

**PROPOSED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
NOVEMBER 4, 2014 ELECTION**

HJR 16 [SCS HJR 16]

Proposes a constitutional amendment allowing relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age

CONSTITUTIONAL AMENDMENT NO.2.—(Proposed by the 97th General Assembly, First Regular Session, HJR 16)

Official Ballot Title:

Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?

If more resources are needed to defend increased prosecutions additional costs to governmental entities could be at least \$1.4 million annually, otherwise the fiscal impact is expected to be limited.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to allow evidence of prior criminal acts, whether charged or uncharged, to be considered by courts in prosecutions of sexual crimes that involve a victim under eighteen years of age. The amendment limits the use of such prior acts to support the victim's testimony or show that the person charged is more likely to commit the crime. Further, the judge may exclude such prior acts if the value of considering them is substantially outweighed by the possibility of unfair prejudice to the person charged with committing the crime.

A "no" vote will not amend the Missouri Constitution regarding the use of evidence of prior criminal acts to prosecute sexual crimes.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

SECTION

- A. Enacting clause.
- 18(c). Admissibility of evidence.
- B. Ballot title.

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

Section A. Enacting clause. — Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 18(c), to read as follows:

SECTION 18(c). ADMISSIBILITY OF EVIDENCE. — Notwithstanding the provisions of sections 17 and 18(a) of this article to the contrary, in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age, relevant evidence of prior criminal acts, whether charged or uncharged, is admissible for the purpose of corroborating the victim's testimony or demonstrating the defendant's propensity to commit the crime with which he or she is presently charged. The court may exclude relevant evidence of prior criminal acts if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice.

SECTION B. BALLOT TITLE. — The official ballot title for section A of this act shall read as follows:

“Shall the Missouri Constitution be amended so that it will be permissible to allow relevant evidence of prior criminal acts to be admissible in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age?”

HJR 72 [HJR 72]

Proposes a constitutional amendment prohibiting the Governor from reducing any payment of public debt and requiring notification to the General Assembly when he or she makes specified payment changes of appropriations

CONSTITUTIONAL AMENDMENT No. 10. — (Proposed by the 97th General Assembly, Second Regular Session, HJR 72)

Official Ballot Title:

Shall the Missouri Constitution be amended to require the governor to pay the public debt, to prohibit the governor from relying on revenue from legislation not yet passed when proposing a budget, and to provide a legislative check on the governor's decisions to restrict funding for education and other state services?

State governmental entities expect no direct costs or savings. Local governmental entities expect an unknown fiscal impact.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution regarding the requirements placed on the governor for proposing a state budget and for withholding money appropriated in the budget passed by the legislature. This amendment prohibits the governor from reducing funding passed by the general assembly without receiving legislative consent, and provides certain other restrictions on the governor's ability to increase or decrease line items in the budget. This amendment further prohibits the governor from

proposing a budget that relies on revenue from legislation that has not yet passed in the general assembly.

A “no” vote will not amend the Missouri Constitution regarding the requirements placed on the governor for proposing a state budget and for withholding money appropriated in the budget passed by the legislature.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment repealing sections 24 and 27 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the governor’s budgetary authority.

SECTION

- A. Enacting clause.
- 24. Governor’s budget and recommendations as to revenue.
- 27. Power of governor to control rate of and reduce expenditures.
- B. Ballot title.

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Enacting clause. — Sections 24 and 27, article IV, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 24 and 27, to read as follows:

SECTION 24. GOVERNOR’S BUDGET AND RECOMMENDATIONS AS TO REVENUE. — The governor shall, within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies[, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures]. **The governor shall not determine estimated available revenues of the state using any projection of new revenues to be created from proposed legislation that has not been passed into law by the general assembly. Estimates of any unspent fund balances, without regard to actual or estimated revenues but accounting for all existing appropriations, that will constitute a surplus during the fiscal year immediately preceding the fiscal year or years for which the governor is recommending a budget, may be included in the estimated revenue available for expenditure during the fiscal year or years for which the governor is recommending a budget. As used in this section, new revenues shall not include existing provisions of law subject to expiration during the ensuing appropriation period.**

SECTION 27. POWER OF GOVERNOR TO CONTROL RATE OF AND REDUCE EXPENDITURES. — **1.** The governor may control the rate at which any appropriation is expended during the period of the appropriation by allotment [or other means,] and may reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based. **The governor shall not reduce any appropriation for the payment of principal and interest on the public debt.**

2. The governor shall notify the general assembly by proclamation whenever the rate at which any appropriation shall be expended is not equal quarterly allotments, the sum of which shall be equal to the amount of the appropriation. Any rate of expenditure for any appropriation which is not equal quarterly allotments shall stand reconsidered in the chamber in which the bill that contained the appropriation originated. Such reconsideration shall be in the manner that a bill is reconsidered under article III, section 32. Either the general assembly that receives the proclamation or the next general assembly may reconsider the rate of expenditure. If the general assembly successfully reconsiders the rate of expenditure for the appropriation in question, the rate shall be assumed to be equal quarterly allotments. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9. Either the general assembly that receives the proclamation or the next general assembly may reconsider such allotment allocation change. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9.

