

**IN THE CIRCUIT COURT OF
GREENE COUNTY, MISSOURI**

Steven L. Reed, Petitioner)	
vs)	
)	PETITION CONTESTING
Brenda M. Cirtin, City Clerk,)	
City of Springfield, Respondent)	ELECTION AND REQUESTING
)	
)	NEW ELECTION
)	

FACTS

Plaintiff Steven Reed filed a Declaration of Candidacy as a Write In for Mayor on February 9, 2007 (PLEASE SEE ATTCHED), with Richard T. Struckhoff the Greene County Clerk. Plaintiff Reed files this Petition and Civil Action per the City Charter which reads as follows:

Section 13.2 Regulations of elections

The council shall provide by ordinance all regulations which it considers needful or desirable, not inconsistent with this Charter or state laws, for the conduct of municipal elections, including notice, for the prevention of fraud in such elections, and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the city clerk unless otherwise provided by law.---End of City Charter extract.

This action is filed by Plaintiff as per allowed by state law shown below:

Missouri Revised Statutes

**Chapter 115
Election Authorities and Conduct of Elections
Section 115.553**

Candidate may challenge returns--registered voter of area may contest result.

115.553. 1. Any candidate for election to any office may challenge the correctness of the returns for the office, charging that irregularities occurred in the election.

2. The result of any election on any question may be contested by one or more registered voters from the area in which the election was held. The petitioning voter or voters shall be considered the contestant and the officer or election authority responsible for issuing the statement setting forth the result of the election shall be considered the contestant. In any such contest, the proponents and opponents of the ballot question shall have the right to engage counsel to represent and act for them in all matters involved in and pertaining to the contest.

(L. 1977 H.B. 101 § 13.100)

Effective 1-1-78

Plaintiff argues he talked with and made contact with thousands of voters and that it was not fair for them to go into the polling place and be told “you can not write in any other candidates or people”. Plaintiff Reed argues that not allowing people to write in a candidate for Mayor was a breach of the spirit, if not the letter, of electoral democracy, and possibly an illegal action carried out by county and city officials. Plaintiff notes that Richard Struckhoff said he was carrying out what the City law department notified him to do.

It could be said that the reason people not involved and are suspicious of a government that seems to do what it wants and make its own rules so why worry about being involved or voting.

The City Charter does not address the issues of a write-in and there is clearly no prohibition of write in candidates. State law should give precedent to this situation.

Springfield City Attorney Dan Wichmer says that the City Charter does not allow write-in candidates. The facts are that the city charter does not speak to write-in candidates so state law which allows write-in candidates should be the proper decider since State Law Supersedes local but especially when local law is silent on issues of such legal Importance to the People.

With over 150,000 people living in the City of Springfield with over half being registered voters the people should all have the write THE RIGHT OF SUFFRAGE and being able to vote for additional candidates in this or other Elections. The City of Springfield elections have around 10% turnout and the City should be promoting more candidates and involvement rather than using tax payer money to keep people from running for office.

All other cities in Missouri apparently allowed write ins for all offices

The Court is asked to take a look at the following news links and sample ballot links that show write-in candidates for Mayor and Alder persons were allowed in Cities all over the state of Missouri. Clearly many of the city charters of these cities are likely silent on write-ins but state law prevails.

Legal section of the News-Leader printed sample ballots for Greene County and the Cities of Fair Play and Battlefield show lines for write in candidates for all offices. Springfield sample ballot did not. Does the City Charters of those cities say anything one way or the other about write in candidates. It seems clear to Plaintiff Reed that the City of Springfield is blowing smoke and never figured anyone would be so persistent concerning such an issue. Comparing the 200 signatures that are required to be placed on the ballot as a reason write-ins are not allowed is like comparing

the general make up of an apple to that of an orange, peach, or a tomato.

Plaintiff has included as Evidence the returns for election day which show all towns and cities in Greene County allowed write in and in many races write ins were cast.

