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February 7, 2019

OPINION LETTER NO. 40-2019

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

Dear Secretary Ashcroft:

This opinion letter responds to your request dated January 28, 2019, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Patricia Thomas regarding a proposed constitutional amendment to amend Article V of the Missouri Constitution, version 1 (2020-023). The proposed summary statement is as follows:

Do you want to amend the Missouri Constitution to provide that:

- appellate court (supreme court and court of appeals) judges shall be elected in partisan elections;
- the term of an appellate court judge shall be reduced from 12 years to 6 years;
- no appellate court judge can be elected to a particular judicial seat for more than two consecutive terms;
- the governor fills appellate court vacancies without recommendations from the appellate judicial commission; and
- all judicial candidates can receive and make campaign contributions?

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Pursuant to § 116.334, RSMo, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

A handwritten signature in black ink, reading "Eric S. Schmitt". The signature is written in a cursive style with a large, prominent "E" and "S".

ERIC S. SCHMITT
Attorney General