

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**NANCY COPENHAVER, RESPONDENT,  
v.  
JOHN R. ASHCROFT, ET AL., APPELLANTS.**

---

DOCKET NUMBER WD87430 (Consolidated with WD87431)

DATE: SEPTEMBER 3, 2024

---

Appeal From:

The Circuit Court of Cole County, Missouri  
The Honorable Cotton Walker, Judge

---

Appellate Judges:

Special Division: Anthony Rex Gabbert, Chief Judge, Edward R. Ardini, Jr., Judge, and  
W. Douglas Thomson, Judge

---

Attorneys:

Sharon G. Jones, for Respondent

Gabriel E. Harris, Co-Counsel for Respondent

Charles W. Hatfield, for Appellant Missouri Sheriffs' Retirement System

Alixandra Cossette, Co-Counsel for Appellant Missouri Sheriffs' Retirement System

Jason K. Lewis, for Appellants John R. Ashcroft, D. Dean Plocher, Caleb Rowden, Rusty  
Black

Kelly Leigh King, Co-Counsel for Appellants John R. Ashcroft, D. Dean Plocher, Caleb  
Rowden, Rusty Black

---

## **MISSOURI APPELLATE COURT OPINION SUMMARY**

### **MISSOURI COURT OF APPEALS WESTERN DISTRICT**

**NANCY COPENHAVER, RESPONDENT,**  
**v.**  
**JOHN R. ASHCROFT, ET AL., APPELLANTS.**

WD87430 (Consolidated with WD87431)

Cole County

Before Special Division Judges: Anthony Rex Gabbert, Chief Judge, Edward R. Ardini, Jr., Judge, and W. Douglas Thomson, Judge

In May 2024, the Missouri general assembly passed Senate Joint Resolution 71 (“SJR 71”), which seeks to add the following language to article I, section 14 of the Missouri Constitution: “the administration of justice shall include the levying of costs and fees to support salaries and benefits for sheriffs, former sheriffs, prosecuting attorneys, former prosecuting attorneys, circuit attorneys, and former circuit attorneys.” The measure will appear on the November 5, 2024 general election ballot. Exercising its authority granted by section 116.155, RSMo, the general assembly drafted the following summary statement to appear on the ballot for SJR 71:

Shall the Missouri Constitution be amended to preserve funding of law enforcement personnel for the administration of justice?

Nancy Copenhaver initiated this action in the Circuit Court of Cole County challenging the sufficiency and fairness of the summary statement, naming as defendants the Secretary of State and other state officials. The Missouri Sheriffs’ Retirement System was granted leave to intervene. The trial court agreed with Copenhaver that the summary statement was insufficient and unfair, and rewrote the summary statement.

The defendants appeal.

**AFFIRMED IN PART; REVERSED IN PART.**

**Special Division holds:**

1) The general assembly’s summary statement is insufficient and unfair, necessitating revision. However, certain of the trial court’s modifications were improper and, therefore, the trial court’s rewritten summary statement also requires revision.

2) The general assembly’s summary statement fails to include the central feature of the amendment, which is the “levying of costs and fees” for the purpose of funding the

salaries and benefits of certain current and former law enforcement personnel. However, the trial court’s rewritten summary statement incorrectly suggests that SJR 71—if passed by the voters—would *itself* levy costs and fees. Instead, the measure would only enshrine in the constitution a broader meaning of “the administration of justice,” which could serve to permit the general assembly to authorize the imposition of costs and fees without offending article I, section 14 of the Missouri Constitution.

3) The general assembly’s use of the phrase “preserve funding” is misleading, as SJR 71 contemplates a “new” funding source for the sheriffs’ retirement fund, rather than “preserving” an existing funding system.

4) By omitting the phrase “law enforcement personnel” and instead specifying each category of position covered by SJR 71, the trial court acted outside its duty to modify the general assembly’s summary statement in the most limited fashion possible. A more limited modification advises the voters that SJR 71 benefits “certain current and former law enforcement personnel.”

5) We rewrite the summary statement of SJR 71 as follows and certify it for inclusion in the official ballot title:

Shall the Missouri Constitution be amended to provide that the administration of justice shall include the levying of costs and fees to support salaries and benefits for certain current and former law enforcement personnel?

**Opinion by: Edward R. Ardini, Jr., Judge**

Dated: September 3, 2024

This summary is UNOFFICIAL and should not be quoted or cited.
---