

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 73

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

3045S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 50, 51, and 52(b) of article III of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to procedures for ballot measures submitted to the voters, with penalty provisions.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2024, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article III of the
7 Constitution of the state of Missouri:

Section A. Sections 50, 51, and 52(b), article III,
2 Constitution of Missouri, are repealed and five new sections
3 adopted in lieu thereof, to be known as sections 50, 51, 51(a),
4 52(b), and 54, to read as follows:

Section 50. **1.** Initiative petitions proposing
2 amendments to the constitution shall be signed by eight
3 percent of the legal voters in each of two-thirds of the
4 congressional districts in the state, and petitions
5 proposing laws shall be signed by five percent of such
6 voters. Every such petition shall be filed with the
7 secretary of state not less than six months before the

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

8 election and shall contain an enacting clause and the full
9 text of the measure.

10 **2. Upon filing an initiative petition proposing a**
11 **constitutional amendment with the secretary of state, the**
12 **person or entity filing the petition shall indicate on the**
13 **sample sheet any sponsoring campaign committee responsible**
14 **for the measure. Any supporting campaign committee that is**
15 **formed or amends its status to support the measure shall**
16 **notify the secretary of state of such fact.**

17 **3. Petitions for constitutional amendments shall not**
18 **contain more than one amended and revised article of this**
19 **constitution, or one new article which shall not contain**
20 **more than one subject and matters properly connected**
21 **therewith, and the enacting clause thereof shall be "Be it**
22 **resolved by the people of the state of Missouri that the**
23 **Constitution be amended:". Petitions for laws shall contain**
24 **not more than one subject which shall be expressed clearly**
25 **in the title, and the enacting clause thereof shall be "Be**
26 **it enacted by the people of the state of Missouri:".**

Section 51. **1. The initiative shall not be used:**

2 **(1) For the appropriation of money other than of new**
3 **revenues created and provided for thereby[,]; or**

4 **(2) For any other purpose prohibited by this**
5 **constitution. [Except as provided in this constitution,]**

6 **2. (1) Any measure [proposed] proposing laws shall**
7 **take effect when approved by a majority of the votes cast**
8 **thereon.**

9 **(2) Notwithstanding section 2(b) of article XII of**
10 **this constitution to the contrary, any measure proposing an**
11 **amendment to this constitution shall only take effect as**
12 **provided in this subdivision, as follows:**

13 (a) If the sponsoring campaign committee or any
14 supporting campaign committee accepts contributions during
15 the election cycle from only in-state contributors, the
16 measure shall take effect when approved by a majority of the
17 votes cast thereon;

18 (b) If the sponsoring campaign committee or any
19 supporting campaign committee accepts contributions during
20 the election cycle from an out-of-state contributor, the
21 measure shall take effect when approved by a majority plus
22 an additional one percent for every whole increment of two
23 percent of the total percentage of contributions that are
24 received, in the aggregate, from an out-of-state contributor
25 by the sponsoring campaign committee or any supporting
26 campaign committee during the election cycle.

27 3. When conflicting measures are approved at the same
28 election the one receiving the largest affirmative vote
29 shall prevail.

 Section 51(a). 1. In addition to any report required
2 to be made by law, a sponsoring or supporting campaign
3 committee sponsoring or supporting an initiative petition
4 proposing a constitutional amendment shall make the
5 following disclosure reports to the Missouri ethics
6 commission, or in the event the Missouri ethics commission
7 is dissolved, to the secretary of state:

8 (1) Not later than the eighth day prior to the
9 election at which the measure is to appear on the ballot for
10 the period closing on the twelfth day before the election,
11 the committee shall report the total amount of all
12 contributions received during the election cycle, identified
13 by name and address of each contributor;

14 (2) Not later than seventy-two hours prior to the
15 election at which the measure is to appear on the ballot,

16 the committee shall report the total percentage of
17 contributions received from out-of-state contributors and in-
18 state contributors, respectively.

19 2. Not less than forty-eight hours prior to the
20 election at which an initiative petition proposing a
21 constitutional amendment is to be voted on, the Missouri
22 ethics commission shall transmit all the reports made
23 pursuant to subsection 1 of this section to the secretary of
24 state.

25 3. Not less than twenty-four hours prior to the
26 election at which an initiative petition proposing a
27 constitutional amendment is to be voted on, the secretary of
28 state shall calculate and announce the voter approval
29 threshold for any initiative petition proposing a
30 constitutional amendment to be approved. For every whole
31 increment of two percent of the total percentage of
32 contributions that are received, in the aggregate, from an
33 out-of-state contributor by the sponsoring campaign
34 committee or any supporting campaign committee of an
35 initiative petition proposing a constitutional amendment
36 during the election cycle, the secretary of state shall add
37 one percentage point to the simple majority threshold needed
38 for approval.

39 4. (1) Any natural person may file a complaint with
40 the Missouri ethics commission, as provided in this
41 subsection, within thirty days of the date of the election.
42 Any such complaint shall be in writing, shall state all
43 facts known by the complainant that have given rise to the
44 complaint, and shall be sworn to, under penalty of perjury,
45 by the complainant.

