

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

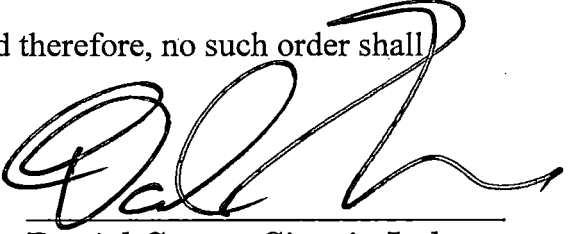
DAVID HUMPHREYS, et al.)	
)	
Petitioner,)	
)	
v.)	Case No. 19AC-CC00249
)	
JOHN R ASHCROFT, et. al.)	
)	
Respondent.)	

ORDER AND JUDGMENT

Pursuant to this Court's direction, Petitioners have filed their First Amended Petition For Temporary Restraining Order, Injunction and Declaratory Relief, And, In the Alternative, Writ of Mandamus. Having reviewed same, this Court concludes that an action in mandamus is the exclusive remedy available to Petitioners that seek reversal of the Secretary of State's decision to reject a ballot measure. *See, e.g. State ex. Rel. Upchurch v. Blunt*, 810 S.W.2d 515 (Mo. banc 1991); *Payne v. Kirkpatrick*, 685 S.W.2d 891 (Mo.App. W.D. 1984); see also *Frye v. Levy*, 440 S.W. 2d 405 (Mo. banc 2014). To the extent Petitioner's seek relief not in mandamus, those claims are hereby dismissed with prejudice.

With regard to the claim(s) in mandamus, this Court is not of the opinion that the preliminary order in mandamus should be granted and therefore, no such order shall issue. Case dismissed. Costs taxed to petitioners.

6/14/19
Date


Daniel Green, Circuit Judge