

**DEFEATED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
NOVEMBER 4, 2014**

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

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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?"

FOR — 416,447; AGAINST — 985,966

DEFEATED INITIATIVE PETITION
NOVEMBER 4, 2014

Constitutional Amendment No. 3. — (Proposed by Initiative Petition)

Official Ballot Title:

Shall the Missouri Constitution be amended to:

- require teachers to be evaluated by a standards based performance evaluation system for which each local school district must receive state approval to continue receiving state and local funding;
- require teachers to be dismissed, retained, demoted, promoted and paid primarily using quantifiable student performance data as part of the evaluation system;
- require teachers to enter into contracts of three years or fewer with public school districts; and
- prohibit teachers from organizing or collectively bargaining regarding the design and implementation of the teacher evaluation system?

Decisions by school districts regarding provisions allowed or required by this proposal and their implementation will influence the potential costs or savings impacting each district. Significant potential costs may be incurred by the state and/or the districts if new/additional evaluation instruments must be developed to satisfy the proposal's performance evaluation requirements.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to require teachers to be evaluated by a standards based performance evaluation system. Each system must receive state approval in order for the local school district to continue receiving state and local funding. Teachers will be dismissed, retained, demoted, promoted and paid primarily using quantifiable student performance data as part of the evaluation system. The amendment further requires teachers to enter into contracts of three years or fewer with public school districts, with exceptions. The amendment also prohibits teachers from organizing or collectively bargaining regarding the design and implementation of the teacher evaluation system.

A "no" vote will not amend the Missouri Constitution regarding teacher contracts and performance evaluation systems.

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

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article IX is amended by adopting six new sections to be known as Article IX, Sections 3(d), 3(e), 3(f), 3(g), 3(h), and 3(i), to read as follows:

Section 3(d). All certificated staff shall be at will employees unless a contract is entered into between a school district and certificated staff (1) prior to the effective date of this section; or (2) pursuant to the provisions of section 3(e), 3(f), and 3(h) of this article. "Certificated staff," as used in this article, shall mean employees of a school district who hold a valid certificate to teach in the State of Missouri.

Section 3(e). No school district receiving any state funding or local tax revenue funding shall enter into new contracts having a term or duration in excess of three years with certificated staff.

Section 3(f). Effective beginning July 1, 2015, and notwithstanding any provisions of this constitution, any school district receiving any state funding or local tax revenue shall develop and implement a standards based performance evaluation system approved by the Missouri Department of Elementary and Secondary Education. The majority of such evaluation system shall be based upon quantifiable student performance data as measured by objective criteria and such evaluation system shall be used in (1) retaining, promoting, demoting, dismissing, removing, discharging and setting compensation for certificated staff; (2) modifying or terminating any contracts with certificated staff; and (3) placing on leave of absence any certificated staff because of a decrease in pupil enrollment, school district reorganization or the financial condition of the school district.

Section 3(g). Nothing in section 3(f) shall prevent a school district from demoting, removing, discharging, or terminating a contract with certificated staff for one or more of the following causes: (1) physical or mental condition unfitting him to instruct or associate with children; (2) immoral conduct; (3) incompetency, inefficiency or insubordination in line of duty; (4) willful or persistent violation of, or failure to obey, state laws or regulations; (5) excessive or unreasonable absence from performance of duties; or (6) conviction of a felony or a crime involving moral turpitude.

Section 3(h). In any suit to challenge a school district's decision regarding retention, promotion, demotion, dismissal, removal, discharge, modification or termination of contracts, or setting compensation of certificated staff, except for decisions made for any of the causes listed in Section 3(g) of this Article, the person bringing such suit must establish that the school district failed to properly utilize the standards based performance evaluation system as referenced in Section 3(f) of this Article.

Section 3(i). Certificated staff shall retain the right to organize and to bargain collectively as provided in article I, section 29 of this Constitution, except with respect to the design and implementation of the performance based evaluation system established in this article, and as otherwise referenced in this article.

FOR — 339,422; AGAINST — 1,100,628

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