

the entire statutory code by stating “when-ever the term ‘twenty-one years of age’ is used as a limiting or qualifying factor it shall be deemed to mean ‘eighteen years of age[.]’” *Id.* Act 70 then authorized the revisor of statutes to “make the appropriate changes in the Revised Statutes of Missouri as they are revised, reenacted or reprinted.” *Id.* This Court held Act 70 failed to comply with article III, section 28 because it effectively required specific words to be stricken out and others to be substituted without setting out which specific statutes the new law would, in fact, affect. *Id.* at 636. This Court reasoned, “Statutory amendments should set out the statute as amended and not leave us to guess as to whether and in what respect an existing statute was amended.” *Id.* at 634. The constitution does not, however, require a proposed statute to list statutes it *may* affect, and this Court disfavors repeal by implication. *Id.* at 635.

This Court reiterated this point in *Boyd-Richardson Co. v. Leachman*, 615 S.W.2d 46, 53 (Mo. banc 1981), stating, “The fact that [a statute] has consequences for other statutes does not bring it into conflict with [article] III, [section] 28,” and again in *Missouri Coalition for Environment v. State*, 593 S.W.3d 534, 544 (Mo. banc 2020), adding:

The purpose of section 28 is not to make every new statute dozens or hundreds of pages long by reprinting every existing law that touches on the subject of the new legislation. Rather, the purpose of

section 28 is to avoid confusion and to ensure the legislature knows the content and effect of the amended law.

Indeed, complying with article III, section 28, the legislature need not endeavor to “ferret out” and identify every statute or provision that could possibly be affected by the proposed enactment even if the proposed new law may impact an existing law. Nor does article III, section 28 require the legislature to set out every statute that might be “repealed” by implication. No, Missouri is a repeal and replace state. *See, e.g., Mo. State Conf. of NAACP v. State*, 601 S.W.3d 241, 245 (Mo. banc 2020) (“SB 631 repeals and replaces section 115.277 . . .”). Accordingly, when the legislature passes a bill, any provision the legislature *amends* is repealed and reenacted with the new language, and any provision the legislature *repeals* is removed in its entirety. To make clear to the public what it intends to do, the legislature brackets or strikes through the statutory language a bill proposes to repeal and underlines the language the legislature proposes to add or change. In addition, the bill title and enacting clause contain a specific list of the statutes to be repealed and the statutes to be enacted to replace those provisions.²

These are the procedures and provisions required by article III, section 28 and contained in the full text of bills. Legislative acts do not include an additional list of constitutional or statutory provisions that might in the future be deemed to have

2. For example, SB 754, which was enacted in 2024 by the legislature, contains this introductory enacting clause:

Sections 211.031, 211.071, 217.345, 217.690, 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 590.653, 600.042, and 610.140, RSMo, are repealed and twenty nine new sections enacted in

lieu thereof, to be known as sections 211.031, 211.071, 211.600, 217.345, 217.690, 307.018, 547.031, 547.500, 556.021, 558.016, 558.019, 565.258, 568.045, 571.015, 571.031, 571.070, 575.010, 575.151, 575.353, 578.007, 578.022, 579.021, 579.022, 579.065, 579.068, 590.192, 590.653, 600.042, and 610.140, to read as follows:

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been repealed as an implication of the bill's passage or that directly conflict with the proposed legislation. Because section 116.050 explicitly imports the format of the legislature's bill enactment process into the initiative petition process by referencing article III, section 28, it follows that this is all section 116.050 requires for initiative petitions. Any other reading would be inconsistent with section 116.050's plain language; with article III, section 28; and with how legislation is normally enacted.

