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April 15, 2019

OPINION LETTER NO. 71-2019

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 April 15, 2019, for our review under § 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Winston Apple regarding a proposed amendment to amend Chapters 143 & 286, Revised Statutes of Missouri (2020-048). The proposed summary statement is as follows:

Do you want to amend Missouri law to:

- impose a state tax on long-term capital gains and qualified dividends (gains and dividends) in an amount equal to the difference between the federal taxes paid on gains and dividends and the rate that would have been paid had the gains or dividends been taxed as marginal ordinary income; and
- use these tax revenues to increase the percentage of electricity generated by wind and solar sources in Missouri, while creating as many jobs as possible, until 90% or more of the state's electricity is from wind and solar sources?

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

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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, stylized "S" at the end.

**ERIC S. SCHMITT**  
Attorney General