



SB 935

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Path to full text: <https://www.senate.mo.gov/26info/pdf-bill/intro/SB935.pdf>

PART 1 – QUICK SNAPSHOT

1.1 One-Paragraph Overview

SB 935 revises Missouri's rules for how ballot titles and fiscal notes are challenged in court and how initiative-petition signatures are treated when ballot titles change. It creates a multi-step back-and-forth process where the secretary of state (SOS) gets up to three chances to rewrite a challenged summary statement before a court may step in, and it lets courts **enjoin** an initiative if they conclude a valid 100-word summary cannot be written because the petition violates the single-subject requirement. It also sets a hard 180-day deadline for resolving lawsuits over ballot titles, after which challenges are “extinguished” unless the court extends for narrow scheduling reasons. Finally, it clarifies that signatures gathered on initiative petitions are still valid even if the ballot title is later revised, and it tightens timing rules for collecting signatures for statutory initiatives.

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Bottom line: This bill mixes some helpful clarity and single-subject enforcement with serious structural risks to citizens' initiative rights and access to the courts.

1.2 Triage Table

- **Single-subject (Mo. Const. Art. III §23)**
 - **Yes** – All provisions deal with rules for statewide ballot measures (ballot titles, fiscal notes, initiative-petition signatures, and related court actions). The title (“relating to ballot measures”) is accurate and not deceptive.
- **Does it grow government?**
 - **No (procedural only)** – It does not create new agencies or programs or add ongoing spending. It mainly restructures court/SOS procedures around ballot-title challenges and initiative petitions.
- **Overall impact on Missouri families:**

- **Mixed** – Clearer single-subject enforcement and protection of signatures can help keep complex, omnibus amendments off the ballot and protect citizens. But empowering courts to shut down petitions early and extinguishing legal challenges if not resolved within 180 days risks concentrating gatekeeping power in judges and weakening citizens' tools to resist bad laws and amendments.
- **Alignment with Act for Missouri core beliefs:**
 - **Mixed** – Positively, the bill tries to enforce constitutional single-subject rules and promote clear, honest ballot language. Negatively, the extinguishment of pending lawsuits and broad injunctive authority over initiatives may undermine “all political power is vested in and derived from the people” by narrowing their practical right to use initiatives and to seek judicial remedies.
- **Recommended stance:**
 - **Oppose (unless significantly amended).**
 - Supportable concepts: enforcing single-subject rules, preserving signatures after neutral wording changes, requiring neutral summaries.
 - But as written, the 180-day extinguishment rule and the early-injunction power over petitions (tied to the 100-word limit) pose too much risk to citizen self-government and open courts.

PART 2 – PURPOSE & PROVISION MAP

2.1 Stated Purpose & Title

- **Apparent purpose (in plain language):**

SB 935 aims to tighten and clarify Missouri’s process for drafting, challenging, and revising ballot titles and fiscal notes for statewide ballot measures, and to clarify when and how initiative-petition signatures are counted, especially when ballot titles change.
- **Title accuracy:**
 - Title: “*To repeal sections 116.190 and 116.334, RSMo, and to enact in lieu thereof two new sections relating to ballot measures.*”
 - This accurately reflects the content: all changes are within §§116.190 and 116.334, and all relate to ballot-measure procedures. No hidden subjects.

2.2 Provision-by-Provision Map

Provision 1 – Multi-step SOS rewrites of ballot summary statements

- **Location:** §116.190.4(2)(a)–(g).
- **What it does:**

- If a court finds the SOS's summary statement "insufficient or unfair" (or for an initiative, "incomplete, unconcise, unclear, or inaccurate"), the court **must** order the SOS to write a *first revised* summary within 7 days, may suggest fixes, and then re-review it.
- If still defective, the court again orders a *second revised* summary (5 days), then a *third revised* summary (3 days).
- Only if the third attempt is still defective or if the SOS refuses to submit on time does the court itself revise the summary and order it placed on the ballot. The case remains open through all these iterations. Appeals are allowed only after the court certifies a summary or writes its own.
- **Tag:** [Mixed]
- **Why:**
 - Good: Establishes clear, time-limited steps and keeps the SOS (an elected official) primarily responsible for wording, with court oversight.
 - Concern: This process may favor those aligned with the SOS's political views, but can be problematic if the SOS holds opposing opinions.

