

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

STEPHANIE COEN, et. al.,)	
)	
Relators,)	Case No. 2516-CV21560
)	
v.)	
)	
KANSAS CITY ELECTION BOARD, et. al.)	
)	
Respondents.)	
)	
And)	
)	
JACKSON COUNTY ELECTION BOARD, et. al.,)	Case No. 2516-CV21738
)	(consolidated into Case No. 2516-
)	CV21560)
)	
Plaintiffs,)	
)	
v.)	Div. 10
)	
MARY JO SPINO, in her official capacity as)	
the Clerk of the Jackson County Legislature,)	
et. al.)	
)	
Defendants.)	

ORDER AND JUDGMENT

On this 4th Day of August, 2025, the Court takes up and considers Relator's (Stephanie Cohen, et. al. hereafter "Relators") Petition for Writ of Mandamus, filed July 9, 2025¹ (under Case No. 2516-CV21560) against the Kansas City Election Board and the Jackson County Election Board and Plaintiffs, Kansas City Election Board and Jackson County Election Boards'

¹ The Court recognizes that Relators filed an Amended Petition for Writ of Mandamus on July 22, 2025. The Amended Petition was filed without leave of Court and was not served on the responding parties. The Court therefore disregards the relief sought in the Amended Petition and proceeds on the original Petition filed on July 9, 2025.

(hereafter “Election Boards”) Petition for Declaratory Judgment and Injunctive Relief, filed July 10, 2025 (initially filed under Case No. 2516-CV21738 but now consolidated into Case No. 2516-CV21560) against Mary Jo Spino, in her capacity as the Clerk of the Jackson County Legislature (hereafter “the County Legislature”) and County Executive Frank White (hereafter “County Executive”).

On July 25, 2025, the Court granted a Motion to Consolidate the cases filed by Relators and the Election Boards into one action. The Court entered a briefing schedule on all issues raised in both Petitions and set the matter for hearing on August 1, 2025 at 1:00 p.m.

On July 30, 2025, Frank White filed his Answer and Counterclaim to the Election Boards’ Petition for Declaratory Judgment and Injunction. The County Executive’s counterclaim asserts that the signatures collected to initiate the recall election were not in compliance with Missouri law and that no recall election should be held.

On August 1, 2025 the Court called the above consolidated cases up for hearing. Relators appeared, in person and through counsel Philip Levota. The Kansas City Election Board appeared through counsel David Raymond. The Jackson County Election Board appeared through counsel Bradley Constance. Mary Jo Spino, in her official capacity as Clerk of the Jackson County Legislature, appeared in person (via webex video conferencing) and by counsel Patrick McInerney and Brian Bear. Frank White appeared through counsel Jean Paul Bradshaw. Evidence was presented and arguments were heard. As a result of the timing of the filing of the County Executive’s Counterclaim challenging the validity of the recall election, the Court

deferred evidence and arguments related to the County Executive's Counterclaim and heard evidence and arguments related to the date upon which the recall election should be held.²

After hearing the evidence presented, the arguments of the parties, and upon a review the pleadings and briefs filed by the parties, Court finds and orders as follows:

I. Legal Standard

A. Writ of Mandamus

1. Relator's seek a writ of mandamus from the Court pursuant to Rule 94.03. "A writ of mandamus may issue 'to compel the performance of a ministerial duty that one charged with the duty has refused to perform.'" See Riley v. City Adm'r of City of Liberty, 552 S.W.3d 764, 766 (Mo. App. 2018)(quoting State ex rel. Office of Public Counsel v. Public Service Com'n of State, 236 S.W.3d 632, 635 (Mo. banc 2007)). For a court to issue a writ of mandamus, "there must be an existing, clear, unconditional legal right in relator, and a corresponding present, imperative, unconditional duty upon the fact of respondent, and a default by respondent therein." Id. (quoting State ex rel. Kiely v. Schmidli, 583 S.W.2d 236, 237 (Mo. App. 1979)). Writs of mandamus are extraordinary remedies and should only be used as a last resort in cases where no other alternative remedy exists. Id. Relief under Rule 94.03 is only appropriate where it is necessary to prevent great injury or injustice. Id.

