

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
19<sup>TH</sup> JUDICIAL CIRCUIT

STEPHANIE COEN, FAWN COLLINS, MARK )  
ANTHONY JONES, and JAY PERRY, )

Relators, )

v. )

JACKSON COUNTY, MISSOURI LEGISLATURE, )  
FRANK WHITE, MARY JO SPINO, KANSAS CITY )  
ELECTION BOARD and JACKSON COUNTY )  
ELECTION BOARD )

Respondents. )

Case No.: 2516-CV21560

Division 10

And

JACKSON COUNTY ELECTION BOARD and )  
KANSAS CITY ELECTION BOARD, )

Plaintiffs, )

v. )

MARY JO SPINO (in her official capacity as )  
the Clerk of the Jackson County Legislature, et al. )

Defendants. )

Case No.: 2516-CV21738

Division 10

**BRIEF OF DEFENDANT FRANK WHITE, IN HIS OFFICIAL CAPACITY**  
**AS JACKSON COUNTY EXECUTIVE**

COMES NOW, Frank White, in his official capacity as Jackson County Executive (“County Executive”), and submits the following brief in advance of the hearing in this matter set for August 1. The County Executive holds the executive power of the County and is responsible for the administration of all affairs of the county, and the execution and enforcement of provisions

of the Jackson County Charter (“Charter”) and ordinances passed by the County Legislature. Charter, Article III, §§ 1, 5. It is in this capacity that he appears and proceeds in this action.

Defendant adopts and concurs in the arguments made by Plaintiff Election Boards that an election prior to November would violate state law. For the reasons stated below and in his Answer and Counterclaim filed in this suit, there are errors in the petition-gathering process that result in an insufficient number of valid signatures to support the call of a recall election because of the use of out-of-state “circulators” (the people who gather and verify signatures). Further, given that the election cannot occur until November, the 60-day period mandated by the County Charter cannot be met and therefore no such election can proceed.

**A Significant Number of the Petitions Are Insufficient Under Missouri Law Because Many Were Submitted and Attested To By Non-Resident Circulators**

The recall process set out by the Jackson County Charter and Missouri law allows signatures of registered voters to be collected by “circulators” who must attest that the signatures they have collected were signed by registered voters in his or her presence. *See, e.g., Ketcham v. Blunt*, 847 S.W.2d 824, 832 (Mo. Ct. App. 1992) (noting that affidavit of circulator as to signatures on initiative petition “creates a presumption of validity which can be overcome by competent evidence.”) These circulators must, however, be residents of Missouri. *See* Mo. Rev. Stat. § 115.700 (providing that petitions on local issues must follow the form set out in § 115.019); Mo. Rev. Stat. § 115.019 (requiring a circulator’s affidavit including attestation that the circulator is a resident of the state of Missouri). Such a requirement protects the integrity of the Missouri recall process by allowing only those with an active interest in Missouri law or government (*i.e.* Missouri residents) to provide the presumption of validity of the signatures on a recall petition. Moreover, should it become necessary to obtain testimony from said circulators, they would be subject to the subpoena power and authority of the Missouri courts.

Here, a significant number of the signatures – numbering at least in the thousands - on the Petitions were collected and attested to by non-resident circulators. *See* Exhibit 1 (Petitions attested to by a number of out-of-state circulators).<sup>1</sup> Given the short timeframe allowed for Respondent White’s response in this action, the exact number of invalid signatures collected by non-resident circulators has not yet been determined, but it is more than enough to bring the total signatures well below the threshold required to call an election. A review of just a portion of the petitions submitted to the two election boards shows thousands of signatures collected by out-of-state Circulators coming from Kansas, Oregon, Arizona, California, Michigan, Nebraska, Colorado, Oklahoma, and others. This appears particularly to be the case with the later-submitted petitions.

The form of the Circulator’s Affidavit on all of the Petitions filed in this case did not require the Circulator to be a resident of Missouri; and, in fact, a large number – perhaps a majority – were not. The language in the sampling shown in Exhibit 1 appears to have come from Chapter 116, which deals with statewide Initiatives and Referendums. Sections 116.030 and 116.040 provide the form, including the language of the Circulator’s Affidavit, for Referendum Petitions and Initiative Petitions respectively. These forms of affidavit do not require the Circulator to be a Missouri resident. But these sections are applicable only to elections on *statewide* ballot measures. Mo. Rev. State § 116.020.

Should the Court agree with the Election Boards and the County Executive that the first date for an election would be in November and that the Circulators should have been Missouri residents, then the County Executive suggests that the Court order the Election Boards to calculate the number of signatures of registered voters in Jackson County that have been submitted on

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<sup>1</sup> The Petitions are lengthy and contain personal identifying information of individuals. Thus, only a redacted example is attached. However, numerous other examples exist, and Respondent White will make the full Petitions available to the Court at its request.

petitions with Circulator's Affidavits that show that the circulator is a Missouri resident. If that number of signatures does not meet the threshold called for in the Charter, then no election would be lawful.

Dated July 30, 2025

Respectfully submitted,

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