, and is hereby declared to be an
6 emergency act within the meaning of the constitution, and
7 the repeal and reenactment of section 526.010 of section A
8 of this act shall be in full force and effect upon its
9 passage and approval.

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