

FIRST REGULAR SESSION

SENATE BILL NO. 568

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 26, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2407S.02I

AN ACT

To repeal sections 105.040, 115.365, 116.155, and 116.190, RSMo, and to enact in lieu thereof four new sections relating to elections.

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

Section A. Sections 105.040, 115.365, 116.155, and 116.190, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 105.040, 115.365, 116.155, and 116.190, to read as follows:

105.040. Whenever a vacancy in the office of senator of the United States
2 from this state exists, the governor[, unless otherwise provided by law, shall
3 appoint a person to fill such vacancy, who shall continue in office until a
4 successor shall have been duly elected and qualified according to law] **shall
5 issue a writ for a special election within thirty days of such vacancy for
6 the purpose of electing a successor to serve the remainder of the term.**

115.365. 1. The nominating committee authorized to select a candidate
2 for nomination or election to office pursuant to section 115.363 shall be one of the
3 following:

4 (1) To select a candidate for county office, the nominating committee shall
5 be the county committee of the party;

6 (2) To select a candidate for state representative, the nominating
7 committee shall be the legislative district committee of the party;

8 (3) To select a candidate for state senator, the nominating committee shall
9 be the senatorial district committee of the party;

10 (4) To select a candidate for circuit court judge not subject to the
11 provisions of article V, section 25 of the state constitution, the nominating
12 committee shall be the judicial district committee of the party;

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

13 (5) To select a candidate for representative in Congress, the nominating
14 committee shall be the congressional district committee of the party;

15 (6) To select a candidate for statewide office **or the office of senator of**
16 **the United States from this state**, the nominating committee shall be the
17 state committee of the party.

18 2. After any decennial redistricting, the nominating committee shall be
19 composed from the new districts, and the new district lines shall be used in the
20 selection of a candidate; provided, however, that members of nominating
21 committees for candidates for special elections to fill vacancies conducted
22 pursuant to section 21.130 shall be from the old districts.

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

4 2. The official summary statement approved by the general assembly
5 shall, taken together with the approved fiscal note summary, be the official ballot
6 title and such summary statement shall contain no more than fifty words,
7 excluding articles. The title shall [be a true and impartial statement] **put**
8 **voters on notice as to the subject** of the purposes of the proposed measure
9 in language [neither intentionally argumentative nor likely to create prejudice
10 either for or against the proposed measure] **not willfully deceptive**.

11 3. The fiscal note summary approved by the general assembly shall
12 contain no more than fifty words, excluding articles, which shall summarize the
13 fiscal note prepared for the measure in language [neither argumentative nor
14 likely to create prejudice for or against the proposed measure] **not willfully**
15 **deceptive**.

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

8 2. The secretary of state shall be named as a party defendant in any
9 action challenging the official ballot title prepared by the secretary of
10 state. When the action challenges the fiscal note or the fiscal note summary
11 prepared by the auditor, the state auditor shall also be named as a party

12 defendant. The president pro tem of the senate, the speaker of the house and the
13 sponsor of the measure and the secretary of state shall be the named party
14 defendants in any action challenging the official summary statement, fiscal note
15 or fiscal note summary prepared pursuant to section 116.155. **The speaker of**
16 **the house of representatives and the president pro tempore of the**
17 **senate shall be entitled to outside legal counsel if, in their sole**
18 **discretion, they believe that the attorney general has declined to**
19 **represent their interests. Any reasonable attorney's fees, court costs,**
20 **and related legal expenses the speaker of the house of representatives**
21 **or the president pro tempore of the senate incurs as a result of**
22 **securing outside counsel shall be paid from the state legal expense fund**
23 **pursuant to subsection 5 of section 105.716.**

24 3. The petition shall state the reason or reasons why the summary
25 statement portion of the official ballot title is [insufficient or unfair] **willfully**
26 **deceptive** and shall request a different summary statement portion of the
27 official ballot title. Alternatively, the petition shall state the reasons why the
28 fiscal note or the fiscal note summary portion of the official ballot title is
29 [insufficient or unfair] **willfully deceptive** and shall request a different fiscal
30 note or fiscal note summary portion of the official ballot title.

31 4. The action shall be placed at the top of the civil docket. Insofar as the
32 action challenges the summary statement portion of the official ballot title, the
33 court shall consider the petition, hear arguments, and in its decision certify the
34 summary statement portion of the official ballot title to the secretary of
35 state. Insofar as the action challenges the fiscal note or the fiscal note summary
36 portion of the official ballot title, the court shall consider the petition, hear
37 arguments, and in its decision, either certify the fiscal note or the fiscal note
38 summary portion of the official ballot title to the secretary of state or remand the
39 fiscal note or the fiscal note summary to the auditor for preparation of a new
40 fiscal note or fiscal note summary pursuant to the procedures set forth in section
41 116.175. Any party to the suit may appeal to the supreme court within ten days
42 after a circuit court decision. In making the legal notice to election authorities
43 under section 116.240, and for the purposes of section 116.180, the secretary of
44 state shall certify the language which the court certifies to him.

45 5. Any action brought under this section that is not fully and finally
46 adjudicated within one hundred eighty days of filing, **and more than fifty-six**
47 **days prior to election in which the measure is to appear**, including all

48 appeals, shall be extinguished, unless a court extends such period upon a finding
49 of good cause for such extension. Such good cause shall consist only of
50 court-related scheduling issues and shall not include requests for continuance by
51 the parties.

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Unofficial

Bill

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