Provision 2 – Injunction if summary cannot be written due to single-subject violation

- **Location:** §116.190.4(2)(h).
- **What it does:**
 - If a court finds that:
 1. A summary statement for an initiative petition is not complete, concise, clear, and accurate **and**
 2. A complete, concise, clear, and accurate statement **cannot possibly be written in 100 or fewer words** *because* the initiative violates the single-subject requirement in Mo. Const. Art. III §50,
 - Then the court **must** enjoin further circulation of the petition for signatures, or if already certified, must enjoin the SOS from certifying the measure and all other officers from printing it on the ballot.
- **Tag:** [Red Flag]
- **Why:**
 - Good: Emphasizes the single-subject rule and discourages massive, multi-topic "omnibus" initiatives designed to confuse voters.

- Serious concern: Invites courts to use a statutory 100-word summary limit as a gatekeeping tool to kill citizen initiatives at an early stage. A hostile judge could effectively veto a petition by declaring its subjects too numerous or complex, without voters ever seeing the measure. This shifts significant power from the people to the courts in exercising the initiative power guaranteed by Art. III §50.

Provision 3 – Extinguishment of challenges after 180 days

- **Location:** §116.190.5.
- **What it does:**
 - Any action challenging a ballot title or fiscal note under §116.190 that is **not** “fully and finally adjudicated” **within 180 days of filing**, and that is **more than 70 days before the election**, “shall be extinguished” (i.e., automatically terminated), unless the court extends the period for “good cause.”
 - “Good cause” is limited to court-related scheduling issues and **may not** include continuances requested by the parties.
- **Tag:** [Red Flag]
- **Why:**
 - This is a hard time bomb under citizens’ access to judicial review. If the courts (or appeals) simply take too long—possibly due to complexity, state delays, or strategic behavior—the citizens’ challenge dies, even if they did everything right. That risks conflict with Missouri’s “open courts” and “certain remedy” guarantees and could protect bad or misleading ballot titles from meaningful review.

Provision 4 – Signature validity when ballot title changes

- **Location:** §116.334.2.

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- **What it does:**
 - Clarifies that once the SOS certifies an official ballot title, signatures may be collected **even while** that title is being challenged in court.
 - If a court orders a change to the ballot title, signatures collected **before** the change are **not invalidated** just because they were gathered under the earlier wording.
 - Existing grounds to throw out signatures (e.g., not registered voters, wrong county, etc.) still apply.

- **Tag: [Mixed]**
- **Why:**
 - It could be argued that it protects grassroots volunteers who invest months gathering signatures; they are not punished if courts later tweak or rewrite the ballot title. This reduces gamesmanship by opponents who might otherwise try to invalidate massive signature batches over wording adjustments. On the other hand, shouldn't all title and wording issues be settled before the gathering of signatures begins?

Provision 5 – Signature timing window for statutory initiatives

- **Location:** §116.334.3.
- **What it does:**
 - States that signatures for **statutory** initiative petitions:
 - Must be filed **no later than six months** before the general election in which the measure will appear; and
 - **Cannot be collected earlier than the day after the previous general election.**
- **Tag: [Concern]**
- **Why:**
 - This narrows and defines the time window for gathering signatures (roughly an 18-month period between general elections). While not extreme, it does add a statutory barrier that will hit conservative grassroots citizen efforts harder than well-funded, professional signature-gatherers.

2.3 Changes to Existing Law (High-Level)

- **§116.190 (Court challenges to ballot titles/fiscal notes):**
 - Keeps current right of “any citizen” to challenge ballot titles and fiscal notes in Cole County within existing deadlines, but **restructures** how courts handle summary-statement challenges (iterative rewrites by SOS, limited appeal points) and adds:
 - The **single-subject/100-word injunction** tool, and
 - The **180-day extinguishment** rule for unresolved actions.
- **§116.334 (Petition form approval, comments, and signatures):**

- Retains SOS posting a sample petition, a 15-day public-comment period, and a 23-day deadline for the SOS to draft a neutral summary (up to 100 words) for AG review.
- Clarifies that signatures collected under an old ballot title survive later court-ordered wording changes and codifies a specific time window for statutory initiative signature collection.

