



# MISSOURI'S 2018 BALLOT MEASURE: PROPOSITION D

A case study by the American Road and Transportation Builder's Transportation Investment Advocacy Center™.

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TIAC staff researches and prepares detailed case studies on recent successful, and unsuccessful, state and local legislative and ballot initiative campaigns aimed at increasing transportation infrastructure investment. Each study examines the politics, issues, media, and key players involved in the effort.

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**Report Contact Information:**

Quintin McClellan  
Research Specialist  
[qmclellan@artba.org](mailto:qmclellan@artba.org)  
202.683.1016



## **About the Transportation Investment Advocacy Center**

The Transportation Investment Advocacy Center™ (TIAC) is a first-of-its kind, dynamic education program and Internet-based information resource designed to help private citizens, legislators, organizations and businesses successfully grow transportation investment at the state and local levels through the legislative and ballot initiative processes.

The TIAC website, [www.transportationinvestment.org](http://www.transportationinvestment.org), helps transportation investment advocates to mount successful campaigns. It exists to put in one place—and promote the sharing of—strategies... sample political and communications tools... legislative and ballot initiative language... and information on where to obtain professional campaign advice, research and help. TIAC staff produces regular research reports and analyses, hosts an annual workshop in Washington, D.C., and holds ongoing webinars for transportation investment advocates featuring case studies, best practices, and the latest in political and media strategies.

State and local chamber of commerce executives, state legislators, state and local transportation officials, “Better Roads & Transportation” group members, industry and labor executives, and leaders of state and local chapters of national organizations who have an interest in transportation development programs are welcomed to participate.

The Center’s program of work is also guided by a Transportation Investment Advocates Council, a national network of business professionals and public officials who share a common interest in building support for transportation infrastructure investments in their state or local community— roads, bridges, public transit, pedestrian walkways and cycling paths, airports, waterways, ports and rail facilities.

TIAC is a project of the American Road and Transportation Builders Association’s “Transportation Makes America Work!”™ and supported through voluntary contributions and sponsorships. To become a sponsor or to make a contribution, contact TIAC Director [Carolyn Kramer](#). Also contact Ms. Kramer or [Mr. McClellan](#) if you have questions or comments about any reports or case studies published through TIAC or would like more information on the program and the Council.

Contributions to this report were made by: Leonard Toenjes (Associated General Contractors of Missouri).

## INTRODUCTION

### TITLE OF LEGISLATION

Missouri House Bill 1460/ Proposition D 2018

### RESULT

The legislature approved House Bill 1460 (HB 1460) on May 5, 2018 and placed it on the Nov. 6 General Election ballot as Proposition D where it was rejected by voters.

#### Missouri House Bill 1460 (2018) Approved by Legislature

	Date Passed	Yes Votes	No Votes
House <sup>1</sup>	5/18/2018	88	60
Senate <sup>2</sup>	5/17/2018	24	8

#### Proposition D (2018) Failed at Ballot<sup>3</sup>

Date Failed	Yes Votes	No Votes
11/6/2018	1,109,009 (46.4%)	1,281,143 (53.6%)

### PURPOSE OF LEGISLATION

This measure would have amended Missouri statutes to fund the Missouri State Highway Patrol's enforcement and administration of laws and traffic regulations. The funding would be provided by gradually increasing the state's 17-cents-per-gallon motor fuel tax rate to 27 cents by July 2022. The measure would also increase the tax on alternative motor vehicle fuels by 10 cents per unit equivalent to a gallon of gasoline or diesel beginning Jan. 2026. The amendment would allow state income tax deductions for the value of any Olympic related prizes or awards and create an Emergency State Freight Bottleneck Fund dedicated to financing road improvement projects.<sup>4</sup>

It is important to note that the Highway Patrol is funded with transportation revenue, which draws from the revenue the Missouri Department of Transportation (MoDOT) may use for transportation maintenance and construction. If passed, Proposition D would have generated \$288 million annually for the State Road Fund and \$123 million for local roads. This revenue would then be used to fund the Missouri Highway Patrol thus allowing the original 17 cents-per-gallon fuel tax to exclusively fund transportation related needs.<sup>5</sup>

#### Official ballot language:

"Shall Missouri law be amended to fund Missouri state law enforcement by increasing the motor fuel tax by two and one half cents per gallon annually for four years beginning July 1, 2019, exempt Special Olympic, Paralympic, and Olympic prizes from state taxes, and to establish the Emergency State Freight Bottleneck Fund?"

If passed, this measure will generate at least \$288 million annually to the State Road Fund to provide for the funding of Missouri state law enforcement and \$123 million annually to local governments for road construction and maintenance.”

## TABLE OF CONTENTS

<b>Introduction</b> .....	2
Title of Legislation .....	2
Result.....	2
Purpose of Legislation .....	2
<b>Table of Contents</b> .....	4
<b>Missouri’s Transportation Context</b> .....	5
<b>Missouri’s Constitutional Context</b> .....	6
<b>Efforts Prior to HB 1460</b> .....	6
Previous Attempts.....	6
21st Century Missouri Transportation System Task Force .....	7
<b>HB 1460 and Onward</b> .....	7
After Voter Rejection .....	8
<b>Missouri’s Transportation Funding Context</b> .....	8
User Fees and Other Revenue.....	8
Federal Revenue.....	9
General Revenue .....	10
<b>Funding Allocation</b> .....	10
<b>Legislative details</b> .....	12
<b>Analysis</b> .....	13
Groups in support of Proposition D .....	13
Support strategy.....	14
Arguments supporting Proposition D .....	15
Groups in opposition to Proposition D.....	16
Arguments opposing Prop D .....	16
<b>Why it failed</b> .....	16
Outreach challenges.....	17
Ballot language challenges.....	17
The Electorate .....	17

Conclusion ..... 18

**APPENDIX A: Legislative votes** ..... 19

Senate ..... 19

House ..... 19

**References** ..... 22

**MISSOURI’S TRANSPORTATION CONTEXT**

Missouri last raised its fuel tax 23 years ago. Missouri has both the seventh largest highway system (33,859 miles) and the seventh highest number of bridges (10,385). This excludes nearly 97,000 miles and 14,000 bridges that are part of the city and country road system. However, this infrastructure is funded with one of the lowest fuel taxes in the country: 17 cents per gallon. This sets Missouri’s revenue at \$50,882 per mile while the average is \$238,076, ranking Missouri 48<sup>th</sup> in the nation.<sup>6</sup>

