



HB 2356

Sponsor: Tricia Byrnes

Path to full text:

<https://documents.house.mo.gov/billtracking/bills261/hlrbillspdf/4276H.01I.pdf>

PART 1 – QUICK SNAPSHOT

1.1 One-Paragraph Overview

HB 2356 creates a new rule for *local* ballot questions that ask voters to approve bonds, levy increases, or other tax-supported debt. It bans political subdivisions from marketing these measures as a “no-tax-increase bond issue” (or similar wording) if that wording implies taxpayers have no financial obligation. It also requires plain-language disclosures in the ballot question itself, including whether the debt-service levy goes up/down/stays the same, an estimated average home dollar impact, and an explicit statement that the bonds are still a taxpayer-backed obligation even if the levy doesn’t increase. Finally, it adds a pre-certification review by the State Auditor and enforcement options (including court action and blocking the question from the ballot for noncompliance).

1.2 Triage Table (Fast Flags)

Check	Quick Finding
Single-Subject, Title & Scope	Likely single-subject. Title: “relating to local tax ballot questions.” Pretty accurate, not deceptive.
Title Specificity (0–3)	2 (somewhat specific: it tells you it’s about local tax ballot questions, but not that it mandates Auditor review + AG enforcement)
Department / Office Scope	Multiple but related: political subdivisions + State Auditor + Attorney General + courts, all within ballot-language oversight.
Does it grow government?	Mixed: adds oversight/enforcement steps, but primarily restrains deceptive government messaging and forces transparency.

Check	Quick Finding
Impact on Missouri families (overall)	Helps (more honest tax/debt disclosure before people vote).
Alignment with Act for Missouri core beliefs	Supports (taxpayer transparency, fair notice, limits “word games”).
Initial stance	Support

PART 2 – PURPOSE & PROVISION MAP

2.1 Stated Purpose & Title

Bill title: “relating to local tax ballot questions.”

What it's really designed to do: stop local governments from *selling* taxpayer-backed debt with misleading “no tax increase” language and require standardized, plain-language disclosures so voters understand the real obligation before approving it.

2.2 Provision-by-Provision Map (New §67.498)

1. **§67.498.1 – bans “no-tax-increase bond issue” phrasing**
 - **Plain-language:** A city/county/school district/etc. can't print/advertise/present ballot language that says “no-tax-increase bond issue” (or similar) if it implies taxpayers won't be on the hook.
 - **Tag:** [Good]
 - **Why:** Prevents deceptive framing of taxpayer-backed debt.
2. **§67.498.2 – required disclosures in plain language**
 - **Plain-language:** The ballot question must state: (1) whether the debt-service levy increases/decreases/stays the same; (2) estimated dollar impact on the average home (calculated by assessor, verified by auditor); (3) disclosure that bonds are a taxpayer-backed obligation even if the levy doesn't rise.
 - **Tag:** [Good] (with a small drafting concern)
 - **Why:** Forces transparency at the point of decision; helps voters compare claims vs reality. The “average residential real property” estimate can be debated/contested in practice, so the calculation/assumptions matter.
3. **§67.498.3 – State Auditor review + revision requirement + AG enforcement option**

- **Plain-language:** Before the ballot language is certified, the subdivision must submit it to the State Auditor; Auditor has 30 days to review accuracy/completeness/compliance; if misleading/noncompliant, the subdivision must revise/resubmit; AG may sue to stop noncompliant language.
- **Tag:** [Mixed/Mostly Good]
- **Why:** Auditor review can improve truth-in-taxation messaging. The only concern is that it creates a new chokepoint that could become political or bureaucratic if not tightly limited to objective criteria.

4. **§67.498.4 – court finding of noncompliance blocks the question + delays re-try**

- **Plain-language:** If a court finds the language noncompliant, the question can't appear on the ballot, and the subdivision can't try again until the next general election cycle.
- **Tag:** [Slight Concern]
- **Why:** The penalty is heavy and could potentially punish voters as much as officials. It may also incentivize litigation gamesmanship around wording disputes.

