

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

DARRELL COPE)
)
 and) Case No.
)
 MISSOURI DEMOCRATIC PARTY,) Division
)
 Plaintiffs,)
)
 v.)
)
 MICHAEL L. PARSON,)
 in his official capacity)
 as Governor of the State of Missouri,)
)
 Serve: Office of the Governor)
 State Capitol Building, Room 218)
 Jefferson City, Missouri 65102)
)
 and)
)
 MIKE KEHOE,)
)
 Serve: Office of the Lieutenant Governor)
 State Capitol Building, Room 224)
 Jefferson City, Missouri 65102)
)
 Defendants.)

**VERIFIED PETITION
FOR INJUNCTIVE AND DECLARATORY RELIEF**

Plaintiffs Darrell Cope and the Missouri Democratic Party, for their verified petition for injunctive and declaratory relief against defendants Michael L. Parson, in his official capacity as Governor of the State of Missouri, and Mike Kehoe, purported Lieutenant Governor of the State of Missouri, state:

Parties

1. Darrell Cope is an American and Missouri citizen and taxpayer. Cope resides in Hartville, Wright County, Missouri.

2. Missouri Democratic Party (“Party”) is a mutual benefit corporation organized under the laws of the State of Missouri. The Party represents its members by participating in and influencing Missouri governmental policies, supporting its members in elections, and organizing and persuading voters to elect Democratic Party candidates to public office.

3. Michael L. Parson was Missouri’s Lieutenant Governor until Friday, June 1, 2018, when he was sworn in as Missouri’s Governor following the resignation of former Governor Eric Greitens.

4. Mike Kehoe is a Missouri State Senator representing District 6.

5. When Governor Parson was sworn in, the office of Lieutenant Governor became vacant.

6. Governor Parson attempted to fill that vacancy by purportedly appointing Mike Kehoe, a Republican, as Missouri’s Lieutenant Governor on June 18, 2018. Governor Parson announced the purported appointment and Mike Kehoe was then immediately purportedly sworn in as Lieutenant Governor.

Standing

7. Darrell Cope, as a Missouri citizen, has standing under *Article I, Section 3, Missouri Constitution* to challenge Governor Parson’s purported authority to appoint Mike Kehoe Lieutenant Governor.

8. Darrell Cope has taxpayer standing to challenge Governor Parson's purported authority to appoint Mike Kehoe Lieutenant Governor because such appointment will require the expenditure of revenue collected by taxpayers to fund the Office of the Lieutenant Governor.

9. Darrell Cope is a World War II veteran. As an elderly Missouri veteran, Darrell Cope has a direct personal interest in being able to vote for Lieutenant Governor because the Lieutenant Governor is, by statute, Missouri's official advocate for senior citizens and is directly responsible for government assistance for the elderly, Section 660.620, RSMo. Furthermore, by tradition, the Lieutenant Governor is Missouri's Veterans Advocate. See <https://ltgov.mo.gov/veterans/>

10. The Party has direct and associational standing to challenge Governor Parson's claim of power to appoint a Lieutenant Governor because Governor Parson's purported appointment of a Lieutenant Governor will create an electoral disadvantage for the Party and its members, Democratic voters in the State of Missouri.

11. If Governor Parson is permitted to appoint a Lieutenant Governor, then Mike Kehoe will be in a position to run as an incumbent Lieutenant Governor in 2020.

12. Incumbent elected officials have significant fundraising and name recognition advantages over challengers

13. Incumbent elected officials have a material electoral advantage over their challengers in Missouri. For example, 100% of incumbent Missouri State Senators and 96.3% of incumbent Missouri State Representatives won re-election in 2014.

Appointment Authority

14. The Missouri Constitution states that, “The governor shall fill all vacancies in public offices *unless otherwise provided by law ...*” *Art. IV, Sec. 4* (emphasis added).

15. Section 105.030, RSMo states (emphasis added), “Whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, *other than in the offices of lieutenant governor*, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor ...”

16. Missouri law provides ways to fill state legislator vacancies under Section 21.110, RSMo, and county sheriff vacancies under Section 57.080, RSMo, but provides no way to fill a vacancy in the office of Lieutenant Governor. This omission evidences the General Assembly’s intent that should a vacancy arise in the office of Lieutenant Governor, the office will remain vacant until the next applicable election.

17. Based on *Art. IV, Sec. 4*, and Section 105.030, RSMo, Governor Parson has no authority to appoint a Lieutenant Governor to fill the now-existing vacancy.

18. No legal remedy exists under Missouri Law for the Party and Darrell Cope to challenge Governor Parson’s claimed authority to appoint a Lieutenant Governor or his purported appointment of Mike Kehoe as Lieutenant Governor.

19. Based on Governor Parson’s purported appointment of Mike Kehoe as Lieutenant Governor, a justiciable controversy exists among the parties.

WHEREFORE, plaintiffs Darrell Cope and the Missouri Democratic Party request the Court enter preliminary and permanent injunctions: (1) enjoining Governor Parson from appointing a Lieutenant Governor; (2) enjoining Governor Parson from appointing Mike Kehoe Lieutenant Governor; and (3) prohibiting Mike Kehoe from serving as Lieutenant Governor, unless elected to such office by the people.

Plaintiffs Darrell Cope and the Missouri Democratic Party further request that the court enter a judgment declaring: (1) Governor Parson is without legal authority to appoint a Lieutenant Governor; (2) Governor Parson's purported appointment of Mike Kehoe as Lieutenant Governor was ineffective; and (3) that Mike Kehoe is not Lieutenant Governor of the State of Missouri.

Plaintiffs Darrell Cope and the Missouri Democratic Party further request that the court grant them such further relief as to which they may be entitled under the circumstances.

Respectfully submitted,

JACOBSON PRESS P.C.

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Attorneys for Plaintiffs

(Verifications on next page)

VERIFICATION

I, Darrell Cope, verify that the foregoing allegations are true and correct to the best of my knowledge and belief.

Darrell R. Cope

VERIFICATION

I, Stephen Webber, Chairman of the Missouri Democratic Party, verify that the foregoing allegations are true and correct to the best of my knowledge and belief.

Stephen Webber