PART 3 – CONSTITUTIONAL & PROCESS CHECKS

3.1 Missouri Single-Subject & Original-Purpose Tests

- **Main subject in one sentence:**
 - The bill's sole subject is **procedures for ballot measures**, especially court challenges to ballot titles and treatment of initiative-petition signatures.
- **Additional subjects or separate policy areas?**
 - All provisions are within Ch. 116, and there is no second, unrelated policy area (no tax changes, no criminal law, etc.).
- **Unrelated riders?**
 - None apparent. All changes are tightly tied to ballot-measure procedures.
- **Title clarity/honesty:**
 - The title expressly references the sections being repealed and reenacted and describes them as “relating to ballot measures.” That is accurate and not misleading.
- **Original purpose shift?**
 - From the text alone, there's no evidence of a bait-and-switch (e.g., starting as something else and mutating). It appears coherent and consistent with a single procedural purpose.

Conclusion:

- **SB 935 likely complies with the single-subject and clear-title requirements of Art. III §23 for *this bill itself*.**

3.2 U.S. & Missouri Constitutional Rights

Potential issues:

1. **Open Courts / Certain Remedy (Mo. Const. Art. I §14)**

- **Problem language:** §116.190.5 extinguishes any challenge under this section that is not “fully and finally adjudicated” within 180 days (and more than 70 days before the election), with only narrow “good cause” extensions for court-related scheduling issues.
- **Concern:**
 - Citizens may file timely, well-founded challenges, but if court calendars, complex appeals, or state delay push the case past 180 days, their cause of action is automatically killed.
 - This looks like the legislature telling the judiciary to terminate pending causes of action based purely on elapsed time, potentially denying a “certain remedy” for injury (misleading ballot language) even when the citizen did nothing wrong.
 - That may invite litigation under Art. I §14 (open courts and remedy) and separation-of-powers arguments.

2. Initiative Rights (Mo. Const. Art. III §§49-50)

- **Problem language:** §116.190.4(2)(h) allows courts to **enjoin circulation or ballot placement** of an initiative whenever a judge concludes that a valid 100-word summary “cannot possibly be written” because of a single-subject violation.
- **Concern:**
 - Art. III §§49-50 reserve initiative power to the people, subject to reasonable procedural regulations and a constitutional single-subject rule.
 - Using the 100-word *statutory* limit for a summary statement as the trigger to block circulation may be viewed as overly restrictive, especially since a petition could be cured by rewriting or narrowing the measure itself, rather than being shut down outright at the title stage.
 - A hostile court could use this as a pretext to block citizen petitions in politically sensitive areas (e.g., pro-life equal-protection amendments or tax-limitation measures) before voters ever see them.

3. Due Process (U.S. & Missouri) – Access to courts and predictable standards

- The combination of hard time limits plus early injunction authority raises due-process concerns about whether citizens have a fair opportunity to challenge misleading ballot titles or defend their petitions against bad-faith attacks.

Summary:

- No obvious federal-constitutional red flags (speech, religion, 2A, etc.), but there are **nontrivial Missouri-constitutional concerns** around open courts, initiative rights, and separation of powers.

3.3 Delegation & Unelected Power

- **Delegation:**
 - SB 935 doesn't create new agencies, but it **concentrates procedural power** in the SOS and courts over critical aspects of citizen-led lawmaking:
 - Gives SOS three consecutive opportunities to control ballot language after a court finds it defective (§116.190.4(2)(a)–(d)).
 - Gives courts discretionary power to enjoin circulation or ballot placement when they find a single-subject violation tied to the 100-word limit (§116.190.4(2)(h)).
- **“Filling in the blanks” with rules?**
 - The bill itself is very detailed; it doesn't grant broad vague rule-making authority to agencies.
- **Practical law-making power shift:**
 - Yes, in practice:
 - Judges gain an explicit statutory tool to **prevent** initiatives from reaching the ballot on single-subject grounds;
 - SOS gains structured control over the text of ballot summaries, with courts limited to a last-resort role after multiple remands.

Conclusion:

- No classic “bureaucratic delegation” issue, but there is a **structural shift of practical power over the initiative process** toward the SOS and judiciary. That may or may not be healthy depending on how future office-holders use it.

