



Missouri Supreme Court Issues Ruling on Pro-Abortion Initiative Petitions; IPs Move Forward

Yesterday, July 20, 2023, the Missouri Supreme Court affirmed the judgment of the circuit court (Circuit Court of Cole County, The Honorable Jon E. Beetem, Judge), in *State of Missouri ex rel. Dr. Anna Fitz-James v. Andrew Bailey, in His Official Capacity, Scott Fitzpatrick, et al*, holding that the authority of the State Attorney General under state statute (RSMo 116.1751) is limited in scope and extends only to reviewing the ‘legal content and form’ of the proposed initiative petition fiscal notes and summaries prepared by the State Auditor, not their substance:

“Dr. Anna Fitz-James (‘Fitz-James’) filed a petition in the circuit court of Cole County seeking a writ of mandamus compelling Attorney General Andrew Bailey (‘Attorney General’) to approve fiscal note summaries for 11 proposed initiative petitions she had filed with Secretary of State John Ashcroft (‘Secretary’). After briefing and argument, the circuit court made permanent its writ of mandamus ordering the Attorney General to do so and to forward notice of that approval to State Auditor Scott Fitzpatrick (‘Auditor’). The Attorney General appealed, and this Court has jurisdiction pursuant to article V, section 3 of the Missouri Constitution. Nothing in section 116.1751 gives the Attorney General authority to question the Auditor’s assessment of the fiscal impact of a proposed petition. Instead, the Attorney General’s authority extends only to reviewing the ‘legal content and form’ of the fiscal notes and summaries prepared by the Auditor, not their substance. Because the circuit court in this case did not err in finding there was no defect in the ‘legal form and content’ of the fiscal note summaries prepared by the Auditor concerning Fitz-James’s proposed initiative petitions, the Attorney General’s refusal to perform the plain, unequivocal, and ministerial duty of approving those summaries (and informing the Auditor he has done so) cannot be justified. The Attorney General was to have performed that task within 10 days of receiving the fiscal notes and summaries from the Auditor, a period that expired more than three months ago. Accordingly, the circuit court’s decision to make permanent its writ of mandamus requiring the Attorney General to perform that duty is affirmed.” – [Supreme Court of Missouri Opinion No. SC100132](#)

What This Means:

The pro-abortion initiative petitions are moving forward. We anticipate the pro-abortion crowd will begin gathering signatures statewide for these initiative petitions in the coming weeks to seek to enshrine a “right to abortion” in our Missouri Constitution. There is, however, a possibility of other court cases that could delay the signature gathering process. We must prepare to educate and encourage Missourians to “decline to sign” the pro-abortion initiative petition when their signature is solicited. If the initiative petitions do not receive enough signatures, we can prevent this measure from going on the November 2024 ballot that would enshrine a “right” to abortion in our Missouri Constitution and would overturn virtually all of our pro-life laws.



What You Can Do:

Pro-Life Missourians must prepare now to educate and encourage their fellow Missourians on the consequences of enshrining a “right” to abortion in our Missouri Constitution and the effectual overturning of our state’s pro-life laws that protect and support women and children. [Click here for a one-page handout that you can print and share](#) with others on the numerous harmful impacts of the pro-abortion initiative petitions.