It is true that in *Buchanan v. Kirkpatrick*, 615 S.W.2d 6, 15 (Mo. banc 1981), this Court stated a proposed amendment must disclose the constitutional provisions on the initiative petitions that are in "direct conflict with or are irreconcilably repugnant to the [c]onstitution." This Court's decision in *Buchanan*, and, accordingly, all the cases *Buchanan* relied on, however, predated the legislature's 1997 amendment to section 116.050. As a result, the Court in *Buchanan* was interpreting only article III, section 50 and section 126.041, RSMo 1978. By adding section 116.050.2(2) and referencing article III, section 28, the legislature did not impose additional, unconstitutional restrictions on the people's power of initiative. Rather, the legislature made clear that proponents of an initiative petition need include only the provisions of the constitution that would be repealed by the proposed amendment – not those provisions that are merely in direct conflict. Here, the initiative petition for Amendment 3 complied with the requirements of section 116.050. The initiative petition set forth the full text of the measure and identified the constitutional provision it was specifically revising, the same way a legislative bill would. Amendment 3 did not propose to repeal any specific constitutional or statutory provision and did not speculate as to what provisions of law the new constitutional provision may directly or implicitly affect, which is exactly how a legis-

lative act would propose changing Missouri law.

The circuit court erroneously read section 116.050 to impose an additional requirement on initiative petitions. Under the circuit court's reading, section 116.050 would require initiative petitions to list all statutory provisions that *might* be deemed incompatible with the measure if enacted. But, as explained above, this is not a requirement imposed on legislative bills, nor is it something the legislature ever does. Given that section 116.050 expressly directs initiative petition proponents to follow the same process as the legislature – both by requiring initiative petitions to have bracketed or underlined changes and by requiring compliance with article III, section 28 – there is no basis for reading such a requirement into the statute.

Reading section 116.050 to require initiative petition proponents to do more than the legislature must do to enact laws may also be unconstitutional as an undue burden on the right to pursue an initiative petition. As the principal opinion notes, if section 116.050.2(2) requires an initiative petition to set forth statutes and constitutional provisions that courts may later deem the proposed initiative invalidated or modified, proponents of the initiative would be forced to comb through our voluminous constitution and revised Missouri statutes in search of every provision that may be implicated by the proposed change in law. Article III, section 28 does not require the legislature to take this extraordinary step, and if such requirements were imposed on the initiative process, it most certainly would unduly burden the right to pursue an initiative petition.

The Court should not interpret section 116.050 to create constitutional problems. Rather, as the principal opinion properly determined, this Court should interpret

and apply section 116.050 per its plain language and context to require a proposed constitutional amendment to include only other sections of the constitution it would repeal. Moreover, the plain language of section 116.050 does not require initiative petitions to identify constitutional or statutory provisions that may be invalidated or modified as a result of the initiative, and an initiative petition need identify only the constitutional or statutory text the petition explicitly seeks to repeal or modify. Because the proposed constitutional amendment in this case does not seek to repeal other provisions of the constitution, the procedural requirements of the initiative petition process were met. For these reasons, I fully concur in the principal opinion, and the circuit court's judgment should be reversed.

Kelly C. Broniec, Judge, dissenting.

I respectfully dissent. As a preliminary matter, I agree with the principal opinion: this case is not about abortion. This opinion does not intend to make any statement about the merits of Initiative Petition 2024-086 ("Amendment 3"). Instead, this case is about the purely legal issues of whether Amendment 3 had to comply with section 116.050 and, if so, whether it complied.¹ Because Amendment 3 had to follow Missouri law as set out in section 116.050 and did not do so, I would affirm the circuit court's judgment.²

"Because the case was submitted on stipulated facts entered into between the parties in the proceedings before the circuit court, [t]he only question before us is whether the trial court made the proper legal conclusion from the stipulated facts.'" *Cady v. Ashcroft*, 606 S.W.3d 659, 665 (Mo. App. 2020) (alteration in original)

(quoting *Mo. Elec. Coops. v. Kander*, 497 S.W.3d 905, 910 (Mo. App. 2016)). Our review, therefore, is *de novo*, and this Court should affirm the circuit court's judgment if it is correct on any ground supported by the record. *Id.*

