

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE STYLE OF THE CASE:

MADELINE COBURN, ET AL.,

Appellants,

v.

ROBERT MAYER, ET AL.,

Respondents.

DOCKET NUMBER WD75097
**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

Date: June 13, 2012

Appeal from:

Cole County Circuit Court
The Honorable Patricia S. Joyce

Appellate Judges:

Special Division: Lisa White Hardwick, Chief Judge, Presiding, Victor C. Howard, Judge
and Karen King Mitchell, Judge

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**MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT**

**MADELINE COBURN, ET AL., Appellants,
v.
ROBERT N. MAYER, ET AL., Respondents.**

WD75097

Cole County

Before Special Division: Lisa White Hardwick, Chief Judge, Presiding, Victor C. Howard, Judge and Karen King Mitchell, Judge

This case arises from a ballot measure to adopt a proposed amendment to the Missouri Constitution concerning the freedom of religion. Madeline Coburn and Brenda Light Bredemeier (collectively, "Plaintiffs") appeal the circuit court's ruling that the official summary statement for the ballot measure is sufficient and fair.

AFFIRMED.

Special Division holds:

(1) The summary statement's reference to the presently-existing constitutional right to freedom of religious expression is not misleading because the statement expressly states that the purpose of the proposed amendment is to *ensure* that right. The proposed amendment ensures, or safeguards, the right to freedom of religious expression by setting forth specific ways to avoid infringing upon this right with regard to prayer and the expression of religious beliefs in private and public settings, on government and public property, and in schools.

(2) The summary statement is neither insufficient nor unfair for failing to state that the proposed amendment would "repeal the state constitutional right of prisoners to religious freedom and liberty of conscience and belief." The proposed amendment does not repeal prisoners' state constitutional rights to religious freedom but, rather, makes those rights coextensive with federal law. Whether that has the practical effect of eliminating any "extra" rights afforded prisoners under the Missouri Constitution is purely conjecture.

(3) The summary statement is neither insufficient nor unfair for failing to state that the proposed amendment would "create a right for any student, whether in public or private schools, to refuse to participate in assignments or classes that violate the student's religious beliefs." The General Assembly's summary statement is broad enough to cover this provision, as allowing students the right to refrain from participating in assignments or educational presentations that violate their religious beliefs is one of the ways in which the proposed amendment ensures Missouri citizens the right to express their religious beliefs without infringement.

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.