

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

CHADWICK RURAL VOLUNTEER)	
FIRE PROTECTION DISTRICT,)	
)	
Petitioner,)	
)	
vs.)	Case No.
)	
KAY BROWN, COUNTY CLERK,)	
CHRISTIAN COUNTY, MISSOURI,)	
)	
Respondent.)	

APPLICATION FOR ORDER PERMITTING LATE NOTIFICATION TO ELECTION AUTHORITY PURSUANT TO SECTION 115.125.2, RSMo.

COMES NOW Petitioner Chadwick Rural Volunteer Fire Protection District, by and through its undersigned counsel, and for its Application for Order Permitting Late Notification to Election Authority Pursuant to Section 115.125.2, RSMo., states as follows:

1. Petitioner is a rural volunteer fire protection district located in Christian County, Missouri, formed pursuant to and existing by virtue of Chapter 321, RSMo., and governed by its duly elected board of directors.
2. Respondent is the election authority in and for Christian County, Missouri, with the responsibility for conducting the election hereinafter mentioned.
3. By duly enacted resolution, Petitioner's board of directors authorized the following question to be placed on the ballot for the election to be held on August 4, 2015:

Shall the board of directors of the Chadwick Rural Volunteer Fire Protection District be authorized to levy an additional tax of not more than twenty-five cents on the one hundred dollars

assessed valuation to provide funds for the support of the district?”

4. Section 115.125.1, RSMo., provides that “[n]ot later than 5:00 p.m. on the tenth Tuesday prior to any election...the officer or agency calling the election shall notify the election authorities responsible for conducting the election” of “the name of the officer or agency calling the election,” and “shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127.”

5. Due to the need for revision of ballot language previously submitted to Respondent for placement on the August 4, 2015 ballot, Petitioner was unable to meet the aforesaid deadline for notifying Respondent of the proposed ballot question.

6. Section 115.125.2, RSMo., provides:

2. Except as provided for in sections

1. 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district. No court shall have the authority to order an individual or issue be placed on the ballot less than six weeks before the date of the election, except as provided in sections 115.361 and 115.379.

7. Petitioner states that the president of its board of directors has consulted with

Respondent, who has confirmed that there will be no additional cost for the printing or reprinting of ballots, and, further, that Respondent is not opposed to Petitioner making the late notification permitted by Section 115.125.2, RSMo.

WHEREFORE, Petitioner Chadwick Rural Volunteer Fire Protection District moves the Court for an order permitting it to make late notification to Respondent Kay Brown, County Clerk in and for Christian County, Missouri, in order that Petitioner's aforesaid ballot question may be placed on the ballot for the August 4, 2015 election to be conducted by Respondent, and for such other and further relief as the Court deems just and proper in the premises.

Respectfully submitted,
YATES, MAUCK, BOHRER,
ELLIFF & FELS, P.C.

By: /s/ Mark C. Fels
Mark C. Fels
Missouri Bar No. 33271

2121 South Eastgate Avenue
Springfield, Missouri 65809
Telephone No. (417) 883-7411
Facsimile No. (417) 883-6795
Email: mcf@ymblaw.com
Attorneys for Petitioner

Certificate of Service

The undersigned hereby certifies that the foregoing was served via the eFiling System this 11th day of June, 2015, upon:

John Housley
Christian County Counselor
901 St. Louis Street, 20th Floor
Springfield, Missouri 65806
jhousley@lowtherjohnson.com

/s/ Mark C. Fels

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

CHADWICK RURAL VOLUNTEER)	
FIRE PROTECTION DISTRICT,)	
)	
Petitioner,)	
)	
vs.)	Case No. 15CT-CC00617
)	
KAY BROWN, COUNTY CLERK,)	
CHRISTIAN COUNTY, MISSOURI,)	
)	
Respondent.)	

ENTRY OF APPEARANCE, WAIVER OF SERVICE AND
CONSENT TO ENTRY OF ORDER

COMES NOW John W. Housley, the undersigned Christian County Counselor, and enters his appearance in the above-styled cause on behalf of Respondent. The undersigned, on behalf of Respondent, waives service of process in this cause and states that Respondent has received a true copy of the Application for Order Permitting Late Notification to Election Authority Pursuant to Section 115.125.2, RSMo., filed by Petitioner Chadwick Rural Volunteer Fire Protection District, and a proposed Order Permitting Late Notification to Election Authority Pursuant to Section 115.125.2, RSMo., and hereby consents to entry of said order in this cause.

