

PETITION FOR RECOUNT

COMES NOW Contestant, Wes Shoemyer, president of Missouri's Food for America, and for his petition for a recount of votes, states and alleges as follows:

1. Contestant, Shoemyer, is, and at all times hereinafter mentioned, was, a registered voter residing in the State of Missouri.
2. Contestee, Jason Kander, (hereinafter the "Secretary"), is, and at all times hereinafter mentioned was, the Missouri Secretary of State. The Missouri Secretary of State was the election authority responsible for conducting the primary election for the State on August 5, 2014.
3. On May 14, 2013, Missouri's 97th General Assembly adopted a joint resolution to certify a constitutional ballot question to appear in the State's next election that would establish the constitutional right to farm (hereinafter the "Right to Farm Amendment").
4. On May 23, 2014, Missouri Governor Jay Nixon issued a proclamation that the Right to Farm Amendment would appear on the ballot in the State's August 5, 2014 primary election. *See* Press Release, Office of Missouri Governor Jay Nixon, Gov. Nixon Sets Election Dates for 2014 Ballot Measures (May 23, 2014), *available at* <https://governor.mo.gov/news/archive/gov-nixon-sets-election-dates-2014-ballot-measures>.
5. On August 5, 2014, Contestant cast a vote against the Right to Farm Amendment in the primary election.
6. The address on Contestant's voter registration form as of August 5, 2014 was 16350 Monroe Road 184 Clarence MO 63437.

7. Although the Secretary has not yet officially announced election results, the unofficial results of the August 5, 2014 primary election yield 499,581 votes for and 497,091 votes against the Right to Farm Amendment. *See* Missouri Secretary of State, August 5, 2014 Primary Election Unofficial Results (last visited Aug. 21, 2014), <http://enr.sos.mo.gov/EnrNet/>. The unofficial margin of victory for the Right to Farm Amendment is 0.25%. *See id.*
8. The Right to Farm Amendment was defeated by less than 1 percent of the votes cast on the ballot question in the August 5, 2014 primary election, and Contestant is therefore authorized to a recount under Mo. Rev. Stat. § 115.601(1) (“[A]ny person whose position on a question was defeated by less than one percent of the votes cast on the question[] shall have the right to a recount of the votes cast . . . on the question.”).
9. Given the 0.25% margin of victory on the Right to Farm Amendment, Contestant requests, pursuant to Mo. Rev. Stat. § 115.601, that the votes on the question be recounted.

WHEREFORE Contestant prays that the Secretary order a recount pursuant to Mo. Rev. Stat. § 115.601; that the Secretary make such other and further orders as the Secretary deems just and proper; that the Secretary provides leave for Contestant to produce supporting evidence as needed; and that the costs of this proceeding be taxed to the election authority since the Contestant has a right to such recount pursuant to Mo. Rev. Stat. § 115.601.

Respectfully submitted,

Wes Stoenyer
President Missouri's Food for America