

FIRST REGULAR SESSION

# SENATE BILL NO. 104

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Pre-filed December 2, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0229S.011

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## AN ACT

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

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*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Section A. Section 116.190, RSMo, is repealed and one new section  
2 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  
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.

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

21 shall request a different fiscal note or fiscal note summary portion of the official  
22 ballot title.

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

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

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