B. Injunctive and Declaratory Relief

2. The Election Boards' petition seeks injunctive and declaratory relief. Injunctions are governed by Rule 92.02. The trial court may enter an injunction where the moving party demonstrates that immediate and irreparable injury, loss or damage will occur in the absence of

² In ruling upon the question of "when" the recall election should be held the Court does not find that Mr. White has waived his position that the recall election should not be held. The relief sought in Mr. White's Counterclaim will be addressed through subsequent pleadings and hearings as deemed necessary by the Court.

relief. Id. In considering whether and injunction should issue, the trial court should balance the equities presented by the parties. See Burg v. Dampier, 346 S.W.3d 343, 357 (Mo.App. 2011). The Trial Court has broad discretion in determining whether and injunction should be issued and to shape and fashion the relief necessary to fit the particular facts before it. Id.

3. The Election Boards' request for declaratory relief is governed by §527.010 R.S.Mo. The declaratory judgment statute authorizes Trial Courts to declare rights, status, and other legal relations whether or not further relief is or could be claimed. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree. A party seeking a declaratory judgment bears the burden of demonstrating that it has standing for relief and that a controversy ripe for judicial determination exists. See Schweich v. Nixon, 408 S.W.3d 769, 774-75 (Mo. banc 2013).

C. Rules of Statutory Interpretation

4. This case primarily raises issues as to the interpretation of the Jackson County Charter, ordinances promulgated by the Jackson County Legislature and Missouri state statutes. Our Appellate Courts have held that “[t]he primary goal of statutory interpretation is to discern the legislature's intent as evidenced by the text and to consider the words in their plain and ordinary meaning.” See Broy v. Broy, 698 S.W.3d 801, 807 (Mo. Ct. App. 2024). However, “[s]tatutes cannot be interpreted in ways that yield *unreasonable or absurd results*, and it is assumed that the legislature's enactment of a statute is meant to serve the best interests and welfare of the general public.” See Neil v. St. Louis Cnty., 688 S.W.3d 268, 274 (Mo. Ct. App. 2024). The rules of statutory interpretation that apply to state statutes have been applied by our Appellate Courts to disputed provisions of a charter enacted by local governmental authorities. See Collector of Winchester v. Carter Communication's Inc., 660 S.W.3d 405, 416 (Mo.App.

2022)(holding that the interpretation of the city charter provision at issue should be interpreted in the same manner as the interpretation of state statutes).

II. County Charter, Ordinance Provisions and State Statutes at Issue

5. Article XIV of the Jackson County Charter provides for the process by which Jackson County citizens may seek to recall any elected official. The Charter provides that where a petition demanding a recall of a county officer has been signed by twenty percent of the total vote cast for County Executive in the last election for County Executive, a *special* election shall be held within sixty days after which the recall petitions are filed. See Jackson County Charter, Article XIV, §8-9.³ The Charter further provides that the County Legislature shall have the power to call elections for any lawful purpose and establish election procedures “not inconsistent with the constitution and applicable law.”

6. On August 10, 2023, the Jackson County Legislature passed Ordinance #5782 approving the petition language for the circulation of a Recall Petition for an election to recall the County Executive. See Joint Stipulation at ¶8. The ordinance provides that a recall election shall take place at the next “*regular*” election held within 90 days from the date that the recall petitions are filed with the office charged with conducting elections (here the Jackson County Board of Elections and the Kansas City Board of Elections), or if there is no regular election within such time, a “*special*” election shall be held within 60 days after the petitions are filed. *Id.* (emphasis added).