PART 4 – IMPACT ON MISSOURI FAMILIES

4.1 Economic, Tax, and Utility Impacts

- No direct changes to taxes, utility rates, or household costs.
- Indirectly, the initiative process is one way Missouri families can curb tax hikes, property-tax abuse, or special-interest subsidies at the ballot box. Any law that makes it harder for grassroots efforts to get on the ballot or to obtain a fair ballot title can **indirectly** impact pocketbooks by limiting this check on the political class.

4.2 Freedom, Parental Rights, and Education

- This bill does **not** directly address education policy, parental rights, or DESE, and it does not impose mandates on families or schools.
- However, the initiative process is a tool citizens can use to correct school-funding policies, curriculum mandates, or statewide education frameworks when the legislature will not act. Restricting access to the ballot (via early injunctions or extinguished challenges) may weaken this safety valve over time.

Net effect on parental rights and family freedom:

- **Mixed but slightly negative.** The bill does not attack parental rights directly, but it may subtly weaken one avenue families have to push back against anti-family or anti-Christian policy trends when the legislature is captured by special interests.

4.3 Moral & Cultural Climate

- SB 935 itself is “content-neutral” on abortion, gender ideology, or other moral issues.
- In the real world, however, ballot procedures are **the battlefield** for issues like abortion amendments, gambling expansion, marijuana, and more.
 - Strong single-subject enforcement can help prevent deceptive omnibus amendments that hide extreme policies.
 - But empowering courts to shut down petitions early could be used against **pro-life, pro-family initiatives** just as easily as against pro-abortion ones, depending on who holds judicial power.

Net impact on Missouri families:

- **Mixed.**
 - Positives: clearer single-subject enforcement and protection of signatures after neutral title changes.
 - Negatives: new opportunities for courts and a possibly hostile SOS to keep citizen-backed reforms off the ballot and new obstacles to obtaining honest ballot language.

PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

For each principle: **Supports / Undermines / Mixed / Not Implicated**

1. 100% Pro-Life

- **Status: Mixed / Indirect**
- **Explanation:**
 - The bill doesn’t mention abortion or life issues.

- Stronger single-subject enforcement could block “loaded” pro-abortion amendments that try to bundle multiple policies.
- But the same tools can be turned against a robust **equal-protection/personhood initiative** if a court labels it “multi-subject” or “too complex” for 100 words.

2. Christian & Biblical Values / Religious Liberty

- **Status: Not directly implicated**
- No direct impact on worship, conscience, or ministry. Long-term, restricting initiative access may make it harder to correct anti-Christian policies via the ballot, but that’s indirect.

3. Property Taxes & Economic Freedom

- **Status: Not directly implicated**
- No direct property-tax changes. Impact is indirect through the initiative process as a tool for reform.

4. Literal / Original-Intent Constitutionalism

- **Status: Mixed**
- **Supports:** Attempts to enforce the **single-subject rule** in Art. III §50 and to keep summaries “complete, concise, clear, and accurate.”
- **Undermines:** The 180-day extinguishment rule and early-injunction power may conflict with the spirit of **Art. I §14** (open courts & certain remedy) and with the people’s constitutionally reserved initiative power by making practical exercise of those rights harder.

5. Right to Bear Arms

- **Status: Not implicated**

6. State Sovereignty & Tenth Amendment

- **Status: Not implicated**
- No federal-funding hooks or federal-standard references.

7. Nuclear Family & Parental Rights

- **Status: Indirect / Mixed**
- The bill doesn’t target families directly, but anything that weakens citizens’ ability to correct statewide policy through initiatives can indirectly affect the family’s ability to defend children against bad laws.

8. Homeschool Protection

- Status: Not directly implicated

9. Currency & Financial Control / CBDC

- Status: Not implicated

10. Election Integrity & Ballot Clarity

- Status: Mixed

- Supports:

- Insists on neutral, concise, accurate ballot titles and clarifies who drafts them and how they're reviewed.
- Clarifies that signatures remain valid through neutral wording changes, which prevents technical sabotage of citizen petitions.

- Undermines:

- Allows courts to block initiatives at the title stage on single-subject grounds tied to a 100-word limit.
- Extinguishes valid challenges if courts do not resolve them in time, limiting redress for misleading titles.

11. Government Transparency

- Status: Mixed

- Public comment period and online posting of petitions remain, which helps transparency. But practical transparency is harmed if misleading ballot titles survive because challenges are time-bombed out of existence.