1. The Board of Election Commissioners for the City of St. Louis says that Write In Candidates were allowed in Mayor Elections when they are held. See the current sample ballot which shows in [April 3, 2007 General Municipal Election – Sample Ballot](#) Write Ins are being allowed. EXHIBIT NUMBER ONE

[Click here for more...](#)

2. FAYETTE Missouri allowed Write In Candidates: EXHIBIT NUMBER TWO

[Click here for more...](#)

3. Joplin is allowed Write In Candidates for Mayor: EXHIBIT NUMBER THREE

Published March 06, 2007 11:32 pm -
Jasper mayor fires fire chief, chief's son
By Dustin Shipman dshipman@joplinglobe.com

[Click here for more...](#)

4. KANSAS CITY | Write-in candidates declare:

[Click here for more...](#)

5. Branson allowing Mayor Write In Candidate: EXHIBIT NUMBER FOUR

[Click here for more...](#)

[Municipal election: April 3, 2007/Three vie for Marshall mayoral post in April 3 election](#)

EXHIBIT NUMBER FIVE

Missouri Election Laws

Clearly the City of Springfield is required to adhere to the Election Laws of the

State of Missouri and the most clear example is the elections are only allowed on specific dates. For this year they are February 6, 2007, March 6, 2007, April 3, 2007, June 5, 2007, August 7, 2007, November 6, 2007. Clearly the City of Springfield could not say they want to have an election any day they want. It is clear that State Law supersedes and prevails in election issues and should have in this election and future elections in Springfield. Plaintiff Reed points out several of the reasons write in candidates are allowed include: a candidates death, a candidate withdraws, people decide after a primary for some reason that the candidates running are not to their liking, or during the election cycle a certain candidate becomes undesirable and someone else wants to give the public another option. Plaintiff reed has long argued that as a local, state, or national community need more candidates running which brings new ideas to the table of interest to the people and it causes more people to become involved since many friends and family members join into the election process. That is why it is upsetting to Plaintiff Reed to see the City of Springfield using taxpayer money to actually restrict voters opportunities for the discussion of issues and other possible leadership.


From Missouri Secretary of State website:

<http://www.sos.mo.gov/elections/writein.asp>

Write-In Candidates

A "write-in candidate" is a person whose name is not printed on the ballot (*see*

[115.453\(4,5,6\) RSMo](#)); and

Who has filed a [declaration of intent](#)  to be a write-in candidate for election to office with the proper [election authority](#) prior to 5:00 pm. on the second Friday immediately preceding the election day. It is not necessary to file a declaration of intent if there are no

candidates on the ballot for that office. (see [115.453 \(4\) RSMo](#))

Chapter 115

Election Authorities and Conduct of Elections

Section 115.553,

SPECIAL ELECTION REQUESTED

Plaintiff Steven Reed request the relief of the court to remedy the apparent unlawful election. The clearest way would be for the court to order a special election for Mayor of Springfield which would bring the City back within the legal guidelines and make it whole as a political subdivision with the State of Missouri.

The following are arguments that are the reasons Plaintiff feels this action needed to be brought to court and to the publics attention:

IN TANEY COUNTY

Taneyville R2 School Board

Total Votes 291

Danny Neal 107 36.77%

Mike Thomas 69 23.71%

Glenn Dalton 103 35.40% Write in Votes 12 4.12%

Bradleyville Trustees (School Board)

(All Won)

Total Votes 16

John Combs 5

John R. Cook 5

Brandon Burkhart 6

Branson Mayor

Total Votes 1681

Raeanne Presley 1390 82.69%

Bull Creek Trustees

Total votes 24

Jody LeMaster 13 54.17%

Mary Mink 11 45.83%

Forsyth Ward 1 Alderman

David Oliphant 144 99.31 (1 Write in)

Forsyth Ward 2 Alderman

143 Votes

Glen L Mattheisen 90 62.94%

karl A. Smith 53 37.06%

Forsyth Annexation

Yes 215 70.96%

No 88 29.04%

Hollister Municipal Judge

Randy Anglen 166 of 168 (2 Write In's) 98.81%

Hollister Ward 1 Alderman

Scott McCaulley 70 of 71 (1 Write In) 98.59%

Hollister Ward 2 Alderman

David Willard 103 Votes (The only person to receive 100% of votes cast)

Hollister City Question (Natural Gas Initiative)

191 Votes Cast

Yes 127 66.49%

No 64 33.51%

Kirbyville Trustees

19 Votes Cast

Aaron Rogers 8

Write-in 11

(This should be an interesting one come tomorrow)

Merriam Woods Trustees

Total Votes 347

Greg Buresh 42 12.1%

David Winne 65 18.73%

David Popejoy 48 12.83%

Ed Blackburn 36 10.37

Michael Wilkerson 69 19.88%

David Pendleton 81 23.34%
Write in Votes 6 1.73%

Rockaway Beach Mayor
Lawrence E. Cline 115 53%
Jerry Simms 100 46.08%
Write in Votes 6 1.73%

Rockaway Ward 1 Alderman
Total Votes 106
Judy Daniel 59 55.66%
Don Burche 46 43.40%