7. On June 27, 2025, a petition to recall the County Executive, with signatures purportedly collected from qualified Jackson County Residents, were submitted to the Election Boards. See Stipulated Facts at ¶14. On June 30, 2025, the Election Boards certified that they

³ The Court takes judicial notice of the language of the County Charter. The language of the specific sections referenced herein have also been stipulated to by all parties. See Joint Stipulation at ¶¶2-6, filed July 31, 2025.

received and verified 42,902 qualified signatures. See Stipulated Facts at ¶15. Based on the 2022 election for County Executive, the signatures included in the petition represent at least twenty percent of the prior votes cast and are sufficient for a recall election to occur under the County Charter. See Stipulated Facts at ¶12.

8. Section 115.123 R.S.Mo. provides that all public elections shall be held on Tuesday. The statute further provides that public elections shall be held on the general election day, the primary election day, the general municipal election day, the First Tuesday after the first Monday in November, *or another day expressly provided by the city or county charter....*. *Id.* (with emphasis).

III. Relief Sought

9. The question presently before the Court is the determination of the date upon which the recall election for the County Executive shall be held. Relators argue that the 60 day window upon which to hold the recall election as set forth in the County Charter and County Ordinance #5782 was triggered by the Election Board's certification of the recall petition signatures, and that the recall election shall be held on, or before, August 26, 2025, or as soon as practically possible thereafter. Relators object to holding the recall election on the already scheduled November 4, 2025 general election date.

10. The Election Boards do not contest the conclusion that proper procedural steps have been taken for a recall election to occur. The Election Boards seek a declaration from the Court that the recall election need not take place on, or prior to, August 26, 2025 and that the election be ordered to take place during the general election on November 4, 2025. The Election Boards assert a number of arguments to support the relief requested, namely that holding the recall election prior to November 4, 2025, would violate State and Federal election laws. The

Election Boards seek a judicial declaration that the County Charter and County ordinance provisions mandating that a recall election take place within sixty days after the recall petitions are filed are in violation of State and Federal election laws, are therefore void, and cannot be enforced.

11. The County Legislature, through the County Clerk and named Defendant Mary Jo Spino, does not contest the conclusion that proper procedural steps have been taken for a recall election to occur. The County Legislature objects to a finding that the recall election should take place during the general election on November 4, 2025. The County Legislature argues that holding the recall election on or before August 26, 2025 is not practical, but that the recall election should take place as soon as possible pursuant to the County Charter and ordinances passed by the County Legislature. The County Legislature moves that the Court order the recall election to take place on September 30, 2025.

12. The County Executive, by way of his Counter-Claim, contests that the procedural requirements for holding a recall election have been met. However, for the purposes of the issues before the Court at the August 1, 2025, hearing, the County Executive concurs with the Election Boards and argues that if a recall election is to be held, the earliest date for such election would be during the already scheduled general election on November 4, 2025.

IV. Enforcement of the Sixty Day Charter and Ordinance Provisions

13. In reviewing the evidence presented, the Court first considers the County Charter and ordinance provisions relied upon by Relators Petition for Mandamus. Article XIV, Section 9, of the County Charter expressly provides that a special election shall be held to consider the recall of a county elected officer within sixty days after the recall petitions are filed. The subsequently passed County Ordinance #5782, provides that initiative or referendum issues shall

be submitted to the voters at the next regular election held within ninety days after the petitions are filed, or if there is no regular scheduled election within such time, a special election shall be held within sixty days after the petitions are filed.

14. The facts stipulated by the parties demonstrate that the petitions to recall the County Executive were submitted to the Election Boards for verification on June 27, 2025 and that the Election Boards certified that they had received 42,902 qualified signatures on June 30, 2025.