OFFICE OF CHRISTIAN COUNTY COUNSELOR

By: */s/ John W. Housley*
John W. Housley
Missouri Bar Number 28708
901 St. Louis Street, 20th Floor
Springfield, Missouri 65806
Telephone 417-866-7777
Facsimile 417-866-1752
Attorney for Respondent

**NOTICE OF SPECIAL ELECTION
CHADWICK RURAL VOLUNTEER FIRE PROTECTION DISTRICT**

Notice is hereby given to the qualified voters of the Chadwick Rural Volunteer Fire Protection District that the Board of Directors of said District has called a special election to be held in said District on Tuesday, August 4, 2015, commencing at 6:00 a.m. and closing at 7:00 p.m. on the question contained in the following sample ballot.

**OFFICIAL BALLOT
SPECIAL ELECTION
CHADWICK RURAL VOLUNTEER FIRE PROTECTION DISTRICT
AUGUST 4, 2015**

Shall the board of directors of the Chadwick Rural Volunteer Fire Protection District be authorized to levy an additional tax of not more than twenty-five cents on the one hundred dollars assessed valuation to provide funds for the support of the district?

Yes

No

INSTRUCTIONS TO VOTERS

Using blue or black ink, completely fill in the oval(s)
next to the candidate or question response of the choice(s) like this ●
If you tear, deface or make a mistake and wrongfully mark any ballot,
you must return it to the election board and receive a new ballot.

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

CHADWICK RURAL VOLUNTEER)
FIRE PROTECTION DISTRICT,)

Petitioner,)

vs.)

Case No.

KAY BROWN, COUNTY CLERK,)
CHRISTIAN COUNTY, MISSOURI,)

Respondent.)

ORDER PERMITTING LATE NOTIFICATION
TO ELECTION AUTHORITY PURSUANT TO SECTION 115.125.2, RSMo.

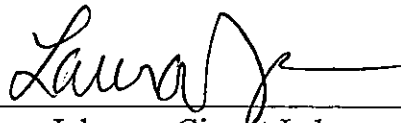
NOW on this 19th day of June, 2015, comes before the Court Petitioner Chadwick Rural Volunteer Fire Protection District's Application for Order Permitting Late Notification to Election Authority Pursuant to Section 115.125.2, RSMo. Having considered the same and being fully advised in the premises, including being advised that Respondent Kay Brown, County Clerk of Christian County, Missouri, is not opposed to Petitioner being permitted to make late notification to her, as election authority, as provided for in Section 115.125.2, RSMo., and that there will be no additional cost for the printing or reprinting of ballots, the Court does hereby **ORDER, ADJUDGE AND DECREE** that Petitioner Chadwick Rural Volunteer Fire Protection District is hereby permitted, pursuant to Section 115.125.2, RSMo., to make late notification to Respondent Kay Brown, County Clerk of Christian County, Missouri, as election authority in and for said county, of those matters of which notice is required to be provided to her pursuant to Section 115.125.1, RSMo.,

including but not limited to the following ballot question:

Shall the board of directors of the Chadwick Rural Volunteer Fire Protection District be authorized to levy an additional tax of not more than twenty-five cents on the one hundred dollars assessed valuation to provide funds for the support of the district?"

and Respondent is hereby ordered to take all necessary and appropriate action in order that said ballot question shall appear on the ballot for the August 4, 2015 election.

SO ORDERED this 19th day of June, 2015.



Laura Johnson, Circuit Judge

IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI

IN RE: SELMORE SPECIAL ROAD DISTRICT.)

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)
)

Case No. _____

Applicant,

JUDGMENT

WHEREAS, Selmore Special Road District has applied to notify the Christian County Clerk of an issue concerning whether there should be a levy of an additional tax on property located within the territory of the District for a period of four (4) years; and

WHEREAS, Section 115.125 RSMo controls the consideration and procedure of this Application; and

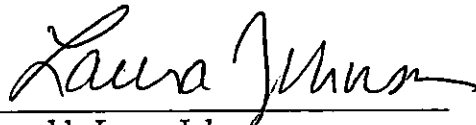
WHEREAS, the Board of Commissioners of the Selmore Special Road District duly passed a motion concerning this levy of an additional tax; and

WHEREAS, the Court has been duly advised concerning the merits of this Application;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED the Selmore Special Road District is permitted to notify the Christian County Clerk of the following question to be placed upon the August 4th, 2015 ballot:

“Shall the Selmore Special Road District of Christian County, Missouri, levy an additional tax rate of thirty-five cents (\$.35) on the hundred (\$100.00) valuation for a period of four (4) years. This additional tax shall expire after four (4) years.”

Costs are taxed to the Applicant.



Honorable Laura Johnson
Circuit Judge
Christian County Circuit Court

Dated: _____

6/15/15