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December 15, 2016

OPINION LETTER NO. 204-2016

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

Dear Secretary Kander:

This opinion letter responds to your request dated December 5, 2016, for our review under § 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article IV of the Missouri Constitution submitted by Marc Ellinger, version 3 (2018-070).

We approve the petition as to form, but § 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Although we do not suggest it is a basis for rejection, we note that this initiative petition uses the name of John (Jay) Ashcroft on the signature sheet. John Ashcroft is not the current Missouri Secretary of State and the results of the November 8, 2016 election have not been certified.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action

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that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

A handwritten signature in blue ink that reads "Chris Koster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

CHRIS KOSTER
Attorney General