15. At the August 1, 2025 hearing, Relators conceded that the earliest triggering date for the sixty day recall election to occur is the date that the Election Board certified the signatures. Thus the distinction between the date that the petitions were submitted versus when they were certified is not in dispute. The Court finds that the express provisions of the County Charter and ordinance #5782, without considering the restrictions of any other controlling law, mandates that the recall election for the County Executive take place on or before sixty days from June 30, 2025. The Court therefore finds that the County Charter and ordinance #5782 requires that the election take place on or before August 28, 2025.⁴

V. The Application of §115.123 R.S.Mo.

16. The Court next considers whether any provisions of state or federal law would prohibit the enforcement of the County Charter and ordinance provisions that mandate that a recall election be held within sixty days of the date the recall petitions were certified by the Election Boards; which by the Court's calculation, is on or before August 28, 2025. The Election Boards and Frank White assert that state statutes require that any recall election be held

⁴ The Court notes that elections generally take place on Tuesdays in accordance with State law and that August 28, 2025 is a Thursday. Relator's position that the deadline to hold an election is August 26, 2025, the last available Tuesday prior to August 28, 2025, is consistent with a finding that August 26, 2025, would be the last Tuesday to hold the election prior to the August 28, 2025 sixty day deadline mandated by the Charter and ordinance provisions.

at the general election on November 4, 2025 and that state and federal statutes governing absentee and military voting prohibit holding an election in August of 2025.

17. Section 115.123 R.S.Mo. provides that all public elections shall be held on Tuesday. The statute further provides that public elections shall be held on the general election day, the primary election day, the general municipal election day, the First Tuesday after the first Monday in November, ***or another day expressly provided by the city or county charter....***. *Id.* (with emphasis). The Election Boards argue that the County Charter does not expressly provide for a date for a recall election to occur rendering the Charter provision void and unenforceable. The Election Boards therefore argue that the recall election should be held during the general election on Tuesday, November 4, 2025, pursuant to §115.123 R.S.Mo.

18. Relators and the County Legislature argue that while the logistics of holding an election within the sixty day time frame proscribed by the County Charter and ordinance is not practicably feasible, that the County Charter and ordinance do provide for ***“another day expressly provided by the city or county charter...”*** and therefore is not statutorily mandated to occur at the November general election.

19. The Election Boards and the County Executive assert that recall elections should not be treated differently than any other election and should be held on the next regularly scheduled general election date in November. But, a review of the ordinance passed by the County Legislature addressing recall elections demonstrates that the County Legislature contemplated whether recall elections should be held at the same time as a regularly scheduled election or on a special date prior to a regularly scheduled election. The ordinance passed by the legislature in August of 2023 provides that a recall election shall take place at the next ***“regular”*** election held within 90 days from the date that the recall petitions are filed with the office

charged with conducting elections (here the Jackson County Board of Elections and the Kansas City Board of Elections), or if there is no regular election within such time, a “*special*” election shall be held within 60 days after the petitions are filed. *Id.* (emphasis added). This language demonstrates that the County Legislature expressly considered the circumstances under which a recall election should take place on a *regular* election or a *special* election day. Pursuant to the timing and circumstances of the case at hand, the County Legislature clearly considered whether all recall elections should take place at the next general election and expressed its’ intention that a recall election occur on a *special* election date prior to the *regularly* scheduled November general election.

20. The Election Boards argue that the County Charter and/or ordinance do not “expressly provide” for a date that a recall election should be held, and that the election must therefore be held at the November 2025 general election pursuant to §115.123 R.S.Mo. Section 115.123 R.S.Mo. does not provide for a definition of the term “expressly” or provide any guidance on the interpretation of the term. Missouri Appellate Courts have held that where a term is not defined by statute, it should be given its plain and ordinary meaning. Our Courts have regularly looked to dictionary definitions of terms not defined by statute to interpret a statutory term’s plain and ordinary meaning. See Union Elec. Co. v. Missouri Pub. Serv. Comm’n, 591 S.W.3d 478, 485 (Mo. App. 2019).