Rockaway Ward 2 Alderman
Susan Riggs 48 43.24%
Carol Szabo 50 45.05%
Pat Still 13 11.71%

Taneyville Trustee
Total Votes 83
Shellia Braden 24 28.92%
Marilyn McDaniel 18 21.69%
Dennis House 16 19.28%
Teresa A. Brown 24 28.92%
Write In 1 1.2%

Central Taney County Fire District
Total Votes 426
Dennis House 227 53.29%
Charley A. Bech 192 45.07%
Write-in Votes 7 1.64%

Branson Mayor - 1,681 Votes Cast
Raeanne Presely - 1390 Votes (82.69%)
Lou Schaefer - 292 (17.31%)
Assumes Write-in Votes were cast for Lou Schaefer

Branson Ward 1 Alderman - 584 Votes Cast
Eric Farris - 237 Votes (40.58%)
Bob McDowell - 347 (59.42%)

Branson Ward 2 Alderman
Ron Huff - 119 (26.92%)
Sandra Williams - 323 (73.08%)

Branson Ward 3 Alderman

Stephen Marshall - 577 (97.08%)
13 Write-In Votes (Unknown)

<http://www.greenecountymo.org/election/>

SUMMARY REPORT
 MISSOURI

GREENE COUNTY,
 MUNICIPAL ELECTION
 APRIL 3, 2007

RUN DATE:04/03/2007 08:43 PM

	VOTES	PERCENT
VOTES PERCENT		
PRECINCTS COUNTED (OF 84)	84	100.00
R-4 ASH GROVE SCHOOL DISTRICT BOARD OF DIRECTORS		
REGISTERED VOTERS - TOTAL	184,888	
VOTE FOR 2		
BALLOTS CAST - TOTAL.	19,191	
GREG DOLLENS	132	21.85
VOTER TURNOUT - TOTAL		10.38
DEANNA FLETCHER	76	12.58
RON REED.	188	31.13
GREENE COUNTY WIDE SALES TAX		
KIM METCALF.	199	32.95
YES	13,317	70.75
WRITE-IN.	9	1.49
NO.	5,506	29.25
WRITE-IN.	0	
PCR-6 PLEASANT HOPE PROP 2		
R-6 STRAFFORD SCHOOL DISTRICT BOARD OF DIRECTORS		
YES	28	54.90
VOTE FOR 2		
NO.	23	45.10
TERESA R. GRITER	216	24.97
STACEY COGDILL.	228	26.36
STEVEN D. BODENHAMER.	224	25.90
R-8 LOGAN-ROGERSVILLE SCHOOL DISTRICT BOARD OF DIRECTORS		
BOB MATTHEWS	80	9.25
VOTE FOR 2		
TWENTIN ALEXANDER.	115	13.29
BARBRA FIELDEN.	148	28.57
WRITE-IN.	1	.12
DOUG PITTS	190	36.68
WRITE-IN.	1	.12
J.D. FIELDEN	166	32.05
WRITE-IN.	10	1.93
WRITE-IN.	4	.77
MARION C. EARLY R-5 SCHOOL DISTRICT BOARD OF DIRECTORS		
VOTE FOR 2		

WESTON WILKINS.	29	20.57
R-5 WALNUT GROVE SCHOOL DISTRICT BOARD OF DIRECTORS		
DAN MELILLI.	22	15.60
VOTE FOR 2		
DAN MCKNIGHT	26	18.44
GREG KNIGHT.	147	29.70
KATY CRAIN	39	27.66
DANELLE (BLAKEMORE) MAXWELL	178	35.96
TODD GRANT	25	17.73
BROCK THOMAZIN.	162	32.73
WRITE-IN.	0	
WRITE-IN.	8	1.62
WRITE-IN.	0	
WRITE-IN.	0	

MARION C. EARLY R-5		
R-2 WILLARD SCHOOL DISTRICT BOARD OF DIRECTORS		
YES	51	62.20
VOTE FOR 2		
NO.	31	37.80
CAROLINE PUCKETT	770	24.08
JUAN MERAZ	412	12.88
MARK J. SCOTT	319	9.97
FAIR GROVE R-X SCHOOL DISTRICT BOARD OF DIRECTORS		
JACK MCCONNELL.	109	3.41
VOTE FOR 2		
STEVE K. VAUGHN	937	29.30
KENT TEAL	747	37.88
RICHARD GARDNER	626	19.57
MIKE COUNTERMAN	440	22.31
WRITE-IN.	19	.59
KEN HARMON	756	38.34
WRITE-IN.	6	.19
WRITE-IN.	21	1.06
WRITE-IN.	8	.41