46 (2) Any natural person may file a complaint with the
47 Missouri ethics commission challenging the accuracy of:

48 (a) Any report made pursuant to subsection 1 of this
49 section; or

50 (b) The calculation of the voter approval threshold
51 pursuant to subsection 3 of this section.

52 (3) Upon receipt of a complaint filed pursuant to
53 subdivision (2) of this subsection, the commission shall
54 refer the matter to the state auditor who shall audit the
55 reports of the sponsoring campaign committee and all
56 supporting campaign committees filed pursuant to subsection
57 1 of this section to verify the percentage of contributions
58 received from in-state contributors and the percentage of
59 contributions received from out-of-state contributors. If
60 the state auditor finds evidence that funds were misreported
61 or the voter approval threshold was miscalculated, then the
62 state auditor shall compile a report for the attorney
63 general detailing such facts.

64 (4) (a) Upon receipt of report made pursuant to
65 subdivision (3) of this subsection, the attorney general
66 shall petition the supreme court for a hearing, at which
67 point the court shall, as soon as practicable, hold a
68 hearing and either dismiss the petition or issue an order as
69 provided in this subdivision.

70 (b) If the court determines that contributions were
71 knowingly misreported and the initiative petition proposing
72 the constitutional amendment was adopted pursuant to section
73 51 of this section, then the election results shall be
74 stricken and the amendment shall be null and void and of no
75 legal effect.

76 (c) If the court determines that the contributions
77 were misreported due to no fault of the sponsoring or
78 supporting committees, the court shall adjust the voter
79 approval threshold in compliance with subsection 3 of this

80 section and the amendment shall only take effect if it
81 received the requisite number of votes needed to meet such
82 threshold.

83 (d) If the court determines that the voter approval
84 threshold was miscalculated, the court shall recalculate the
85 threshold in the same manner that is required pursuant to
86 subsection 3 of this section and the amendment shall only
87 take effect if it received the requisite number of votes
88 needed to meet such threshold.

89 (e) Upon issuance of any order from the supreme court
90 issued pursuant to this subsection in which it is determined
91 that an initiative petition proposing a constitutional
92 amendment received the requisite number of votes for
93 approval, the amendment shall take effect immediately or at
94 the end of thirty days after the election, whichever is
95 later.

96 5. No person shall transfer anything of value to any
97 sponsoring or supporting committee with the intent to
98 conceal, from the Missouri ethics commission or the
99 secretary of state, the identity of the actual source. Any
100 violation of this subsection shall be punishable as follows:

101 (a) For the first violation, the person transferring
102 the funds shall be guilty of a class E felony;

103 (b) For the second violation, the person transferring
104 the funds shall be guilty of a class D felony;

105 (c) For the third and subsequent violations, the
106 person transferring the funds shall be guilty of a class C
107 felony.

108 6. It shall be unlawful for:

109 (1) A government of a foreign country or a foreign
110 political party to sponsor an initiative petition;

111 (2) A government of a foreign country or a foreign
112 political party to directly or indirectly make:

113 (a) A contribution or donation of money or other thing
114 of value, or make an express or implied promise to make a
115 contribution or donation, in connection with an initiative
116 petition;

117 (b) A contribution or donation to a political
118 committee or a political party favoring or opposing an
119 initiative petition; or

120 (c) An expenditure, independent expenditure, or
121 disbursement for an electioneering communication, whether
122 print, broadcast, or digital media, or otherwise, related to
123 an initiative petition; or

124 (3) A person to solicit, accept, or receive a
125 contribution or donation from a government of a foreign
126 country or a foreign political party, in connection with an
127 initiative petition.

Section 52(b). The veto power of the governor shall
2 not extend to **referendum** measures [referred to the people].
3 All elections on **referendum** measures [referred to the
4 people] shall be had at the general state elections, except
5 when the general assembly shall order a special election.
6 Any **referendum** measure [referred to the people] shall take
7 effect when approved by a majority of the votes cast
8 thereon, and not otherwise. This section shall not be
9 construed to deprive any member of the general assembly of
10 the right to introduce any measure.

Section 54. For purposes of sections 49 to 54 of this
2 **article, the following terms mean:**

3 (1) "Contribution", the same meaning as in article
4 VIII, section 23, of this constitution;

5 (2) "Election cycle", the period beginning on the day
6 after a general election and ending on the day of the
7 election at which an initiative petition is to be voted on;

8 (3) "In-state contributor", a person or entity that
9 has established residence in the state of Missouri, or
10 maintains a substantial and veritable nexus, such as a
11 business operation, legal incorporation, or permanent
12 presence within the state of Missouri;

13 (4) "Out-of-state contributor", a person or entity
14 that does not meet the definition of "in-state contributor";

15 (5) "Person", the same meaning as in article VIII,
16 section 23, of this constitution;

17 (6) "Sponsoring campaign committee", a campaign
18 committee that otherwise meets the definition of "campaign
19 committee" as provided by law that is primarily responsible
20 for sponsoring and supporting the measure and is designated
21 as such on the sample sheet submitted to the secretary of
22 state;

23 (7) "Supporting campaign committee", a campaign
24 committee that otherwise meets the definition of "campaign
25 committee" as provided by law that is not designated as the
26 sponsoring campaign committee on the sample sheet submitted
27 to the secretary of state but is formed for the purpose of
28 supporting the measure in the election.

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