21. The Merriam Webster Dictionary defines the term “expressly” as “in an express manner: EXPLICITLY” and “for the express purpose of: PARTICULARLY, SPECIFICALLY”. See <https://www.merriam-webster.com/dictionary/expressly>. Thus the question considered by the Court is whether the County Charter and County ordinance provisions which mandate that a

recall election take place within sixty days of the date the recall petitions are filed “explicitly, particularly or specifically” provides for *another day* on which the recall election take place.

22. Section 115.123 R.S.Mo. contemplates that a County Charter may elect to hold recall elections on dates other than general election dates. The Jackson County Charter expressly provides for a recall election to occur on another day prior to the next upcoming general election day. The Court finds that the voters of Jackson County, through their decision to amend the County Charter, have “explicitly” and “specifically” expressed their intent that recall elections may be held on another day prior to the next general election day. In short, voters explicitly considered, and rejected, the premise that recall elections should only be held on general election days. The Court finds that §115.123 R.S.Mo. does not void the County Charter and County ordinance provisions which dictate the timing by which a recall election shall be held. The Court further finds that holding an election prior to November 4, 2025 would not be in violation of §115.123 R.S.Mo.

VI. Relators Request that the Recall Election be Held on or before August 26, 2025

23. Relator’s Petition for Mandamus seeks a judicial finding that the recall election shall take place on or before August 26, 2025. The Election Board’s Petition for declaratory and injunctive relief requests that the Court issue an order declaring that the Election Boards are not required to hold a recall election on or before August 26, 2025. In addressing the competing positions of the parties, the Court considers whether interpreting the County Charter provision and ordinance to mandate that an election take place on or before August 26, 2025 would render an “*unreasonable or absurd*” result. See Neil, supra, 688 S.W.3d at 274 (emphasis added). See also Leiser v. City of Wildwood, 59 S.W.3d 597, 603 (Mo. Ct. App. 2001) holding that “[i]t is a basic rule of statutory construction that words should be given their plain and ordinary meaning

whenever possible. Courts look elsewhere for interpretation only when the meaning is ambiguous ***or would lead to an illogical result defeating the purpose of the legislature.***” (emphasis added).

24. The Election Boards have raised a concern that holding an election in the sixty day time frame mandated by the County Charter and ordinance would violate state and federal election laws ensuring that military voters and absentee voters can be provided with the opportunity to vote and would be a practical impossibility when considering the difficulty of securing election personnel, polling judges and polling locations. The Court finds this argument to be persuasive. Our Federal Courts have recognized the importance of ensuring that all elections provide citizens authorized to vote the opportunity to invoke that right. See Doe v. Walker, 746 F. Supp. 2d 667, 676 (D. Md. 2010) holding that “[i]t is beyond dispute that “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” (emphasis added). Although this legal precedent is not binding on the Court when considering the issue at hand, the Court finds the premise espoused in Doe as persuasive authority and a clear reminder that the Constitutional rights of Jackson County voters that cannot be ignored.

25. The holding of the Federal Court in Doe, is supported by the express provisions of the Missouri Constitution. Article I, Section 25 of the of the Missouri Constitution provides that “all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” (emphasis added).

26. Pamela Brown, the Republican Director of the Jackson County Election Board, testified that the election boards would need ten weeks notice to hold an election in a manner that

would provide for adequate time for absentee and overseas votes to be considered. Ms. Brown further testified that holding an election prior to November 4, 2025 would be difficult given the need for election polling personnel, judges and verified polling locations. However, Ms. Brown admitted that the Election Board was capable of complying with a court order mandating that an election take place prior to November 4, 2025 as long as the Election Boards were provided with ten weeks notice of the election.

27. The Court finds the testimony of Ms. Brown to be credible. The Court further finds that full consideration of Jackson County voters' suffrage rights would prohibit holding an election within the sixty day time frame set forth by the Charter and ordinance recall provisions.

28. In light of the rules of statutory interpretation enshrined by our Appellate Courts and in weighing the clear intent of the County Charter with the voting rights of Jackson County voters at large, the Court finds that granting Relators the specific relief sought in their Petition for Writ of Mandamus is not warranted. Interpreting the Charter and ordinance provisions as mandating an election on or before August 26, 2025 would render an unreasonable, absurd and illogical result. Such result would not be consistent with the best interests and general welfare of the public.