"When courts are called upon to intervene in the initiative process, they must act with restraint, trepidation, and a healthy suspicion of the partisan who would use the judiciary to prevent the initiative process from taking its course." *Brown v. Carnahan*, 370 S.W.3d 637, 669 (Mo. banc 2012) (Fischer, J., concurring) (internal quotation omitted). "Judicial intervention is not an appropriate substitute for the give and take of the political process." *Id.* at 669 (internal quotation omitted). "As such, when initiative petitions are challenged, this Court's primary duty is to determine whether the constitutional requirements and limits of power, as expressed in the provisions relating to the procedure and form of initiative petitions, have been regarded." *Id.* at 645.

In article III, section 49 of the Missouri Constitution, Missouri citizens reserved unto themselves the "power to propose and enact or reject laws and amendments to the constitution by the initiative, independent of the general assembly[.]" In article III, section 50 of the Missouri Constitution, Missouri citizens also set out certain procedures governing all initiative petitions "proposing amendments to the constitution," as Amendment 3 does. One of the requirements of article III, section 50 is that each initiative petition "shall contain . . . the full text of the measure." As relevant here, section 116.050.2(2) provides: "The full and correct text of all initiative and referendum petition measures shall . . . [i]nclude all sections of ex-

1. All statutory references are to RSMo 2016.

2. Because I would affirm the circuit court's judgment as to Count I, I would not reach Appellants' other, alternate counts.

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isting law or of the constitution which would be repealed by the measure[.]” Whether the requirements of section 116.050.2(2) are mandatory is not an issue of first impression. This Court has held previously: “Before an initiative petition appears on the ballot, the requirements of chapter 116 must be met.” *Brown*, 370 S.W.3d at 645.³

The provisions in section 116.050.2 are not merely superfluous. They are not merely suggestions. They are Missouri law, and they are presumed constitutional. *Id.* at 647. As the Court has long held, the requirements of chapter 116 must be met before an initiative petition is placed on the ballot. Even the principal opinion declined to declare section 116.050 unconstitutional. The issue then becomes whether Amendment 3 satisfies the requirements of chapter 116.

As Appellants and Respondents acknowledge, this case presents an issue of first impression. Until now, no party has asked the Court to decide whether the phrase “all sections of existing law or of the constitution which would be repealed by the measure” requires an initiative petition proposing a constitutional amendment to include statutes and constitutional provisions that would be repealed by the constitutional amendment. Instead, in the few cases this Court has decided concerning the “full text” requirement of article III, section 50 or section 116.050.2(2), the parties have argued only that a proposed constitutional amendment has not listed all constitutional provisions that would be repealed by the amendment or that a proposed statutory amendment has not listed all statutory provisions that would be repealed by the statutory amendment. *See*,

e.g., *Earth Island Inst. v. Union Elec. Co.*, 456 S.W.3d 27, 30 (Mo. banc 2015); *Buchanan v. Kirkpatrick*, 615 S.W.2d 6, 15 (Mo. banc 1981); *Moore v. Brown*, 350 Mo. 256, 165 S.W.2d 657, 661 (Mo. banc 1942); *State ex rel. Halliburton v. Roach*, 230 Mo. 408, 130 S.W. 689, 695 (Mo. banc 1910). Here, Respondents have argued Amendment 3 violates section 116.050.2(2) because it fails to list both constitutional provisions and statutes that would be repealed if voters approve Amendment 3.

