

WHY TO VOTE NO ON HJR 43 -- May 10, 2023

The differences between the House and Senate version of the "IP Reform" bill have been hammered out in a Conference Committee substitute, and the House has already passed that version. If the Senate also votes to approve it, the measure will go to the ballot for the people to vote up or down.

Here are the "features" in the final version of HJR 43 that matter most and what's wrong with them:

- 1. The ratification change ONLY applies to amendments proposed by petition, not the legislature or constitutional convention.**
 - A. Failing to raise the bar on all three ways the Constitution can be amended is foolish. Voters will perceive it as an arrogant move to make it harder for the people to amend their Constitution than it is for the politicians to amend the Constitution. Well, it is arrogant! I think this, alone, dooms it to failure at the polls, and we get no reform.
 - B. HJR 43 fails to protect the Constitution from the legislature. Concerns about big money interests using the petition process to subvert the Constitution are well-founded, but even MORE big money affects the legislative process every day. Any truly objective observer has to admit that plenty of legislation escapes a real deliberative vetting. If it's a good idea to make sure there is a true consensus among Missourians before allowing a petition proposed amendment to change the fundamental law of the land, the same must be said of amendments that come from a less than perfect, money dominated, legislative process.
 - C. A change to the ratification standard has long term effects - perhaps hundreds of years. One must consider the eventuality of Constitutional Conventions -- Missouri has had five in her 202 year history. It is simply foolish to continue to allow the entire Constitution to be replaced with simple statewide majority vote brought about by the highly politicized convention process.
- 2. The new ratification threshold would be a simple 57% statewide affirmative vote. The threshold for amendments proposed by the legislature or constitutional convention will remain at a simple majority (50% + 1).**
 - A. If voters do adopt HJR 43, it is terrible policy. Although it is true that the extra 7% requirement for a petition proposed amendment will potentially involve more rural Missourians to ratify, it actually also gives the urban areas more power to defeat measures -- the urban areas need only muster a 43% "no" vote to kill a measure.
- 3. Although it would only take a simple majority for voters to adopt an amendment proposed by the legislature, it will take a 57% vote of legislators to place it on the ballot to begin with.**
 - A. Because of the special interest lobbies, is already incredibly difficult to pass bills to place truly conservative amendments on the ballot -- like stopping private use eminent domain. The 57% percent legislative vote requirement will make it even harder to put populist ideas to a vote of the people.
- 4. If there is a statute change made by an initiative petition, the legislature can only change it within the first three years by majority vote, or with a 57% vote or by putting the question back on the ballot.**
 - A. Tying the hands of the legislature to fix problems in statutory petitions is short-sighted. Like a constitutional amendment, a statute can easily rob the people of Missouri of their liberty, and the legislature should have the power to address it promptly.