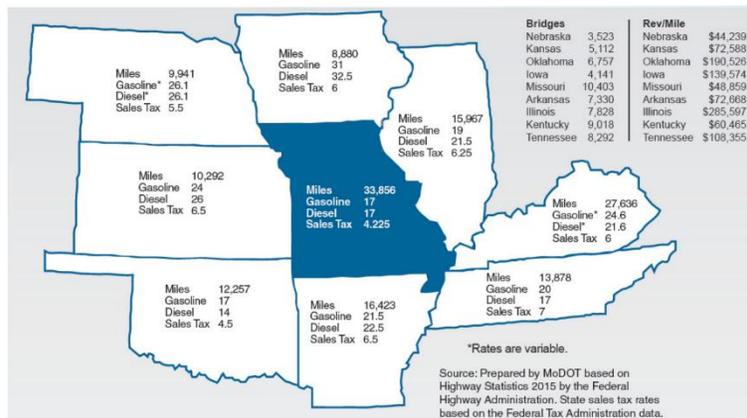


Figure 1: Missouri has a lower fuel tax rate and a larger state-maintained highway system than any neighboring state.<sup>7</sup>

The Roads Information Project (TRIP) released their Missouri Transportation by the Numbers report in Oct. 2018. The report examined the condition, utility, and safety of Missouri’s transportation infrastructure and concluded that 52 percent of major Missouri roads and highways are in poor or mediocre condition and 13 percent of Missouri’s bridges are structurally deficient and suffer from significant deterioration. Consequently, roads are increasingly congested, costing Missouri drivers an estimated \$2.4 billion annually in the form of wasted fuel and time. The report showed that from 2012 to 2016, traffic crashes killed 4,163 people and imposed a total of \$7.1 billion in economic costs in 2016. Roadway features were considered a likely contributing factor in \$2.4 billion of the \$7.1 billion economic costs.<sup>8</sup>

## MISSOURI'S CONSTITUTIONAL CONTEXT

To best understand the constitutional context of HB 1460 it is important to note the significance of the Hancock Amendment in Missouri's legislative process. In 1980 the Missouri Constitution was amended to add Article X, Sections 16 through 24; a tax limitation amendment referred to as the Hancock Amendment, which limits the amount of new annual revenue the Missouri legislature may raise without voter approval.<sup>9</sup>

The Hancock Amendment:

- Imposed restrictions on the amount of personal income that may be used to fund state government and limited how much taxes and fees may be increased. The relevant annual threshold amounts for both are determined by mathematical formulas.
- Restricts the state from reducing the proportion of funding allocated to local activities and prohibits the state from requiring local governments to fund new activities or services.
- Requires that the General Assembly receive voter approval on any effort to increase taxes and fees beyond the annual limit or levy taxes and fees not authorized when the amendment was adopted. An approval vote for such a raise would exclude that amount from the annual limit.

## EFFORTS PRIOR TO HB 1460

### PREVIOUS ATTEMPTS

Since 2014, the Missouri Legislature attempted to pass various forms of transportation revenue, largely without success. In summary:

- Twelve bills proposed to increase the state's motor fuel, special fuel, or alternative fuel taxes. All failed.
- Three bills proposed to generate transportation funding through a form of road usage charge or sales tax. All failed.
- Two significant bills were approved. One expedited local transportation construction projects and the other established the 21<sup>st</sup> Century Missouri Transportation System Task Force.<sup>10</sup>
- The most significant bill that failed was Constitutional Amendment 7. On August 5, 2014 voters turned down this measure to increase the state's sales tax by 0.75 cents, raising \$480 million and \$54 million annually for state and local transportation needs, respectively. MoDOT officials projected that without this funding, their budget would drop from \$700 million to \$325 million by 2017, well below what is needed to maintain and improve the state's roads and bridges. This measure's defeat is mostly attributed to Gov. Jay Nixon's vocal opposition to the measure and the short timeframe to mobilize support.<sup>11</sup>

## 21ST CENTURY MISSOURI TRANSPORTATION SYSTEM TASK FORCE

In 2017 the General Assembly adopted HCR 47, which established the 21st Century Missouri Transportation System Task Force: a 23-member bipartisan panel comprised of the governor (or his designee), five state senators, five state representatives, the director of economic development, the director of transportation, the superintendent of the highway patrol, and nine Missouri private-sector representatives. This Task Force was assigned to evaluate, and provide recommendations on, the Missouri transportation system and its funding.

As part of its evaluation the Task Force held 10 public meetings over six months, enabling Missouri residents, elected officials, and civic and business leaders to voice their transportation-related needs and concerns. Acting to this input, the Task Force proposed a three-pronged approach to improving and funding Missouri's transportation system, which offered short- and long-term building, managing, and funding strategies.

The Task Force's recommendation proposed:

- An **immediate-impact investment** which would increase the state excise tax on gasoline by 10 cents and on diesel by 12 cents per gallon to correct the inflation-driven value loss of the last two decades. This additional investment by highway users would raise approximately \$430 million annually to improve our roads and bridges. This would generate a total of approximately \$4.3 billion over 10 years. This was accompanied by a recommendation to implement an annual \$50-\$70 million dedicated revenue stream dedicated to Missouri's multimodal transportation needs that would involve no additional taxation of Missouri citizens.<sup>12</sup>
- The General Assembly should develop and implement a more sustainable and diversified transportation funding model.
- The General Assembly should explore innovative partnerships and efficient project delivery solutions to be more effective. In addition, the Task Force recommended improving highway safety through legislation and exploring opportunities to leverage innovation in transportation that would increase the state's economic competitive advantage.

## HB 1460 AND ONWARD

HB 1460 was prefiled in the House on Dec. 4, 2017. Missouri legislators eventually approved the measure on May 18, 2018 and placed Proposition D on the Nov. 6, 2018 General Election ballot. Multiple lawsuits to stop the Nov. 6 ballot were rejected by two state courts.