3. The governor shall notify the general assembly by proclamation when the governor reduces one or more items or portions of items of appropriation of money as a result of actual revenues being less than the revenue estimates upon which the appropriations were based. Each item or portions of items of appropriation of money shall stand reconsidered in the chamber in which the bill that contained the appropriation originated. Such reconsideration shall be in the manner that a bill is reconsidered under article III, section 32. Either the general assembly that receives the proclamation or the next general assembly may reconsider such reduction. Such reconsideration may be at any time the general assembly is in session including sessions pursuant to article III, sections 20, 20(b), and 32 and article IV, section 9.

SECTION B. BALLOT TITLE. — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the General Assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to require the governor to pay the public debt, to prohibit the governor from relying on revenue from legislation not yet passed when proposing a budget, and to provide a legislative check on the governor's decisions to restrict funding for education and other state services?"

HJR 90 [SS SCS HCS HJR 90]

Proposes a constitutional amendment requiring the establishment of a six-day early voting period before a general election

Constitutional Amendment No. 6. — (Proposed by the 97th General Assembly, Second Regular Session, HJR 90)

Official Ballot Title:

Shall the Missouri Constitution be amended to permit voting in person or by mail for a period of six business days prior to and including the Wednesday before the election day in all general elections?

State governmental entities estimated startup costs of about \$2 million and costs to reimburse local election authorities of at least \$100,000 per election. Local election authorities estimated higher reimbursable costs per election. Those costs will depend on the compensation, staffing, and, planning decisions of election authorities with the total costs being unknown.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution to permit voters, in years when the legislature provides funding, an early voting period of six business days prior to and including the Wednesday before election day to cast a ballot in all general elections. This amendment does not allow early voting on Saturday or Sunday.

A “no” vote will not amend the Missouri Constitution to provide all voters with a six-business day early voting period.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, by adding thereto one new section relating to early voting.

SECTION

- A. Enacting clause.
- 11. Early voting, requirements..
- B. Ballot title.

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VIII of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article VIII, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 11, to read as follows:

SECTION 11. EARLY VOTING, REQUIREMENTS. — 1. Qualified voters of the state shall be entitled to vote in person or by mail in advance of the day of the general election, but only under the following subdivisions:

(1) **Qualified voters casting ballots under this section shall have been registered to vote, unless otherwise provided by law, on or before the fourth Wednesday prior to the day of the election;**

(2) **No qualified voter shall be required to state any reason, excuse, or explanation for casting a ballot under this section;**

(3) **Ballots shall be cast in person or by mail only during the six business days, not to include Saturday or Sunday, immediately prior to and including the last Wednesday prior to the election day. In-person ballots shall be cast at the local election authority during its regular business hours;**

(4) **Each local election authority shall appoint at least one election judge from each major political party to serve at the site of the local election authority. Procedures for**

appointing judges, casting ballots, and tabulating ballots shall be the same as provided by general election laws.

2. No local election authority or other public official shall, in advance of the day of the election, disclose the identity of any qualified voter who, in advance of the day of the election, has cast or has not cast a ballot, unless the qualified voter has authorized the disclosure. A qualified voter's authorization must be in writing, signed by the qualified voter, dated, and delivered to the secretary of state no later than the sixth Wednesday prior to the day of the election. An authorization is effective only for one general election.

3. If any local election authority is required by any provision of law or of this constitution to produce, in advance of the day of the election, a list of qualified voters who have already cast ballots, such list shall designate those qualified voters who have not filed a valid written authorization under subsection 2 of this section by using a random designation that does not identify those qualified voters or provide residential or other personal information from which their identities might be determined. If any such list is required to be delivered promptly after a request, the list shall be deemed to have been promptly delivered if it is delivered no later than 5:00 p.m. on the Monday before the election day. In addition to the restrictions in this section on the provision of identifying information, any such list shall include only qualified voter information authorized to be disclosed pursuant to general election laws.

4. The secretary of state and local election authorities shall provide qualified voters mail-in ballots under this section only by mail, and only upon the written, signed, and dated request of a qualified voter. Such request shall be valid for only one general election. No qualified voter shall receive more than one mail-in ballot.

5. No local election authority or other public office shall conduct any activity or incur any expense for the purpose of allowing voting in person or by mail in advance of the general election day unless a state appropriation is made and disbursed to pay the local election authority or other public office for the increased cost or expense of the activity.

6. The provisions of this section shall be self-executing. Any law that conflicts with this section shall not be valid or enforceable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid. Nothing in this section shall be deemed to repeal or invalidate section 7 of article VIII of this constitution or to repeal or invalidate general laws permitting certain qualified voters to cast absentee ballots. This section shall not be repealed or invalidated by constitutional amendment, in whole or in part, unless the text of the amending provision expressly references this section or the parts thereof that are to be repealed, and no part of this section shall be repealed by implication.

SECTION B. BALLOT TITLE. — Pursuant to chapter 116 and other applicable constitutional provisions and laws of the this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended to permit voting in person or by mail for a period of six business days prior to and including the Wednesday before the election day in all general elections?"