VII. Severance of Charter Provisions

29. The Court's conclusion that the recall election cannot be held within sixty days of the date that the recall petitions were filed does not result in a finding that the County Charter and ordinance provisions regarding recall elections are entirely void and un-enforceable. The Court cannot ignore the clear intention of Jackson County voters and the County Legislature that recall elections should be held on a day prior to the next general election when the verified petitions are certified more than 90 days prior to the next scheduled general election.

30. The Jackson County Charter includes a severability provision that contemplates circumstances where a portion of a Charter provision may be deemed un-enforceable pursuant to controlling law. Article XIII, Section 15 of the County Charter provides that “sections, paragraphs, sentences, clauses and all other parts of this charter are severable..”. The provision further provides as follows:

If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any one or more articles, sections, paragraphs, sentences, clauses or other parts of this charter, ***such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this charter***, but the effect thereof shall be confined to the articles, sections, paragraphs, sentences, clauses or other parts of this charter so adjudged to be invalid or unconstitutional. (emphasis added).

31. The severability provisions of the County Charter are further supported by the provisions of the County Code. Chapter 1, 120.11 of the County Code provides that the provision of all County ordinances are severable, and that if any code provision is found to be unconstitutional, the remaining provisions of the ordinance are valid and enforceable.

32. As set forth above, the Court finds that enforcing the sixty day deadline to hold a recall election would potentially deprive some Jackson County voters of suffrage rights.

However, the severance provisions enshrined in the County Charter and County Code provide the Court with a mechanism to ensure that the voting rights of County citizens at large are protected while still enforcing the intent of the County Charter and ordinance provisions governing the timing of recall elections. The Court finds that the intent of the recall provisions are to ensure that voters do not always have to wait until the next scheduled general election to vote on whether a county official should be recalled. The recall petition before the Court has specifically been deemed as “special” by the County Charter and ordinance recall provisions and should take place before the next scheduled general election. A judicial finding to the contrary

would not reflect the will of Jackson County residents, who voted for the County Charter provisions and provided the County Legislature with the authority to schedule recall elections.

33. Ms. Brown provided credible testimony that the Jackson County Election Board could hold an election within ten weeks of being notified by a public entity of the date on which an election should be held. The Election Boards certified the recall election petition signatures on June 30, 2025. See Stipulation at ¶15. The County Legislature adopted ordinance #5993 on July 7, 2023 which directed that a special election be held on August 26, 2025. See Stipulation at ¶17. The ordinance was sent to the Election Boards on July 8, 2025. See Stipulation at ¶20. Although the ordinance was vetoed by the County Executive, the County Legislature voted to override the County Executive's veto and sent legal notice to the Election Boards on July 18, 2025 that the recall election shall be held on August 26, 2025. See Stipulation at ¶22-24. Thus, the Election Boards were placed on notice that a recall election was to occur, at the very latest, on July 18, 2025.

34. The evidence presented demonstrates that the Election Boards were aware of the County ordinance which mandates that a recall election shall take place within sixty days of the recall petitions being filed and therefore could have taken steps to hold the recall election when the Elections Boards certified the recall petition on June 30, 2025. To the extent that the Election Boards were hesitant to initiate the steps necessary to hold a recall election upon their certification of the recall petition, due diligence would have mandated that it at least take such steps when the County Legislature issued its directive on July 18, 2025 that a recall election be held. A review of the calendar demonstrates that holding an election on September 30, 2025, would provide the Election Boards with the ten weeks (from July 18, 2025) it alleges it needs to hold a fair election. The failure of the Election Boards to initiate the steps needed to hold an

election within ten weeks of July 18, 2025, carries little weight in the Court's determination.