5. **§67.498.5 – “in addition to” other ballot-question laws**

- **Plain-language:** This stacks on top of existing requirements.
- **Tag:** [Neutral/Technical]

2.3 Changes to Existing Law (High-Level)

- Creates **new §67.498** governing **local** tax-supported debt ballot language.
- Prohibits “**no-tax-increase bond issue**” style wording that implies no taxpayer obligation.
- Mandates **plain-language disclosures** about levy effect, estimated average-home impact, and taxpayer repayment obligation.
- Requires **State Auditor pre-certification review** and revision if found misleading/noncompliant.
- Allows **AG enforcement** and **court-ordered removal** from ballot, plus a **delay until next general election cycle** after an adverse court finding.

PART 3 – CONSTITUTIONAL & PROCESS CHECKS

3.1 Missouri Single-Subject & Original-Purpose Tests (Art. III §23)

- **Main subject:** rules for how local governments word/disclose tax-supported debt ballot questions.

- **Additional subjects/riders:** none obvious; Auditor/AG/court enforcement is tied directly to the same subject.
- **Title clarity vs real effects:** title is generally honest, but doesn't hint at the *enforcement structure* (Auditor review + AG litigation + ballot ban).
- **Conclusion: Likely complies** with single-subject and clear-title rules, and also better serves *fair notice* for voters than many current "marketing-style" ballot questions.

3.2 U.S. & Missouri Constitutional Rights

- **Free speech / compelled speech:** This mostly regulates **government speech** (what a political subdivision prints/presents on an official ballot question), not private citizen speech. Still, it does mandate certain disclosures, which could invite disputes if the "plain language" requirements become subjective.
- **Due process/fairness:** The *court-based* enforcement model is normal.

3.3 Delegation to Unelected Bodies & Separation of Powers

- **Delegation:** Gives the **State Auditor** a formal review role and effectively forces revisions if the Auditor finds problems; gives the **AG** litigation authority to enjoin noncompliant language.
- **Power direction:** Some power shifts upward (state oversight), but the end goal is **restricting local government manipulation** and making ballot questions more honest to taxpayers.

PART 4 – IMPACT ON MISSOURI FAMILIES

4.1 Economic, Tax, and Cost-of-Living Impacts

- **Relief (transparency):** Voters get more transparent disclosure about debt and the expected impact before approving obligations paid by taxpayers.
- **Burden (process):** Adds compliance steps and potential litigation risk; could increase administrative costs for subdivisions running ballot measures.

4.2 Family, Parental Rights, and Education

- No direct impacts on parental rights/education content. Indirectly relevant to school districts if they run bond/levy questions.

4.3 Moral & Cultural Climate

- Encourages honesty and accountability in public finance communication (a clear civic good).

PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

- **Property rights & economic liberty: Supports**—discourages hidden/soft-sold tax burdens and gives taxpayers clearer notice.
- **Constitutionalism & rule of law: Supports**—reduces wordplay and forces plain disclosure.
- **Limited government: Mostly supports**—even though it adds Auditor review, it primarily **checks government's ability to manipulate voters** with misleading language.
- Other categories (life, guns, surveillance, etc.): not implicated.

PART 6 – SPECIAL TOPIC TESTS (2025–2026 PRIORITIES)

Not applicable (no Amendment 3/personhood, surveillance/digital ID, energy/data-center, or doula/perinatal content).

PART 7 – RED FLAGS, AMENDMENT IDEAS, & FINAL RECOMMENDATION

7.1 Red-Flag List (Prioritized)

1. **Vagueness: “substantially similar words implying...”**
 - **Location:** §67.498.1
 - **Why it matters:** Ambiguity invites lawsuits and inconsistent enforcement.
 - **Severity:** Moderate

7.2 Possible Fixes / Amendments

- Define or give examples of prohibited “no-tax-increase” style claims to reduce ambiguity.
- Keep Auditor review, but **limit it to objective compliance items** (required disclosures present/absent; numeric estimate methodology disclosed) and add an expedited timeline option when election deadlines are close.
- Replace the “wait until next general election cycle” penalty with a more tailored remedy (e.g., allow resubmission at the next available election after corrected language, or allow the court to set a cure period).

7.3 Final Recommendation

Act for Missouri SUPPORTS HB 2356. It advances taxpayer truth-in-advertising and forces local governments to stop playing word games with debt and levies. While we'd tighten a few enforcement details (primarily the vague-wording standard), the core purpose—clear, plain-

language disclosure to voters—is strongly aligned with constitutional principles, pro-family stewardship, and honest self-government.