Voters rejected Proposition D at the ballot, which left Missouri still facing a transportation fund shortfall of over \$800 million annually. In response, several lawmakers announced that transportation funding will be a top priority in the 2019 legislative session.<sup>13</sup>

## AFTER VOTER REJECTION

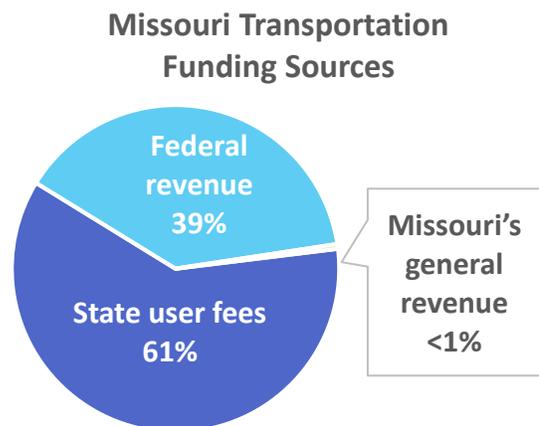
Since the rejection, officials have considered means of generating revenue that would circumnavigate voter approval such as public-private partnerships, tolls, and smaller gas tax increases. State efforts to transfer road maintenance responsibility to the counties have been rejected by county officials, due to a lack of revenue. The 2017 Task Force also concluded that counties lacked the expertise and resources road maintenance requires.

Missouri Gov. Mike Parson (R) has proposed a \$351 million bond to repair or replace 250 bridges across the state that would be funded through budget savings. The plan assumes healthy revenue growth to pay for the increase in government spending, however, Parson has also announced multiple spending reductions to free up revenue.<sup>14</sup>

## MISSOURI'S TRANSPORTATION FUNDING CONTEXT

In fiscal year 2018, Missouri's transportation revenue totaled almost \$2.6 billion. The total transportation funding was generated by three main sources:

- State user fees and other revenue generated \$1,582 million (60.7 percent).
- Federal revenue generated \$1,011 million (38.8 percent).
- Missouri's general revenue generated \$12 million (less than 1 percent).<sup>15</sup>

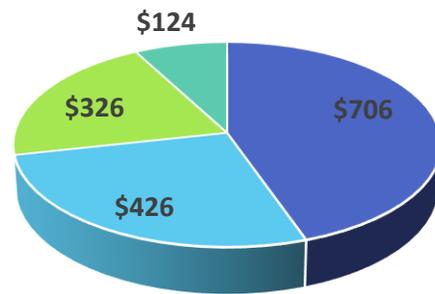


## USER FEES AND OTHER REVENUE

The primary source of transportation funding was state user fees such which is composed of:

- **Fuel tax:** The fixed state fuel tax of 17 cents per gallon for gasoline and diesel generated the most revenue totaling \$706 million.
- **Motor vehicle sales tax:** 3.5 percent of the state’s 4.225 percent motor vehicle sales tax is used to fund state and local transportation. This totaled \$426 million.
- **Vehicle registration and driver’s licensing fees:** These fees vary based on vehicle type. They collectively generated \$326 million.
- **Other revenue sources:** This includes taxes on aviation fuel, railroad fees, highway cost reimbursement from various governments, and interest earned. These sources generated \$124 million in total.<sup>16</sup>

Missouri User Fees and other Revenue (in millions)



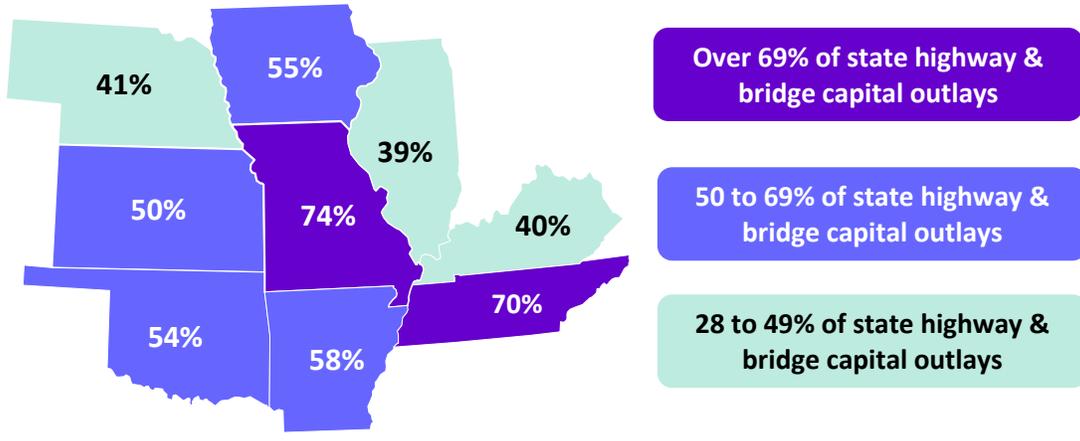
- State fuel taxes
- Motor vehicle sales taxes
- Vehicle registration and license fees

## FEDERAL REVENUE

Federal funding is generated by the federal fuel tax (18.4 cents per gallon for gasoline and 24.4 cents per gallon for diesel) and from numerous taxes on tires, truck and trailer sales, vehicle use tax, and general revenue. This revenue is then distributed to the states based on formulas prescribed by transportation funding acts. Federal revenue is largely dedicated to fund eligible highway improvement costs. This funding is currently fixed by the Fixing America’s Surface Transportation Act and typically covers 80 percent of eligible costs.

Missouri received a federal reimbursement of \$819 million for state and highway improvements and \$116 million for cities and counties. Federal funding also contributed \$60 million for multimodal grants \$16 million of which was allocated for highway safety grants, the rest went to transit, aviation and rail funding.<sup>17</sup>