R-3 REPUBLIC SCHOOL DISTRICT BOARD OF DIRECTORS		
VOTE FOR 2		
FAIR GROVE R-X QUESTION		
VICKIE HAYWARD.	1,174	24.55
YES	735	60.44
GREG SHIREMAN	775	16.21
NO.	481	39.56
RHONDA DAVIS	852	17.82
MICHAEL NOELL	240	5.02
LANCE BEKEMEIER	1,157	24.19
R-12 SPRINGFIELD SCHOOL DISTRICT BOARD OF DIRECTORS		
DAVID M. KELLETT	544	11.38
VOTE FOR 2		
WRITE-IN.	29	.61
PATSY SUMMERS	4,592	22.41
WRITE-IN.	11	.23
PAM BODINE	4,476	21.85

GERRY LEE	6,298	30.74
JEAN S. TWITTY.	5,123	25.00
REPUBLIC R-3 QUESTION 1		
YES	1,894	64.14
NO.	1,059	35.86
R-12 SPRINGFIELD		
SCHOOL DISTRICT BOARD OF DIRECTORS 1 YR		
DEBBIE Y. TOLLIVER	8,924	100.00
REPUBLIC R-3 QUESTION 2		
YES	1,718	58.40
NO.	1,224	41.60
CITY OF SPRINGFIELD MAYOR		
TOM CARLSON.	6,837	100.00
GREENE COUNTY, MISSOURI		

SUMMARY REPORT
MUNICIPAL ELECTION
APRIL 3, 2007

RUN DATE:04/03/2007 08:43 PM

VOTES PERCENT

VOTES PERCENT

CITY OF SPRINGFIELD GENERAL COUNCIL SEATS		
CITY OF WILLARD ALDERMAN WD.1 2 YR		
CONRAD GRIGGS	4,055	47.52
BILL CAPLINGER, JR.	154	89.53
DOUG BURLISON	4,478	52.48
WRITE-IN.	18	10.47

CITY OF SPRINGFIELD GENERAL COUNCIL SEATS		
CITY OF ASH GROVE ALDERMAN WD.2-2 YR		
DANIEL T. (DAN) CHILES	5,293	59.30
RONNIE J. MONNIG	49	98.00
JACK "COACH" STECK	3,633	40.70
WRITE-IN.	1	2.00

CITY OF STRAFFORD MAYOR		
CITY OF BATTLEFIELD ALDERMAN WD. TWO 2 YR		
MYRL (SANDY) BOWLER	105	42.51
TIM BAIR.	56	70.00
TOM VICAT	115	46.56
DOUG LOBBAN.	24	30.00
JESSICA MILLER.	27	10.93
WRITE-IN.	0	
WRITE-IN.	0	

CITY OF BATTLEFIELD ALDERMAN WD. THREE-2 YR		
CITY OF WILLARD MAYOR		
DARRIN SNODGRASS	56	94.92

TOM KELTNER.	267	46.35
WRITE-IN.	3	5.08
JAMIE DANIEL SCHOOLCRAFT	308	53.47
WRITE-IN.	1	.17
CITY OF FAIR GROVE ALDERMAN WD.2-2 YR		
JEFFREY O'DELL DANDERSON	111	94.87
CITY OF WALNUT GROVE N. WARD ALDERMAN		
WRITE-IN.	6	5.13
SEAN O'CONNOR	29	59.18
JUDY MALLOY.	20	40.82
WRITE-IN.	0	
CITY OF FAIR GROVE ALDERMAN WD.3-2 YR		
JEANIE ICENHOWER	77	90.59
WRITE-IN.	8	9.41
CITY OF ASH GROVE ALDERMAN WD.1 2 YR		
IVER JOHNSON	46	90.20
WRITE-IN.	5	9.80
CITY OF REPUBLIC ALDERMAN WD.2-2 YR		
GERRY POOL	266	97.08
WRITE-IN.	8	2.92
CITY OF BATTLEFIELD ALDERMAN WD. ONE-2 YR		
JOHN W. REEP	86	97.73
WRITE-IN.	2	2.27
CITY OF REPUBLIC ALDERMAN WD.3-2 YR		
SCOTT F. LOWRY.	91	26.22
BRANDON ANDREWS	51	14.70
CITY OF FAIR GROVE ALDERMAN WD.1 2 YR		
BRIAN BUCKNER	201	57.93
STEPHEN FOLEY	108	99.08
WRITE-IN.	4	1.15
WRITE-IN.	1	.92
CITY OF REPUBLIC ALDERMAN WD.4-2 YR		
CITY OF REPUBLIC ALDERMAN WD.1 2 YR		
JIM HUNTSINGER.	378	95.45
JOSH MORRIS.	305	66.02
WRITE-IN.	18	4.55
KELLI LEWIS.	154	33.33
WRITE-IN.	3	.65
CITY OF ROGERSVILLE ALDERMAN WD.2-2 YR		
LEON RODERICK	0	
CITY OF REPUBLIC ALDERMAN WD.1 1 YR		
WRITE-IN.	0	
RON OSWALT	434	98.86
WRITE-IN.	5	1.14