That no party has raised this issue previously does not mean it lacks merit. This Court considers issues of first impression routinely. And, as the circuit court appropriately noted, other citizens have interpreted section 116.050.2(2) as requiring that an initiative petition proposing a constitutional amendment must disclose both statutes and constitutional provisions that would be repealed by the amendment, and those citizens “had no reason other than compliance with [s]ection 116.050 [] and Article III, [s]ection 50, to inform potential signers of the enormously broad impacts, both direct and implied, of their proposed measures.” As the circuit court noted, IP 2018-048 (“Clean Missouri”) (enacted in 2018 as Amendment 1) included in the “full and correct text” the following statutes and constitutional provisions that would be repealed:

NOTICE: You are advised that the proposed constitutional amendment may change, repeal, or modify by implication or may be construed by some persons to change, repeal or modify by implication, the following Articles and Sections of the Constitution of Missouri: Article I, Section 8 and the following Sections of the Missouri Revised Statutes: Sections

3. While it is true that “[s]tatutes that place impediments on the initiative power that are inconsistent with the reservation found in the language of the constitution will be declared

unconstitutional,” there is nothing in section 116.050 that is inconsistent with the constitution. *Brown*, 370 S.W.3d at 646.

105.450 through 105.496 and Sections 130.011 through 130.160. The proposed amendment revises Article III of the Constitution by amending Sections 2, 5, 7, and 19 and adopting three new sections to be known as Article III Sections 3, 20(c), and 20(d).

Chapter 116 does not define “repeal” or “repealed.” When there is no statutory definition of a term, the plain meaning governs. *Sun Aviation, Inc. v. L-3 Commc’ns Avionics Sys., Inc.*, 533 S.W.3d 720, 723 (Mo. banc 2017). The principal opinion quotes *Knight v. Carnahan*, 282 S.W.3d 9, 18-19 (Mo. App. 2009), which set out a definition of “repeal” from *Black’s Law Dictionary* (6th ed. 1990), to suggest only statutes can be repealed. But the definition of “repeal” is not so narrow. The same edition of *Black’s Law Dictionary* also defined “repeal” as “[t]o revoke, abolish, annul, to rescind or abrogate by authority.” The current version of *Black’s Law Dictionary* defines “repeal” as “[t]o authoritatively abrogate, rescind, or annul (a statute, ordinance, or other legal instrument); to effectively render invalid.” *Repeal*, *Black’s Law Dictionary* (12th ed. 2024). *Black’s Law Dictionary* does not aid the principal opinion’s assertion that only a statute can be repealed. Other dictionary definitions of “repeal” are even broader. For example, the *Cambridge English Dictionary* defines repeal as “the act of removing the legal force of a law.” <https://dictionary.cambridge.org/us>, last accessed Sept. 18, 2024. Further, reliance on a dictionary definition of “repeal” is unnecessary given this Court’s precedent recognizing that a constitutional provision may repeal a statute as a matter of law. In *Marsh v. Bartlett*, 343 Mo. 526, 121 S.W.2d 737 (Mo. banc 1938), the Court considered whether a constitutional amendment proposed by initiative petition and adopted by vote of Missouri citizens *repealed* existing

statutes, and the Court properly concluded it did:

[A] statute may be nullified, in so far as future operation is concerned, by a constitution or a constitutional amendment as well as by statute; and the constitution or the amendment, as the highest and most recent expression of the law-making power, operates to repeal, not only all statutes that are expressly enumerated as repealed but also all that are inconsistent with the full operation of its provisions.

Id. at 745.

The principal opinion has multiple explanations for why *Marsh* is irrelevant here, and, of course, it must attempt to distinguish *Marsh* because *Marsh* plainly contemplates that a constitutional amendment may repeal a statute, which is consistent with the dictionary definitions of “repeal” quoted above. *Marsh* is plain and is contrary to the principal opinion’s position.