**Federal funds, on average, provide 51% of annual State DOT capital outlays for highway & bridge projects**

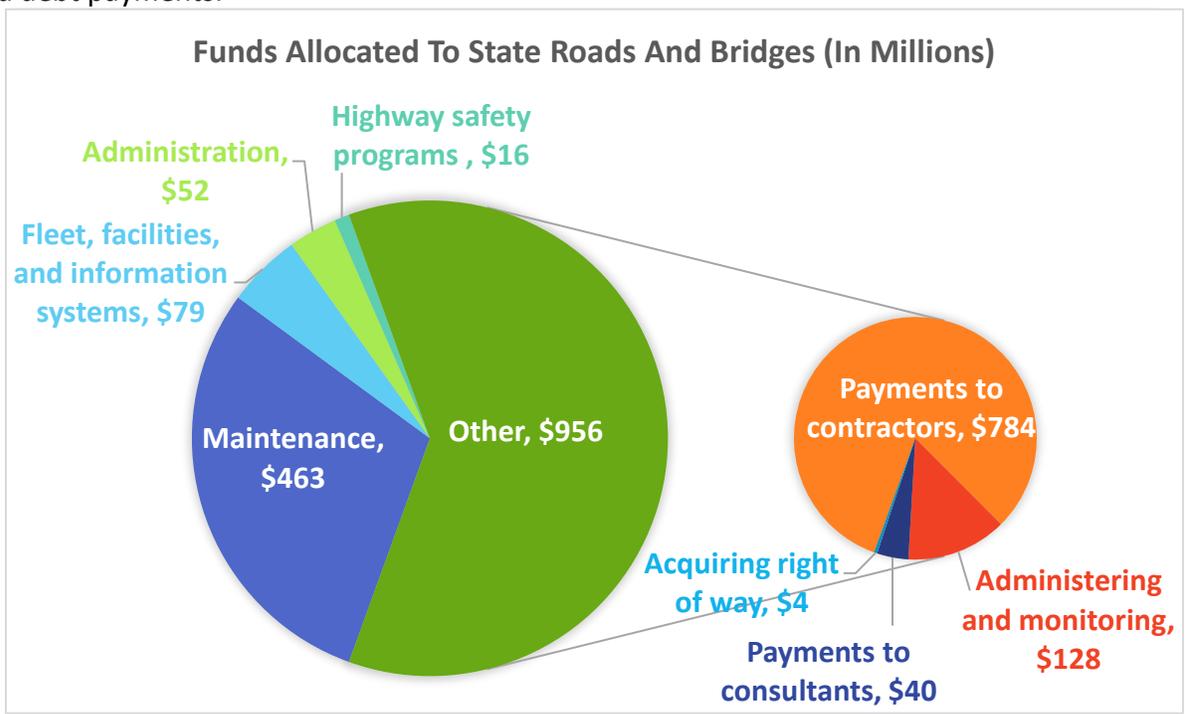


**GENERAL REVENUE**

Missouri’s General Revenue Fund, generated by state income tax and general sales tax, allocated \$12 million for transportation purposes, specifically multimodal funding as directed by the Missouri General Assembly.<sup>18</sup>

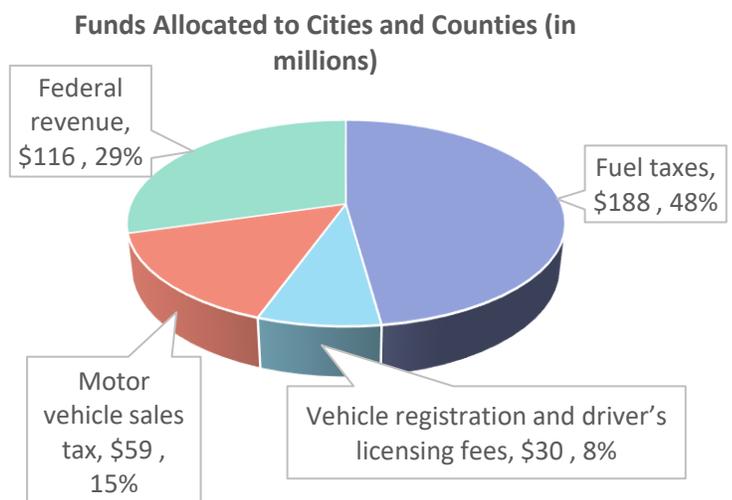
**FUNDING ALLOCATION**

In fiscal year 2018 MoDOT received \$1.6 billion of the total \$2.605 billion transportation revenue and about \$1 billion of the remaining revenue is allocated to cities and counties, state agencies, and debt payments.



- **State roads and bridges** received 60 percent of available transportation revenue amounting to \$1,571 million (\$835 million from federal revenue and \$736 million from state user fees). MoDOT uses these funds to design, construct, operate, and maintain state highway and bridge networks. More specifically these funds are allocated into five categories:
  - **Construction programs** receive the most investment: \$956 million. This included payments to contractors to maintain and improve the system (\$784 million), MoDOT administering and monitoring costs such as salaries and benefits (\$128 million), payments to engineering design consultants (\$40 million), and acquiring right of way (\$4 million).
  - **Maintenance** expenditures of \$463 million funded MoDOT services such as snow plowing, mowing, utilities, tools, and maintenance materials, and maintaining pavements not edible for federal reimbursement.
  - **Fleet, facilities, and information system** expenditures totaled \$79 million. This funded MoDOT’s truck fleets, buildings, and IT requirements.
  - **Administration** funding for salaries, benefits, services (such as legal services, accounting, and human resources), etc. totaled \$52 million.
  - **Highway safety programs** aimed at reducing injury and fatality, including salaries and benefits, received \$16 million.<sup>19</sup>

- **Missouri cities and counties** received \$393 million (\$277 million in state funds and \$116 million in federal funds) which were distributed according to the state constitution. The \$277 million in state funds was comprised of:



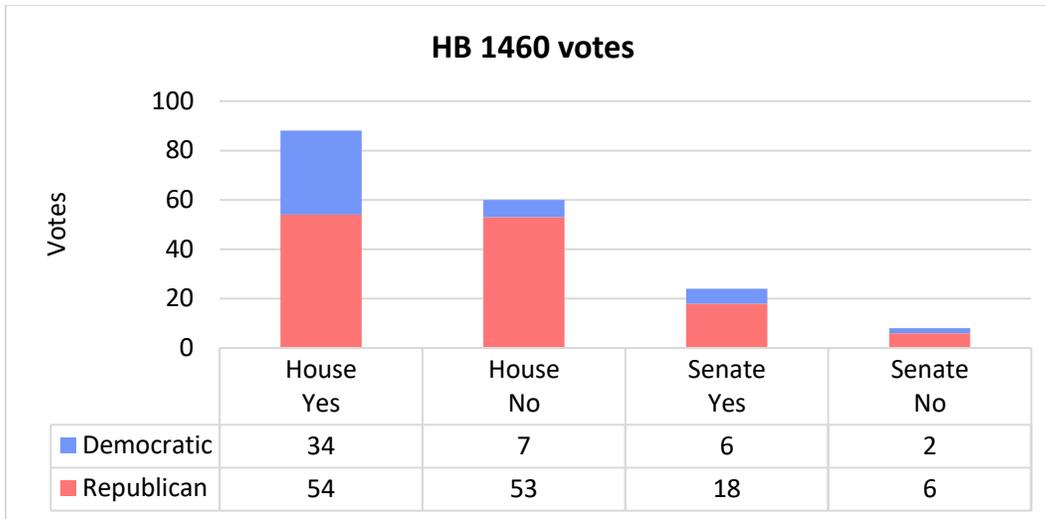
- \$188 million generated from about 27 percent of the 17-cent-per-gallon state fuel tax.
- \$30 million generated from about 9 percent of the vehicle registration and driver’s licensing fees.
- \$59 million generated from about 14 percent of the motor vehicle sales tax.<sup>20</sup>
- **Missouri state agencies** received \$261 million in transportation revenue.