CITY OF ROGERSVILLE ALDERMAN WD.2-1 YR

TERESA THOMPSON	0
CITY OF ROGERSVILLE ALDERMAN WD.1 2 YR	
WRITE-IN.	0
DALE L. REAVES.	0
WRITE-IN.	0

CITY OF STRAFFORD ALDERMAN WD.2-2 YR

SUSAN KRIEGER	60	100.00
CITY OF STRAFFORD ALDERMAN WD.1 2 YR		
WRITE-IN.	0	
ELIZABETH "KATHY" BOWLER	37	42.05
JOHN F. VICAT	49	55.68
WRITE-IN.	2	2.27

CITY OF WALNUT GROVE FOR ALDERMAN S. WARD

BILL FERGUSON	68	97.14
WRITE-IN.	2	2.86

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MUNICIPAL ELECTION
APRIL 3, 2007

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VOTES PERCENT

CITY OF WILLARD ALDERMAN WD.2-2 YR

LOUIE AMODEO	231	68.34
WRITE-IN.	107	31.66
BRAD DALTON	102	

CITY OF REPUBLIC ALDERMAN WD.5- 2 YR

KEITH ROBERTS	36	92.31
WRITE-IN.	3	7.69

CITY OF STRAFFORD ALDERMAN WD.3-2 YR

KELLY BROWN.	74	98.67
WRITE-IN.	1	1.33

CITY OF SPRINGFIELD COUNCIL MEMBER ZONE 2

SHELIA O. WRIGHT	468	19.58
CINDY RUSHEFSKY	1,922	80.42

CITY OF SPRINGFIELD COUNCIL MEMBER ZONE 3

RALPH K. MANLEY	1,445	100.00
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IN CONCLUSION

Plaintiff Reed has learned that poll workers in Springfield were asked about writing in a candidates name and were told “write ins are not being allowed”. Whether or not Plaintiff Reed would have won or not has nothing to do with the issue at hand. By not accepting Plaintiff Reed as a candidate the people were denied to have an option of voting for the current Mayor. Plaintiff Reed was not able to have any press coverage which would have allowed him to get his message on issues out. Plaintiff Reed believes the issue is not about his candidacy but the ideal of open and free elections. In Missouri anyone can file as a write in for President. Plaintiff Reed argues that the United States has fought every war over the general concept of Democracy and the ideals of letting the people decide their own destinies.

Plaintiff Reed feels it would be proper to let all the Municipal Election including School Board be accepted and certified as to the results. Plaintiff Reed is apparently the only person certified by the County Clerk per State Law to be a candidate and so the Mayor race is the one of question. Clearly it appears the City of Springfield is being inconsistent with the rest of the state. If the people did not have the chance to vote on all possible viable candidates then they disqualified Plaintiff Reed inappropriately and means the election was improper. The city clerk did not follow state law and accept a candidate. It seems apparent that the City of Springfield violated the law by having a prohibition on write in candidates. Clearly state law would override the city charter especially if the city charter was silent on the issue. People went to the polls to vote and were upset when they were told they could not vote.

VERIFICATION

State of:

County of:

, being first duly
sworn under oath, presents that he is the plaintiff in this action;
that he knows the contents of the complaint; and that the information contained therein is
true to the best of his knowledge and belief.

PLAINTIFF Steven L. Reed, 1441 S. Estate, Springfield, MO 65804 acting on his own
behalf without waiving any rights.

PLAINTIFF'S VERIFICATION

The undersigned, being duly sworn, deposes and state that I am the PLAINTIFF herein,
this is my claim, and the facts stated therein are true to my best knowledge and belief.

_____, 2007 _____ Steven L. Reed

Subscribed and affirmed before me, this ___ day of _____ 2007

Notary Public