PART 6 – SPECIAL TOPIC TESTS (2025 PRIORITIES)

6.1 Amendment 3 / Personhood & Equal-Protection Test

- SB 935 is **procedural**, not substantive, but it directly impacts the **playing field** for any future personhood/equal-protection amendment or efforts to reform/roll back pro-abortion measures.
- **Positive potential:** a strong single-subject enforcement tool could be used against deceptive pro-abortion amendments that bundle multiple policies or regulatory schemes into one.
- **Negative potential:**

- A pro-life personhood amendment could be labeled “multi-subject” and shut down at the title stage using §116.190.4(2)(h).
- A hostile SOS could repeatedly submit biased or confusing summaries, consuming the three rounds while the clock runs, leaving very little time to correct or appeal before filing deadlines.

Conclusion for this test: Mixed and risky. The same tools that might stop bad amendments can be turned against good pro-life initiatives.

6.2 Surveillance, Digital-ID, and Data-Hub Test

- Not implicated.

6.3 Utilities, Energy Policy, and Data-Center / Big-User Test

- Not implicated.

6.4 Federal Money & Strings

- Not implicated.

6.5 Model-Legislation / Globalism Indicators

- No obvious Agenda 21/2030 buzzwords or clear signs of national/global model legislation in the text provided.

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

7.1 Red-Flag List

1. Red Flag #1 – Early judicial veto of citizen initiatives

- **Location:** §116.190.4(2)(h).
- **Issue:** Authorizes courts to enjoin petition circulation or ballot placement whenever they decide a valid 100-word summary is impossible due to a single-subject violation. This could be weaponized against disfavored initiatives (including pro-life/personhood measures), shifting too much gatekeeping power from citizens to judges.

2. Red Flag #2 – Extinguishing lawsuits after 180 days

- **Location:** §116.190.5.
- **Issue:** Automatically terminates ballot-title challenges not “fully and finally adjudicated” within 180 days, absent narrow court-scheduling “good cause.” This may conflict with Missouri’s open-courts and certain-remedy guarantees and allows systemic delay (not the citizen’s fault) to wipe out their case.

3. Red Flag #3 – Narrowed time window favors big-money petition campaigns

- **Location:** §116.334.3.
- **Issue:** Limiting statutory initiatives to signatures collected only between the day after the prior general election and six months before the next general election will be easier for paid, professional operations to manage than for volunteer-driven, grassroots efforts.

7.2 Possible Fixes / Amendments

If legislators genuinely want to protect citizens' ability to use ballot measures while ensuring clarity and single-subject compliance, Act for Missouri could suggest:

1. Remove or narrow the injunctive “100-word single-subject” trigger

- Amend §116.190.4(2)(h) so that:
 - Courts may **enjoin only after a full hearing** on the merits of a single-subject challenge to the actual petition text, not merely on the judge's opinion that a 100-word summary is impossible.
 - The statute clarifies that the 100-word limit is a drafting guideline, not a trap door to erase the people's initiative right.

2. Eliminate the 180-day extinguishment rule or make it non-jurisdictional

- Replace §116.190.5's “shall be extinguished” language with:
 - A requirement that courts **prioritize** and **expedite** these cases, and/or
 - A provision that failure to conclude within 180 days does **not** automatically destroy a pending cause of action, especially when delay is not the citizen's fault.
- At minimum, broaden “good cause” beyond mere court scheduling to include genuine complexity and documented bad-faith delay.

3. Re-evaluate the signature-collection window

- If the goal is to prevent ultra-early signature campaigns, consider a more generous start date or apply it equally to constitutional and statutory initiatives after careful study of grassroots feasibility.

7.3 Final Recommendation

- **Recommended stance: Oppose**

Rationale (2–4 sentences):

SB 935 contains some worthwhile goals—especially enforcing the single-subject rule and neutral

changes to ballot titles. But its current structure gives courts an overly powerful early veto over citizen initiatives and automatically extinguishes ballot-title challenges if courts and appeals don't finish within 180 days, which risks undermining open courts and the people's reserved initiative power. From Act for Missouri's Christian, constitutional, limited-government perspective, those structural dangers outweigh the bill's benefits. **SB 935 should be opposed.**