- The Missouri General Assembly designated \$237 million to the Missouri State Highway Patrol, \$20 million to the Missouri Department of Revenue, and \$4 million was spent on bicentennial license plate reissuance.<sup>21</sup>
- **MoDOT's debt payment** totaled \$290 million in fiscal year 2018. MoDOT sold bonds that provided additional resources for highway improvements. The average interest rate on all outstanding debt combined is 2.86 percent.<sup>22</sup>
  - Its estimated that MoDOT's senior bonds will be paid off by 2023, Amendment 3 bonds will be paid off by 2029, and Grant Anticipation Revenue Vehicle bonds will be paid off by 2033.<sup>23</sup>
- **Multimodal** transportation received \$90 million (\$60 million in federal revenue, \$18 million from state fees, and \$12 million from general revenue). Unlike highways, MoDOT does not own multimodal facilities and only administers multimodal improvements.
  - MoDOT administered \$37 million of aviation funds and federal funding to improve airfield pavement conditions and lighting systems, eliminate obstructions, and fund expansion projects.
  - MoDOT administered \$35 million of transit funds, most of which were from federal programs that supported transit agency operating costs and bus purchases.
  - MoDOT administered \$13 million of rail funds used to support the Amtrak passenger rail service between St. Louis and Kansas City, and safety improvements at railroad crossings. The Amtrak funding is from Missouri's general revenue, and safety improvements at railroad crossings are from state and federal sources.
  - Waterways funding totaled \$2 million. This provided operating and capital assistance to Missouri's river ports and ferry boat operators. MoDOT also administers a \$1 million freight enhancement program that aids in non-highway capital projects to improve the efficient flow of freight in Missouri.
  - MoDOT administered \$1 million of Statewide Transportation Assistance Revolving funds, which provided loans to local entities for non-highway projects such as rail, waterways and air travel infrastructure.
  - Administering the various multimodal programs totaled \$3 million. Since only \$90 million was available, MoDOT used \$2 million of cash balances dedicated by law to multimodal activities to provide these projects and services.<sup>24</sup>

## LEGISLATIVE DETAILS

When the bill was approved, Missouri Governor Mike Parson (R) held office and Republicans held a majority in the state legislature. Of the 194 legislators, 57.7 percent voted to pass the bill, while 35 percent voted against it (14 legislators did not vote).

- In the State House 88 representatives voted in favor of HB 1460 while 60 opposed it. Thirteen representatives did not vote.<sup>25</sup>
- In the State Senate 24 senators voted in favor of HB 1460 while 8 opposed it. One senator did not vote.<sup>26</sup>



## ANALYSIS

### GROUPS IN SUPPORT OF PROPOSITION D

By the time Proposition D was placed on the 2018 ballot it had received broad bipartisan support from the state’s legislative and executive branch and had attracted a great deal of public attention. Established on June 15, 2018, the SaferMO.com political action committee registered in support of the Proposition D and launched a financial and grassroots campaign to see the measure pass. The only committee in support or opposition to Proposition D, SaferMO.com built and coordinated a uniquely diverse coalition of state agencies, advocacy associations, corporations from various industries, regional municipal representatives, and other organization. The campaign had only four months to mobilize and educate voters on a complicated topic, an extremely short period that left little time to utilize certain campaign strategies. Despite this late start, SaferMO.com raised \$5.35 million, won endorsements from major state newspapers, and mobilized strong efforts putting Proposition D in a favorable position.<sup>27</sup>

Not all coalition members were donors to the SaferMO.com campaign, but all members made efforts to advocate for Proposition D.

#### Coalition Members<sup>28</sup>

<b>Advocacy associations:</b>	Missouri Automobile Dealers Association, Associated General Contractors of Missouri, Missouri Farm Bureau, Missouri Realtors, Missouri Limestone Producers Association, St. Louis NAACP, Missouri State Troopers Association
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<b>Government bodies:</b>	Missouri Chamber of Commerce and Industry, local chambers of commerce
<b>Other organizations:</b>	Laborers, Teamsters, Carpenters, and Firefighters unions, state educational groups and local school boards
<b>Individuals:</b>	Gov. Mike Parson, Lt. Gov. Mike Kehoe, multiple mayors, county executives, and state and federal congressmen. Rep. Jean Evans (R-99), Rep. Kevin Corlew (R-14), Rep. Greg Razer (D-25), US Senator Roy Blunt (R), US Senator Clair McCaskill (D)

**SUPPORT STRATEGY**

The SaferMO.com campaign utilized earned media, social media, radio, yard signs, a speaker’s bureau, and networking within multiple organizations and industries so build support for Proposition D. Gov. Parson also toured 11 cities across the state to build support for the measure. Television advertisement became prohibitively expensive as US Senate advertisements saturated the market. Regardless of the medium used, a shortened campaign made it difficult to explain the complex measure. The campaign held sessions to clarify the implications and details of the measure, but a very small percentage of the populace would attend these events.

**Significant Campaign Contributions <sup>29</sup>**

<b>Donor</b>	<b>Cash</b>	<b>In-kind</b>	<b>Total</b>
Eastern Missouri Laborers' District Council	\$1,000,000.00	\$0.00	\$1,000,000.00
Heavy Constructors Association	\$625,000.00	\$0.00	\$625,000.00
Missouri Realtors	\$250,000.00	\$0.00	\$250,000.00
Site Advancement Foundation (SAF)	\$200,000.00	\$0.00	\$200,000.00
Emery Sapp & Sons Inc.	\$150,000.00	\$25,728.00	\$175,728.00
International Union of Operating Engineers Local 513	\$150,000.00	\$0.00	\$150,000.00
Civic Progress	\$125,000.00	\$0.00	\$125,000.00
Missouri Construction Industry	\$125,000.00	\$0.00	\$125,000.00
Construction Training Advancement Foundation	\$100,000.00	\$0.00	\$100,000.00
Missouri Contractor Industry Advancement Fund	\$100,000.00	\$0.00	\$100,000.00
Centene Management Company LLC	\$100,000.00	\$0.00	\$100,000.00

Associated General Contractors of Missouri PAC	\$25,000.00	\$0.00	\$25,000.00
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The SaferMO.com campaign spent \$5.34 million out of the \$5.35 million it raised from member donations.