The principal opinion’s construction of section 116.050.2(2) as requiring a proposed constitutional amendment identify *only* those constitutional provisions that would be repealed by the amendment does not give effect to the plain language of the statute, improperly reads the word “only” into the statute, and does not give effect to every word in the statute. “All provisions of a statute must be harmonized and every word, clause, sentence, and section thereof must be given some meaning.” *State v. Knox*, 604 S.W.3d 316, 322 (Mo. banc 2020) (alterations and internal quotation omitted). Further, the General Assembly is presumed to legislate with knowledge of this Court’s case law. *State ex rel. Nothum v. Walsh*, 380 S.W.3d 557, 567 (Mo. banc 2012) (quoting *Greenbriar Hills Country Club v. Dir. of Revenue*, 47 S.W.3d 346, 352 (Mo. banc 2001)). The principal opinion focuses on the word “or” and asserts the General Assembly would have used “and”

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had it intended initiative petitions to include both constitutional provisions and statutes to be repealed, but the difficulty with this interpretation is that one could read it to require no listing of provisions to be repealed if both constitutional provisions and statutes are not repealed because there might be one or the other but not both. The General Assembly correctly used “or” to account for this potential problem. The principal opinion improperly reads an entire phrase, “all sections of existing law[,]” out of section 116.050.2(2). The principal opinion also reads “repeal” out of section 116.050.2(2) because, under the principal opinion’s interpretation, the General Assembly must not have meant to use “which would be repealed by the measure” because, under the principal opinion’s analysis, a constitutional provision can never be “repealed,” even by a directly contradictory constitutional provision.

“The goal of statutory interpretation is to give effect to the General Assembly’s intent as reflected in the plain language of the statute at issue.” *State ex rel. Fitz-James v. Bailey*, 670 S.W.3d 1, 6 (Mo. banc 2023) (internal quotation omitted). This Court avoids interpretations producing “unreasonable or absurd results.” *Id.* (internal quotation omitted). The principal opinion leads to the absurd result here—that an initiative petition proposing a constitutional amendment can directly conflict with multiple existing statutes—and appear on the ballot with a ballot summary indicating it “removes” existing law—with-

out ever indicating to signers that existing law is being changed in any way.⁴ The principal opinion does not dispute that a direct conflict exists but, nonetheless, concludes Amendment 3 did not need to indicate this direct conflict in any way to petition signers despite the plain language of section 116.050.2(2). This is an absurd result contrary to the plain language in section 116.050.2(2).

A constitutional provision can repeal a statute, and the principal opinion’s conclusion to the contrary is in error and does not honor the General Assembly’s obvious intent in section 116.050.2(2) of informing signers of **all** laws to be repealed, statutes and constitutional provisions, by the proposed constitutional amendment.⁵ Further, the principal opinion’s interpretation does not give full effect to article III, section 49, which unambiguously reserves in the people of Missouri the power to use the initiative process to “reject laws and amendments . . . independent of the general assembly.” The Missouri Constitution does not state citizens must wait for the General Assembly or the courts to take further action. The principal opinion’s construction to the contrary conflicts with another provision of the Missouri Constitution, article III, section 51, which provides: “Except as provided in this constitution, any measure proposed shall take effect when approved by a majority of the votes cast thereon.”

For the reasons set out above, Amendment 3 had to comply with section

do not.” However, section 116.050.2(2), enacted by our General Assembly, serves the important purpose of alerting signers that the proposed amendment repeals current law(s), so they can investigate further if they choose, instead of, as here, improperly suggesting to signers that the proposed amendment is entirely new and not in direct conflict with existing law.

4. The ballot summary language for Amendment 3 contains a provision that Amendment 3 “removes Missouri’s ban on abortion.”
5. The principal opinion suggests compliance with section 116.050.2(2) is unnecessary because any disclaimer “simply regurgitates a list of statute numbers that mean nothing unless one has ready access to the text of those statutes, which Missourians considering a petition on some street corner somewhere

116.050.2(2) by including “all sections of existing law or of the constitution which would be repealed by the measure.” This Court has held “the makers of an initiative petition [are not required] to ‘ferret out’ and to list all the provisions which could possibly or by implication be modified by the proposed amendment.” *Buchanan*, 615 S.W.2d at 15. Instead, they must “list provisions which would be in direct conflict. This is a reasonable requirement because it would succeed in substantially bringing out the effect of the proposed amendment without placing an excessive burden on those seeking change by way of the initiative.” *Id.*

It is readily apparent Amendment 3 contains provisions in “direct conflict” with existing statutes. For example, section 188.017.2, RSMo Supp. 2019, states in pertinent part: “Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman, except in cases of medical emergency.” In contrast, Amendment 3 states:

[T]he General Assembly may enact laws that regulate the provision of abortion after Fetal Viability provided that under no circumstance shall the Government deny, interfere with, delay, or otherwise restrict an action that in the good faith judgment of a treating health care professional is needed to protect the life or physical or mental health of the pregnant person.

