

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

KENNETH PEARSON, et al.,)	
)	
Plaintiffs,)	
)	Cause No. 11AC-CC00624
vs.)	
)	
CHRIS KOSTER, in his official capacity)	Division II
as Missouri Attorney General, et al.,)	
)	
Defendants.)	

PLAINTIFFS' FIRST AMENDMENT TO PETITION BY INTERLINEATION

Pursuant to leave of Court, granted November 28, 2011, plaintiffs hereby amend their Petition by interlineation in the following two respects:

A. Amendment to Paragraph 1

Paragraph 1 of the Petition is hereby amended by inserting on page 2 of the Petition, at line 8, between the words "contiguous" and "denies," the language " – wholly ignoring and completely disregarding those requirements." As amended, the last sentence of the first paragraph on page 2 of the Petition, appearing at lines 6-10, now reads: "The Map violates the Missouri Constitution in multiple respects in that it creates districts which are not compact and contiguous – wholly ignoring and completely disregarding those requirements, denies plaintiffs equal rights and opportunity under the law, and reflects an exercise of governmental power for the benefit of a few, rather than for the good of the whole and the general welfare of the people."

B. New Count IV

The Petition further is amended by adding at the end of the current Petition the following new Count IV:

Count IV
(Violation of Missouri Constitutional Right to Vote)

58. Plaintiffs re-allege and incorporate herein by reference paragraphs 1 through 57 above.

59. The Missouri Constitution guarantees the right of its qualified, registered citizens to vote in candidate elections, including elections to select Missouri's representatives to the United States House of Representatives.

60. The provisions of the Missouri Constitution embodying the foregoing right to vote include, but are not limited to, Art. 1, § 25, which states: "That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

61. The provisions of the Missouri Constitution embodying the foregoing right to vote further include, but are not limited to, Art. 8, § 2, which states in pertinent part: "All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote are entitled to vote at all elections by the people"

62. For the right to vote embodied in the Missouri Constitution to have its intended meaning and effect, each citizen's vote must have the potential to be of equal force, weight and effect, and may not be diluted as compared with other citizens' votes.

63. Partisan gerrymandering that unduly fragments or unnecessarily concentrates a group's voting strength, and which serves to minimize or cancel out the voting strength of that group, constitutes vote dilution which violates the right to vote as guaranteed by the Missouri Constitution.

64. The Map, as drawn and adopted by the General Assembly, improperly dilutes the votes of Democrats and Independents, including but not limited to plaintiffs, as compared with Republicans, and therefore burdens, impinges upon and violates their rights to vote as guaranteed by the Missouri Constitution.

65. No legal or other justification exists for drawing and adopting a congressional redistricting Map which has the purpose and effect of burdening, impinging upon and violating plaintiffs' and others' rights to vote, as aforesaid, as guaranteed by the Missouri Constitution.

WHEREFORE, plaintiffs pray the Court, pursuant to this Count IV, to enter judgment in their favor and against the defendants; enter a declaratory judgment that the Map as drawn by the General Assembly is improper and invalid as contravening the Missouri Constitution; grant preliminary and permanent injunctive relief precluding defendants from conducting any elections utilizing the Map; draw a new congressional redistricting map, consistent with Missouri constitutional requirements, to govern the 2012, 2014, 2016, 2018 and 2020 congressional elections in Missouri; expedite the adjudication of this action so that all proceedings, including any appeals, can be concluded in advance of the opening of candidate filing in February 2012; award to plaintiffs from defendants the costs of this action, including reasonable attorney's fees; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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Certificate of Service

This is to certify that a copy of the foregoing was e-mailed and mailed, U.S. Mail, first class, postage prepaid, on this 29th day of November, 2011, to the following:

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