#### ARGUMENTS SUPPORTING PROPOSITION D

The primary argument for raising the gas tax was that Missouri’s deteriorating transportation infrastructure needed additional funding and the current funding system of simply did not meet these needs and would be incapable of meeting them in the future.

To showcase the necessity of additional infrastructure investment, supporters mainly cited the following points:

- Nearly 900 Missouri bridges are rated in “poor” condition. The tax increase could fund 331 bridge replacements and keep 3,700 highway lane miles in the St. Louis district in good condition.
- Missouri’s geography makes the state a crossroads for motorists and freight. Therefore, in and out of state economic and population growth take a disproportionate tole on Missouri’s transportation infrastructure, which was not built to support the volume and demand placed on it.
- Missouri ranks 46th in revenue spent per mile, yet it has the seventh largest highway system (nearly 34,000 miles) and the seventh highest number of bridges (10,385).
- Missouri state roads are ranked as the 15<sup>th</sup> most dangerous in the nation according to the Federal Highway Administration, additional investment would fund safety improvements to save lives and motorist’s money.<sup>30</sup>

To support their argument that the current transportation funding system was inadequate and could not effectively meet Missouri’s needs, supporters mainly cited the following points:

- The current gas tax has lost its previous purchasing power over 22 years. When adjusted for inflation, the 17-cents-per-gallon motor fuel tax enacted in 1996 was worth seven cents in 2018.
- Road construction materials such as concrete, steel, and asphalt have doubled and tripled in cost since 1996.
- New revenue generated by a gas tax increase could be designated for road enforcement functions of the highway patrol, in turn preventing transportation revenue from being diverted to other areas.<sup>31</sup>

Lastly, supporters argued that there were numerous indirect or secondary benefits to increasing the gas tax, the most common of which were:

- An investment increase (\$124 million annually) from the state would accelerate locally driven state projects. Such an economic infusion would spur job growth and revitalize infrastructure in local communities.

- The state could avoid more expensive repairs and replacements in the future by maintaining the transportation system before it degrades further.<sup>32</sup>

## GROUPS IN OPPOSITION TO PROPOSITION D

In stark contrast to the supporting campaign, there were no committees registered to oppose Proposition D. Furthermore, there were no broad strategic voter outreach efforts to defeat the measure at the polls. The supporting coalition was larger and more vocal than any public effort made by those opposed to Proposition D. Officials from departments also competing for state funding such as education or transit, which may have normally opposed the measure posed no obstacle. The fact that one third of generated revenue would go to cities and counties also dampened possible opposition.

Legislators from both chambers of the Missouri legislature opposed the ballot and criticized its various elements, but this did not noticeably escalate into a larger movement. The most significant opposition to Proposition D would be an unpredicted surge in very conservative voters on Nov. 6, 2018.

## ARGUMENTS OPPOSING PROP D

Opponents of Proposition D often saw the need for more transportation investment but disagreed on how the revenue should be generated. Some took issue with implementing any kind of tax. The main arguments in opposition were:

- The system of gas tax revenue distribution is flawed. Urban areas “contribute significantly more in tax receipts than they receive in allocations from their state’s highway fund or through direct local transfers.” Which leads to urban counties being underfunded.
- The current system of generating and spending revenue is designed to fund the farm-to-market system, which is not practical because Missouri’s economy is no longer focused on agriculture but is instead supported by cities such as St. Louis and Kansas City.
- Instead of focusing on a gas tax the state should try to incentivize the use of mass transit to take drivers off the roads. This require amending Missouri’s constitution to legalize subsidizing mass transit.
- The Highway Patrol receives its money based on its performance, but this legislation doesn’t allow for control over Highway Patrol funding.
- MoDOT poorly prioritizes projects and allocates funding.<sup>33</sup>
- The ballot language is unclear and suggests a possible disingenuous or ‘bait and switch’ approach to funding transportation.

## WHY IT FAILED

Despite favorable polling predictions and the asymmetric support for Proposition D leading up to the vote, the measure was declined with the results being: 1,109,009 (46.4%) votes “yes” and 1,281,143 (53.6%) votes “no.” The rejection by voters is attributed to several factors including an extremely short timeframe to mobilize support, competition for voter attention, confusing ballot

language, and most importantly, a record turnout from the most conservative base of Republican voters, which are traditionally anti-tax.

## OUTREACH CHALLENGES

With only four months to mobilize and educate voters on a complicated topic, the SaferMO.com campaign faced immediate outreach challenges. Efforts to educate voters on Proposition D and its multifaceted implications had to compete for attention in an overloaded advertising environment. National groups associated with the US Senate race poured over \$100 million into Missouri creating a flood of political media that raised advertising costs and pushed the electorate toward fatigue and polarization.<sup>34</sup>

Similarly, the labor community, which could have proved a valuable resource, had recently finished a campaign to overturn a Right to Work bill in Aug. 2018. They lent support to the measure, however much of their revenue, political capital, and membership energy had been expended fighting a bill recently passed by the same legislature that passed HB 1460.

## BALLOT LANGUAGE CHALLENGES

During the last week of the legislative session, the legislature had to attach the gas tax language to a proposition that prohibited taxing Olympic medals, established a fund to reduce highway bottlenecks, and increased funding to state law enforcement. The legislature took this recourse due to time constraints, however merging these ideas under one proposition created an obstacle for some voters.

A persistent challenge for the campaign, the ballot language made it appear that the new tax money would fund the Highway Patrol having no impact on transportation. During its voter outreach the campaign explained that the new money would only be replacing funds already drawn from MoDOT, however this was not as clear on the ballot. This, combined with the presence of multiple unrelated items in the legislation, is blamed as a major hurdle for Proposition D, however external and internal polling indicated that it was not insurmountable and still projected the measure would pass.

