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November 14, 2008

OPINION LETTER NO. 178-2008

The Honorable Robin Carnahan  
Missouri Secretary of State  
James C. Kirkpatrick State Information Center  
600 West Main Street  
P.O. Box 1767  
Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 6, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article I.

We conclude that the petition should be rejected for the following reasons:

- While the text of the measure brackets the matter to be deleted as required by Section 116.050, RSMo 2000, the text also strikes through the matter to be deleted, which is not specifically authorized by Section 116.050 and decreases the legibility of the matter to be deleted.
- The petition includes a separate section, not explicitly authorized by law, labeled "Petition footnote" and containing text from a constitutional article other than Article I. The purpose of the inclusion of the material is not explained.

Because of our rejection of the form of the petition for the reasons 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,

A handwritten signature in black ink, appearing to read "Karen King Mitchell". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

KAREN KING MITCHELL  
Deputy Attorney General