The Election Board was provided with all the facts it needed to prepare for an election on that date. The Court will not compromise the will of Jackson County voters in favor of any lack of due diligence on the part of the Election Boards.

VII. Additional Arguments

35. The Election Boards make a rationale and plausible equitable and economic argument for holding the recall election in November. However sustaining the argument would be to the detriment of the will of the people of Jackson County. Charter provisions are not to be taken lightly. See Chastain v. City of Kansas City, Missouri, et. al., 289 S.W.3d 759, 765

(Mo.App. 2009) where the Appellate Court held that “[t]he will of the citizens of Kansas City is set forth in the Kansas City Charter. By adopting the Charter, the citizens of Kansas City chose to tailor a form of government *as they saw fit*.” (emphasis added).

36. The Election Boards presented evidence that holding a recall election on a date prior to the November general election would not be practical because the Election Boards have not made prior arrangements to ensure that polling personnel, polling judges and polling locations would be available for a special election. However Ms. Brown testified that the Election Boards were aware of the sixty day time frame to hold a recall election in the ordinance when it was passed in August of 2023 and that an initiative to collect signatures to recall the County Executive had been put into motion since the date the ordinance was passed. While the Election Boards may not have properly prepared for the potential of an expedited recall election to occur they were not without notice that a special election was possible and had been authorized by the County Legislature.

37. Here, the Court recognizes that holding an election in November would be more convenient and cost effective for the County, and it's citizens, than holding an election at an earlier date. This equitable argument holds little relevance to the case at hand. No statute or ordinance referenced by any party has demonstrated that the Court should place significant, if any, weight to such considerations. However, if the Court were to weigh the equitable result with the enforcement of the plain language of the County Charter and ordinance, the Court finds that the equitable argument should not prevail. The Court presumes that the voters who adopted the County Charter provisions related to the timing of a recall vote, the duly elected County legislators who passed the recall election ordinance, and the more than 42,000 Jackson County residents who signed the recall petition, conducted their own cost benefit analysis when making their decision. The Court is remiss to supplant its own conclusion as to the wisdom of holding a special, and separate, election with the will of the citizens of Jackson County.

38. A sufficient number of the citizens of Jackson County have raised a question as to the fitness of the County Executive to continue in his elected capacity. Much like the determination of the Western District Court of Appeals in addressing the Kansas City Charter in Chastain, the Court here must recognize the will of Jackson County residents as is set forth in the County Charter and the authority the Charter provides to the County Legislature to schedule elections. Through the democratic process, Jackson County citizens “chose to tailor a form of government *as they saw fit*.” See Chastain, supra at. P. 765. Through this Order, the Court seeks to comply with Missouri controlling law and the with the will of the people. Therefore;

IT IS HEREBY ORDERED ADJUDGED AND DECREED that Relator's Petition for Writ of Mandamus is **GRANTED** in part and **DENIED** in part. Relator's Petition is **DENIED** to the extent that it seeks a judicial finding that the recall election take place on or before August

26, 2025. Relator's Petition is **GRANTED** to the extent that it seeks a recall election date that is as soon as practicably possible.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Election Boards' Petition for Declaratory Judgment and Injunctive Relief is **GRANTED** in part and **DENIED** in part. The Election Boards' request for declaratory and injunctive relief that no recall election shall be held on or before August 26, 2025 is **GRANTED**. The Election Boards' request for a declaration that the recall election be held on November 4, 2025 is **DENIED**.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the election to recall the County Executive shall be held on Tuesday, September 30, 2025. The Jackson County Election Board and the Kansas City Election Board are ordered to take all steps necessary to ensure that a special election to recall the County Executive be placed on the ballot on September 30, 2025.

IT IS SO ORDERED.

Date: August 4, 2025


HON. MARTY W. SEATON

Certificate of Service:

I hereby certify that a copy of the above Order and Judgment was served on all parties of record via electronic case filing.



Madison Hyatt, Law Clerk Div. 10