Some voters were also suspicious the measures due to the deceptive nature of previous legislation. The complexity of Proposition D likely seemed delusive or disingenuous to many voters.

## THE ELECTORATE

The crux of Proposition D's failure was blamed on an intense surge in very conservative voter turnout which was unpredicted by previous polling. Initial polling and President Donald Trump's polarizing effects suggested that the Missouri electorate would swing Democratic. However, Republican intensity sharply increased in an effort to oust U.S. Sen. Claire McCaskill (D - MO), and very conservative voter intensity grew the highest of any group polled. The supporting campaign made every effort to appeal to conservatives in the final weeks and polling indicated Proposition

D was tracking to pass. A last-minute surge of very conservative, traditionally anti-tax, voters ran counter to the campaign's predictions and carried the vote against Proposition D.

This turnout is largely attributed to an influx of Republican campaigning from Vice President Mike Pence, the Republican National Committee, groups related to the US Senate, and Trump's advocacy for US Sen. Josh Hawley (R). While Hawley did not oppose Proposition D, his growing success inversely correlated with the measure's popularity.<sup>35</sup>

An increase in voter turnout in Kansas City, St. Louis, and St. Louis City for Sen. McCaskill also proved to be problematic. Progressive voters who helped McCaskill viewed Proposition D as regressive due to a lack of mass transit and alternative transportation funding in the proposal. These voters also opposed the law enforcement language that accompanied the gas tax. Along the same lines, union voters under-performed; likely fatigued from the August Right to Work election.<sup>36</sup>

## CONCLUSION

The unanticipated red wave of very conservative anti-tax voters dropped the final "yes" vote margin to 46.38 percent more than 5.6 percent less than polls suggested just two weeks away from the election.<sup>37</sup> Efforts to pass HB 1460 and Proposition D were rushed and untimely. It was born into a far from optimal political environment and fell victim to symptoms of its own urgency. As a result, the transportation funding crisis in Missouri will only worsen as infrastructure continues to deteriorate and there will likely be no political appetite to attempt a similar approach for several years.

When transportation legislation is addressed again the Missouri legislature would benefit from avoiding the previous mistakes. Future legislation should simplify its language and separate any fee or tax increases from extraneous items that might confuse voters or provoke skepticism. Future campaigns would benefit from having more time to fully develop strategies to mobilize and educate voters. Utilizing digital and mail communications with continuous analyses of voter attitude would attune campaigns to quickly respond to political shifts among the electorate. The legislature should account for these factors, take the necessary precautions, and avoid rushing a bill through its chambers to release it under unfavorable circumstances.

## APPENDIX A: LEGISLATIVE VOTES

### SENATE

#### “Yes” Votes

Sen. Dan Brown (R- District 16)  
Sen. Sandy Crawford (R- District 28)  
Sen. Mike Cunningham (R- District 33)  
Sen. Bob Dixon (R- District 30)  
Sen. Dan Hegeman (R- District 12)  
Sen. Jason Holsman (D- District 7)  
Sen. Denny Hoskins (R- District 21)  
Sen. Jacob Hummel (D- District 4)  
Sen. Mike Kehoe (R- District 6)  
Sen. S. Kiki Curls (D- District 9)  
Sen. Doug Libla (R- District 25)  
Sen. Brian Munzlinger (R- District 18)  
Sen. Ron Richard (R- District 32)  
Sen. Jeanie Riddle (R- District 10)  
Sen. John Rizzo (D- District 11)  
Sen. Gary Romine (R- District 3)  
Sen. Caleb Rowden (R- District 19)  
Sen. David Sater (R- District 29)  
Sen. Dave Schatz (R- District 26)  
Sen. Jill Schupp (D- District 24)  
Sen. Wayne Wallingford (R- District 27)  
Sen. Gina Walsh (D- District 13)  
Sen. Jay Wasson (R- District 20)  
Sen. Paul Wieland (R- District 22)

#### “No” Votes

Sen. Mike Cierpiot (R- District 8)  
Sen. Bill Eigel (R- District 23)  
Sen. Ed Emery (R- District 31)  
Sen. Andrew Koenig (R- District 15)  
Sen. Jamilah Nasheed (D- District 5)  
Sen. Bob Onder (R- District 2)  
Sen. Rob Schaaf (R- District 34)  
Sen. Scott Sifton (D- District 1)

#### Didn't Vote

Maria Chappelle-Nadal (D- District 14)

### HOUSE

#### “Yes” Votes

Rep. Herman Morse (R- District 151)  
Rep. Allen Andrews (R- District 1)  
Rep. Pat Conway (D- District 10)  
Rep. Kathie Conway (R- District 104)  
Rep. Chrissy Sommer (R- District 106)  
Rep. Galen Higdon (R- District 11)  
Rep. Becky Ruth (R- District 114)  
Rep. Elaine Gannon (R- District 115)  
Rep. Kevin Engler (R- District 116)  
Rep. Mike Henderson (R- District 117)  
Rep. Ben Harris (D- District 118)  
Rep. Nate Tate (R- District 119)  
Rep. Warren Love (R- District 125)  
Rep. Mike Kelley (R- District 127)  
Rep. Mike Stephens (R- District 128)  
Rep. Crystal Quade (D- District 132)  
Rep. Kevin Austin (R- District 136)  
Rep. Lyndall Fraker (R- District 137)  
Rep. Don Phillips (R- District 138)  
Rep. Kevin Corlew (R- District 14)  
Rep. Chris Dinkins (R- District 144)  
Rep. Travis Fitzwater (R- District 49)  
Rep. Rick Francis (R- District 145)  
Rep. Donna Lichtenegger (R- District 146)  
Rep. Kathryn Swan (R- District 147)  
Rep. Don Rone (R- District 149)  
Rep. Jon Carpenter (D- District 15)  
Rep. Steve Cookson (R- District 153)  
Rep. Shawn Rhoads (R- District 154)  
Rep. Lyle Rowland (R- District 155)  
Rep. Jeffery Justus (R- District 156)  
Rep. Bill Lant (R- District 159)  
Rep. Noel J Shull (R- District 16)  
Rep. Bill Reiboldt (R- District 160)  
Rep. Bill White (R- District 161)  
Rep. Mark Ellebracht (D- District 17)  
Rep. Lauren Arthur (D- District 18)