These provisions are in direct conflict such that Amendment 3, if passed, will repeal section 188.017.2, RSMo Supp. 2019. Section 188.015(12), RSMo Supp. 2024, defines “viability” as “that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb *by natural or artificial life-supportive systems.*” (Emphasis added). Amend-

ment 3 defines “fetal viability” as “the point in pregnancy when, *in the good faith judgment* of a treating health care professional and *based on the particular facts of the case*, there is *significant likelihood* of the fetus’s sustained survival outside the uterus *without the application of extraordinary medical measures.*” (Emphasis added to indicate contradiction). These definitions are disparate and cannot exist at the same time. Therefore, Amendment 3, if passed, will repeal section 188.015(12), RSMo Supp. 2024. In addition, section 188.028, RSMo Supp. 2019, regarding parental consent for minors, and section 188.039, RSMo Supp. 2017, the 72-hour waiting period, directly conflict with Amendment 3. Section 188.028.1(1), RSMo Supp. 2019, prohibits a medical provider from performing an abortion on a minor, except in the case of medical emergency, without securing the informed written consent of at least one parent or guardian. This section additionally requires that any custodial parent other than the consenting parent be informed, unless an exception applies. *Id.* Amendment 3 prohibits government infringement “upon a person’s fundamental right to reproductive freedom,” which includes “the right to make and carry out decisions about . . . abortion care.” The usage of the broad word “person” makes no exception for minors. Therefore, Amendment 3 directly conflicts with section 188.028.1(1)’s parental consent requirement and will impliedly repeal that section, if passed. Further, section 188.039.2, RSMo Supp. 2017, prohibits a physician from performing an abortion until 72 hours after the physician has conferred with the patient regarding various required topics. This directly conflicts with Amendment 3, which states the right to reproductive freedom “shall not be denied, interfered with, delayed, or otherwise re-

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stricted.”⁶

These are but a few examples of statutes that Amendment 3 would repeal if approved. While proponents of initiative petitions proposing constitutional amendments are not required to “ferret out” all constitutional provisions and statutes that might be affected by the proposed amendment, they must disclose those in “direct conflict” with the proposed amendment that “would be repealed by the measure.” *Buchanan*, 615 S.W.2d at 15; sec. 116.050.2(2). Plainly Amendment 3 does not comply with section 116.050.2(2) as it does not include **any** statute or constitutional provision that Amendment 3 would repeal despite multiple direct conflicts, including the examples above. Amendment 3’s “full and correct text” advises voters of no changes it makes to existing Missouri law.⁷ And this Court need not speculate as to whether the failure to include those statutes in direct conflict with Amendment 3 as part of the “full and correct text” resulted in prejudice or harm to any signer, as an Amendment 3 signer filed an amicus brief with this Court stating she would not have signed Amendment 3 if it had disclosed which laws Amendment 3 would repeal if passed.

