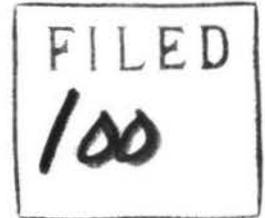


OPINION NO. 100
No. 430 (1967)
Answered by Letter (Brannock)

January 29, 1968



Honorable J. Anthony Dill
State Representative
District 44
8011 Grandvista Avenue
Affton, Missouri 63125

Dear Representative Dill:

This office is in receipt of your letter dated November 1, 1967, in which you request an opinion as follows:

"A group of citizens in St. Louis County have contacted me regarding the possibility of placing a proposed constitutional amendment on the ballot in the 1968 November election.

Enclosed please find a draft of the proposition which they plan to circulate. Regarding this proposal, your opinion is respectfully requested on these questions:

1. Is the proposed new section 6 of Article X of the Constitution effective to cause repeal of personal property taxation on household goods if adopted?
2. Is the proposed petition legally sufficient in form to place the question on the ballot if the necessary signatures are secured?
3. Regarding the jurat required by R.S.Mo. 126.040, is it necessary to spell out the name of each signer of the petition in the verification?
4. R.S.Mo. 126.030 specifies that eight percent (8%) of 'legal voters' must sign in 2/3 of the 'congressional districts'. What is the

Honorable J. Anthony Dill

exact meaning of the term 'legal voters' -all registered voters, all who voted for governor in the last general election, or what? Also, what 'congressional districts' should be used- the ones created in 1961, 1965, 1967 or what?"

In answer to the first question, which is whether the proposed new Section 6 of Article X of the Constitution, if enacted by a vote of the people so as to become a part of the Constitution would be effective so as to exempt household goods from property taxation, it is the view of this office that it would be effective so as to exempt personal property taxation on household goods. The proposed amendment provides that "household goods, furniture, wearing apparel and articles of personal use and adornment owned and used by a person in his home or dwelling place, are exempt from taxation". The language of the proposed amendment is clear in providing that household goods are exempt from taxation.

Your second question inquires whether the proposed petition is legally sufficient to place the question on the ballot if the necessary signatures are secured. The initiative petition form which you have submitted follows the form set out in Section 126.030, and is, we believe, in substantial compliance with the requirements of such section. However, we call your attention to two changes that we believe might well be made in the initiative petition form. You will note that Section 126.030 provides that every sheet shall be attached to a "full and correct copy of the title and text of the measure so proposed". It is suggested that a title be set out in addition to the full text of the amendment. Such a title would, of course, be repetitious of the provisions of the amendment itself but Section 126.030 contemplates a title. A title might read "an amendment repealing section 6 of Article X of the Constitution of Missouri and enacting a new section in lieu thereof relating to the same subject". Section 50 of Article III of the Constitution also provides that the enacting clause of an initiative petition for a constitutional amendment shall be "be it resolved by the people of the State of Missouri that the Constitution be amended". It is suggested that this enacting clause immediately precede Section 1 in the petition form. With these additions it is our view that the suggested form of initiative petition would be sufficient to place the question on the ballot if the necessary signatures are secured.

Question No. 3 asks whether in the jurat required by Section 126.040, RSMo, it is necessary to list the name of each signer of the petition. Section 126.040 provides in part as follows:

Honorable J. Anthony Dill

"Each and every sheet of every such petition containing signatures shall be verified in substantially the following form by the person who circulated said sheet of said petition, by his or her affidavit thereon and as part thereof:

State of Missouri,)
County of _____.) SS.

I, _____, being first duly sworn, say (here shall be legibly written or typewritten the name of the signers of the sheet), signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, post office address and residence correctly, and that each signer is a legal voter of the state of Missouri and county of _____. * * * "

It appears to this office from the provisions of Section 126.040, RSMo 1959, setting forth the form to be followed substantially that such is required. While the statutory form does not have to be followed exactly, it does require a listing by legible writing or typewriting of the names of the signers of the sheet and this is required in order to be in substantial compliance.

Question No. 4 asks the meaning of the term "legal voters" as used in Section 126.030 and asks what congressional districts should be used in determining the required number of signatures. The question is answered by the attached opinion rendered April 13, 1962, to the Honorable Warren E. Hearnes pointing out that under Section 53 of Article III of the Constitution, the number of legal voters required is based upon the total vote for governor at the preceding general election last preceding the filing of the petition. Such opinion also holds that the congressional districts to be considered in determining the validity of an initiative petition are the districts presently entitled to representatives in Congress, that is, the districts from which representatives in Congress were elected in 1966.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

Enc.--Op.; 4/13/62; Hearnes
AB/jlf