Rep. Ingrid Burnett (D- District 19)  
Rep. Ira Anders (D- District 21)  
Rep. Judy Morgan (D- District 24)  
Rep. Greg Razer (D- District 25)  
Rep. Gail McCann Beatty (D- District 26)  
Rep. Jerome Barnes (D- District 28)  
Rep. Rory Rowland (D- District 29)  
Rep. Nate Walker (R- District 3)  
Rep. Jeanie Lauer (R- District 32)  
Rep. Donna Pfautsch (R- District 33)  
Rep. DaRon McGee (D- District 36)  
Rep. Joe Runions (D- District 37)  
Rep. T.J. Berry (R- District 38)  
Rep. Craig Redmon (R- District 4)  
Rep. Jim Hansen (R- District 40)  
Rep. Bart Korman (R- District 42)  
Rep. Jay Houghton (R- District 43)  
Rep. Kip Kendrick (D- District 45)  
Rep. Martha Stevens (D- District 46)  
Rep. Chuck Basye (R- District 47)  
Rep. Dave Muntzel (R- District 48)  
Rep. Sara Walsh (R- District 50)  
Rep. Dean Dohrman (R- District 51)  
Rep. Glen Kolkmeier (R- District 53)  
Rep. Jack Bondon (R- District 56)  
Rep. David Wood (R- District 58)  
Rep. Justin Alferman (R- District 61)  
Rep. Alan Green (D- District 67)  
Rep. Jay Mosley (D- District 68)  
Rep. Gretchen Bangert (D- District 69)  
Rep. Rusty Black (R- District 7)  
Rep. Sue Meredith (D- District 71)  
Rep. Cora Faith Walker (D- District 74)  
Rep. Steven Roberts (D- District 77)  
Rep. Peter Merideth (D- District 80)  
Rep. Fred Wessels (D- District 81)  
Rep. Donna Baringer (D- District 82)  
Rep. Gina Mitten (D- District 83)  
Rep. Joe Adams (D- District 86)  
Rep. Stacey Newman (D- District 87)  
Rep. Deb Lavender (D- District 90)  
Rep. Sarah Unsicker (D- District 91)  
Rep. Doug Beck (D- District 92)  
Rep. Bob Burns (D- District 93)

Rep. Marsha Haefner (R- District 95)  
Rep. Shamed Dogan (R- District 98)  
Rep. Jean Evans (R- District 99)  
Rep. Tom Hannegan (R- District 65)  
Rep. Jeff Knight (R- District 129)  
Rep. Elijah Haahr (R- District 134)  
Rep. Mike Revis (D- District 97)

#### **“No” Votes**

Rep. Derek Grier (R- District 100)  
Rep. Bruce DeGroot (R- District 101)  
Rep. Kurt Bahr (R- District 102)  
Rep. John Wiemann (R- District 103)  
Rep. Phil Christofanelli (R- District 105)  
Rep. Nick Schroer (R- District 107)  
Rep. Justin Hill (R- District 108)  
Rep. Kirk Mathews (R- District 110)  
Rep. Rep. Rob Vesco (R- District 112)  
Rep. Dan Shaul (R- District 113)  
Rep. Kenneth Wilson (R- District 12)  
Rep. Jason Chipman (R- District 120)  
Rep. Keith Frederick (R- District 121)  
Rep. Steve Lynch (R- District 122)  
Rep. Diane Franklin (R- District 123)  
Rep. Rocky Miller (R- District 124)  
Rep. Patricia Pike (R- District 126)  
Rep. Nick Marshall (R- District 13)  
Rep. Sonya Anderson (R- District 131)  
Rep. Curtis Trent (R- District 133)  
Rep. Elijah Haahr (R- District 134)  
Rep. Steve Helms (R- District 135)  
Rep. Jered Taylor (R- District 139)  
Rep. Lynn Morris (R- District 140)  
Rep. Hannah Kelly (R- District 141)  
Rep. Robert Ross (R- District 142)  
Rep. Holly Rehder (R- District 148)  
Rep. Andrew McDaniel (R- District 150)  
Rep. Mike Moon (R- District 157)  
Rep. Scott Fitzpatrick (R- District 158)  
Rep. Charlie Davis (R- District 162)  
Rep. Cody Smith (R- District 163)  
Rep. J. Eggleston (R- District 2)  
Rep. Bill Kidd (R- District 20)  
Rep. Brandon Ellington (D- District 22)

Rep. Barbara Washington (D-District 23)  
Rep. Dan Stacy (R- District 31)  
Rep. Rebecca Roeber (R- District 34)  
Rep. Joe Don McGaugh (R- District 39)  
Rep. Randy Pietzman (R- District 41)  
Rep. Cheri Toalson Reisch (R- District 44)  
Rep. Nathan Beard (R- District 52)  
Rep. Dan Houx (R- District 54)  
Rep. Rick Brattin (R- District 55)  
Rep. Wanda Brown (R- District 57)  
Rep. Mike Bernskoetter (R- District 59)  
Rep. Tim Remole (R- District 6)  
Rep. Tom Hurst (R- District 62)  
Rep. Bryan Spencer (R- District 63)  
Rep. Robert Cornejo (R- District 64)  
Rep. Tommie Pierson Jr. (D- District 66)  
Rep. Mark Matthiesen (R- District 70)  
Rep. Bruce Franks Jr. (D- District 78)  
Rep. Michael Butler (D- District 79)  
Rep. Jim Neely (R- District 8)

Rep. Karla May (D- District 84)  
Rep. Tracy McCreery (D- District 88)  
Rep. Dean Plocher (R- District 89)  
Rep. Delus Johnson (R- District 9)  
Rep. David Gregory (R- District 96)

**Didn't Vote**

Rep. Paul Curtman (R- District 109)  
Rep. Shane Roden (R- District 111)  
Rep. Jeffrey Messenger (R- District 130)  
Rep. Jeff Pogue (R- District 143)  
Rep. Richard Brown (D- District 27)  
Rep. Gary L. Cross (R- District 35)  
Rep. Lindell Shumake (R- District 5)  
Rep. Jay Barnes (R- District 60)  
Rep. Mary Nichols (D- District 72)  
Rep. Courtney Allen Curtis (D- District 73)  
Rep. Alan Gray (D- District 75)  
Rep. Joshua Peters (D- District 76)  
Rep. Clem Smith (D- District 85)

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