It is also worth noting that, while this case involves an issue of first impression, the arguments Appellants raised supporting placing Amendment 3 on the ballot are not new. In *State ex rel. Scott v. Kirkpatrick*, 484 S.W.2d 161, 163-65 (Mo. banc 1972), the Court upheld the secretary of state’s rejection of an initiative petition for filing and certification when the petition

did not have an enacting clause, as required by article III, section 50 of the Missouri Constitution. There, the Court appropriately rejected, as irrelevant to the legal issues before it, arguments the same as those Appellants raise supporting Amendment 3. *Id.* at 165. Appellants argue section 116.050.2(2) is a mere matter of form or a technicality. The Court in *Scott* rejected the argument that failure to include the enacting clause was a mere technicality. *Id.* at 162-63. Appellants argue the decision to sign or not sign the initiative petition was not affected by any lack of compliance with section 116.050.2(2). The Court rejected this argument in *Scott*, noting: “Such an assumption can be based only on speculation and conjecture and may be true or false. . . . If we were to accept the argument as made, we would be in the untenable position of disregarding the unambiguous and clearly delineated provisions of the section in question.” *Id.* at 164. Appellants also argue the Court should not disregard the will of more than 300,000 signers of Amendment 3. This Court again considered and rejected this argument in *Scott*, when proponents of that initiative petition asserted “the desire of a large number of Missouri citizens (approximately 160,000) should not be subverted by the lack of a technical introduction.” *Id.* The Court noted this:

is not truly a legitimate legal argument” and noted “courts have done far more harm and injustice by judicial legislation—that is, by interpolating into statutes and Constitutions words and phrases which the lawmakers never placed

6. The circuit court also correctly noted other direct conflicts between Amendment 3 and section 188.017.2, RSMo Supp. 2019.

7. Appellants assert requiring them to list every statute Amendment 3 would impact would be overly burdensome to them and confusing to voters. To be clear, the test artic-

ulated by this Court is in “direct conflict.” And because Amendment 3 failed to include **any** statute in direct conflict with it, this Court is not presented with the question in this case of whether something less than disclosure of all statutes in direct conflict with the initiative petition would be sufficient.

therein, and by striking therefrom words and phrases which were placed there by the lawmakers—than they have by clinging to the so-called technicalities.

Id. The Court also concluded:

whether or not we ‘subvert’ the desires of the signers of the challenged petitions, regardless of their number, turns on the desires of all of the people of this state, regardless of their number, as expressed in their constitution which declares the fundamental law and which we are bound to follow. We have no other alternative.

Id. at 165. *Scott* was decided correctly and has not been overruled or limited by the Court in the more than 50 years since it was decided.

Because Amendment 3 had to comply with section 116.050.2(2) by including “all sections of existing law or of the constitution which would be repealed by the measure,” and Amendment 3 did not do so when it included *no* statutes or constitutional provisions that would be repealed, I would affirm the circuit court’s judgment.



Michael MATHEWS, et al., Appellants,

v.

FIELDWORKS, LLC, Respondent.

WD 86539

Missouri Court of Appeals,
Western District.

OPINION FILED: JULY 30, 2024

Background: Prospective employee brought action against prospective employer, alleging that prospective employer vio-

lated the Fair Credit Reporting Act (FCRA) by procuring a consumer report through a third party without providing him a disclosure and without obtaining his authorization. The Circuit Court, Clinton County, Daren Lee Adkins, J., granted employer’s motion for summary judgment. Employee appealed.

Holdings: The Court of Appeals, Martin, J., held that:

- (1) employee failed to show standing for FCRA claims relating to address verification;
- (2) statement that employee was not aware that third party would be preparing consumer report for employer after criminal-background check was uncontroverted fact that did not preclude trial court from concluding whether employee lacked standing;
- (3) employer’s failure to expressly disclose that a third party would undertake criminal-background check did not constitute an injury in fact to establish employee’s standing to pursue FCRA claims;
- (4) employee’s allegation that he suffered informational injury was insufficient to allege or demonstrate concrete injury to confer standing; and
- (5) employee’s allegation that he suffered invasion-of-privacy injury was insufficient to allege or demonstrate concrete injury to confer standing.

Affirmed as modified.

See also 2021 WL 1113205.

1. Action ⇌ 13

Federal Civil Procedure ⇌ 103.2

The requirement that a party have standing to bring an action is a component of the general requirement of justiciability in both the federal context and in Missouri. U.S. Const. art. 3, § 2, cl. 1.