

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

MISSOURI REPUBLICAN STATE)
COMMITTEE,)
428 East Capitol Avenue)
Jefferson City, MO 65101,)

Plaintiff,)

v.) Case No. _____)

SECRETARY OF STATE,)
600 West Main Street)
Jefferson City, MO 65101,)

and)

DARRELL McCLANAHAN, III,)
Serve at: 2436 S. 2425 Road)
Milo, MO 64767)

Defendants.)

**PETITION FOR INJUNCTIVE RELIEF UNDER THE
FIRST AND FOURTEENTH AMENDMENTS TO
THE UNITED STATES CONSTITUTION**

Plaintiff, the Missouri Republican State Committee (“MRSC”) states its petition for injunctive relief against the Secretary of State (the “Secretary”) and also against Darrell McClanahan, III, a filed candidate for the Office of Governor of Missouri.

Parties

1. MRSC is the state committee for the Republican Party created under Section 115.603, RSMo.
2. The Secretary of State is Missouri’s chief election official and is responsible for transmitting to election authorities “a certified list containing the name and address of each person who has filed a declaration of candidacy in the Secretary’s office and is entitled to be voted for at the primary election, together with a designation of the office for which the person is a candidate and the party the person represents.” *Section 115.387, RSMo.*

3. Mr. McClanahan filed a declaration of candidacy with the Secretary of State on February 27, 2024 to seek the Republican Party’s nomination for Governor.

Venue and Jurisdiction

4. MRSC brings this lawsuit under Sections 526.010, RSMo and Missouri Civil Rules 92.01 to 92.04, to enforce its associational rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

5. Venue is proper in this Court under Section 508.010.2(2) because the Secretary of State’s office is located in Cole County, Missouri.

Facts

6. An individual desiring to be a candidate for nomination in a partisan primary election for any Federal or state elected office in Missouri only has to satisfy two requirements: 1) file a declaration of candidacy with the Secretary of State between the last Tuesday in February and the last Tuesday in March; and 2) pay a filing fee to the

treasurer of the state party whose nomination the candidate seeks. *Sections 115.349, and 115.357, RSMo.*

7. Once those two steps have been taken, the Secretary of State shall, “not later than the tenth Tuesday before each primary election ... transmit to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in the secretary’s office ...” *Section 115.387, RSMo.*

8. Candidates for Governor must file for office in person at the James Kirkpatrick Office Building in Jefferson City.

9. On February 27, 2024, when Mr. McClanahan filed for office, the MRSC had a table staffed by 6 persons to accept filing fees and issue receipts.

10. On February 27, 2024, 279 candidates came in person to the James Kirkpatrick building in Jefferson City to file for the Republican primary.

11. On February 27, 2024, as many as 100 candidates were in line at the MRSC table at one time.

12. Based on the ease with which individuals can declare their candidacy, a political party has virtually no ability to screen potential candidates to determine the extent to which the party wants to be associated with a potential candidate. This difficulty is compounded on the first day of filing when hundreds of candidates file for office.

13. On February 28, 2024, MRSC was made aware of Mr. McClanahan’s disturbing racist and antisemitic history, including but not limited to:

- a. A social media post stating “If you have nothing good to say about [racial slur] let’s be friends.”

- b. Multiple social media posts using Nazi imagery.
- c. A social media post stating: “White Power” (using the pseudonym Gordon Kahl).
- d. A photograph on social media showing Mr. McClanahan standing next to a person wearing a Ku Klux Klan hood and robe, in front of a burning cross, with both persons raising their right arms in what appears to be a Nazi salute.

14. On August 16, 2023, Mr. McClanahan filed with the Vernon County Circuit Court a document with the caption “CIVIL COMPLAINT FOR DAMAGES,” naming as defendants the Anti-Defamation League, Jonathan Greenblatt and “three John/Jane Doe Defendants.” The Case Number is 23VE-CV00534.

15. The COMPLAINT in Case Number 23VE-CV00534 was signed by Mr. McClanahan, and his signature was notarized under this language:

SWORN DECLARATION UNDER PENALTY OF PERJURY I herein declare under penalty of Perjury that the above and foregoing is true and correct, to the best of my knowledge.

16. The sworn COMPLAINT in Case Number 23VE-CV00534 contains the following statements by Mr. McClanahan:

- a. “Plaintiff McClanahan was provided an Honorary 1-year membership [in the Knight’s Party, Ku Klux Klan] by Missouri Coordinator Brian Christian.”
- b. Plaintiff McClanahan stated that he is an honorary member of the League of the South. The League of the South’s website is leagueofthesouth.com. It contains statements and video images of Ku Klux Klan

members, racist signs, and confederate flags.

c. “Plaintiff describes himself as a Pro-White man.”

d. “Plaintiff McClanahan wrote the article with a Pro-White perspective denouncing Anti-Whiteism.”

17. The MRSC did not learn of Mr. McClanahan’s racist and antisemitic past until after he filed his declaration of candidacy.

18. Upon learning of Mr. McClanahan’s racist and antisemitic past, on March 4, 2024 the MRSC sent a letter to Mr. McClanahan disavowing him as a candidate.

19. Mr. McClanahan’s response to the MRSC letter was to post on social media a copy of the letter with a statement “I feel this is Anti-White Discrimination.”

20. MRSC returned Mr. McClanahan’s filing fee on March 14, 2024.

21. MRSC requested that the Secretary remove Mr. McClanahan from the primary ballot for Governor, but he refused to do so.

22. MSRC does not want to be associated with Mr. McClanahan. His racism and antisemitism are antithetical to beliefs of MRSC. MRSC’s right to not be associated with Mr. McClanahan is protected by the First and Fourteenth Amendments to the U.S. Constitution. The U.S. Supreme Court has declared that such a right of non-association is protected by the U.S. Constitution:

Freedom of association would prove an empty guarantee if associations could not limit control over their decisions to those who share the interests and persuasions that underlie the association’s being. **In no area is the political association’s right to exclude more important than in the process of selecting its nominee.** That process often determines the party’s positions on the most significant public policy issues

of the day, and ... it is the nominee who becomes the party's ambassador to the general electorate.

California Democratic Party v. Jones, 530 U.S. 567, 574 (2000) (internal quotation marks omitted, emphasis added).

23. If Mr. McClanahan is on the Republican Party primary ballot pursuant to Section 115.387, RSMo, this will force an unwanted association with Mr. McClanahan, violating the MRSC's First and Fourteenth Amendment rights.

24. No legal remedy exists under Missouri law for MRSC to enforce its Constitutional right to not be associated with Mr. McClanahan.

25. MRSC will suffer irreparable harm unless the Secretary of State is enjoined from certifying McClanahan's name on the Republican Party primary ballot for Governor.

26. The irreparable harm MRSC will suffer without injunctive relief outweighs any harm injunctive relief may cause Mr. McClanahan because Mr. McClanahan has the ability to run as an independent candidate under Section 115.321, RSMo.

WHEREFORE, the MRSC requests that the Court enter a permanent injunction enjoining the Secretary of State from certifying Mr. McClanahan's name on the Republican Party primary ballot for Governor, and for such further relief as may be just and proper under the circumstances.

Respectfully submitted,

HUSCH BLACKWELL

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