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OPINION LETTER NO. 139-2007

Honorable Robin Carnahan
Missouri Secretary of State
James C. Kirkpatrick State Information Center
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated October 24, 2007, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Title XXXVI of the Revised Statutes of Missouri.

We conclude that the petition must be rejected because the petition form fails to specify whether it proposes a law or a constitutional amendment under Section 116.040, RSMo 2000. Article III, Section 50 of the Missouri Constitution specifies differing signature requirements for proposed laws and constitutional amendments, therefore, an ambiguity in the form creates the potential for a violation of the constitution in the signature verification process.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON
Attorney General