IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE

MISSOURI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, LEAGUE OF WOMEN VOTERS OF MISSOURI, and CHRISTINE DRAGONETTE,

Appellants,

v.

STATE OF MISSOURI and JOHN R. ASHCROFT, IN HIS OFFICIAL CAPACITY AS MISSOURI SECRETARY OF STATE,

Respondents.

DOCKET NUMBER WD84028

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: September 28, 2021

APPEAL FROM

The Circuit Court of Cole County, Missouri
The Honorable Jon E. Beetem, Judge

JUDGES

Division Three: Ardini, P.J., and Pfeiffer and Thomson, JJ. CONCURRING.

ATTORNEYS

Anthony E. Rothert, Jessie Steffan, Omri E. Praiss, Kayla DeLoach, and Molly Carney, ACLU of Missouri Foundation, St. Louis, MO, Gillian R. Wilcox, ACLU of Missouri Foundation, Kansas City, MO, and Denise D. Lieberman, Missouri Voter Protection Coalition, St. Louis, MO, Attorneys for Appellants.

Eric S. Schmitt, Attorney General, D. John Sauer, Solicitor General, and Jason K. Lewis, Assistant Deputy Attorney General for Special Litigation, Missouri Attorney General's Office, St. Louis, MO, Attorneys for Respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MISSOURI STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, LEAGUE OF WOMEN VOTERS OF MISSOURI, and CHRISTINE DRAGONETTE, Appellants,

v.

STATE OF MISSOURI and JOHN R. ASHCROFT, IN HIS OFFICIAL CAPACITY AS MISSOURI SECRETARY OF STATE, Respondents.

WD84028 **Cole County**

Before Division Three Judges: Edward R. Ardini, Jr., Presiding Judge, and Mark D. Pfeiffer and W. Douglas Thomson, Judges

The Missouri State Conference of the National Association for the Advancement of Colored People, the League of Women Voters of Missouri, and Ms. Christine Dragonette (collectively, "Appellants") appeal from the judgment entered by the Circuit Court of Cole County, Missouri ("trial court"), in favor of the State of Missouri ("State") and John R. Ashcroft, in his official capacity as Missouri Secretary of State ("Secretary of State") (collectively, "Respondents") in their suit for injunctive and declaratory relief from the Missouri Voter ID Law.

In Count I, Appellants asserted that subsection 115.427.1, RSMo, could not be enforced pursuant to subsection 115.427.6(3), RSMo, because "[t]here have not been sufficient appropriations of state funds from the general revenue of this state for the purpose of paying the costs associated with Section 115.427." In Count II, Appellants asserted that the Secretary of State misled the public in violation of the requirement in subsection 115.427.5, RSMo, that the Secretary of State provide advance notice "in a manner calculated to inform the public generally" about the Voter ID Law.

On appeal, Appellants do not challenge the substantive basis for the trial court's dismissal of Counts I and II of the underlying petition. Instead, in this appeal, Appellants challenge only the trial court's denomination of the dismissal as being "with prejudice."

AFFIRMED AS MODIFIED.

Division Three holds:

If a trial court dismisses a petition due to lack of standing, the dismissal should be "without prejudice." Likewise, if a controversy is not ripe for review, the judgment of dismissal should be "without prejudice." Finally, if a case is moot, the judgment of dismissal should generally be "without prejudice."

The substantive basis for the trial court's dismissal of Counts I and II of the underlying petition has not been challenged and is, thus, affirmed. However, for the reasons stated in today's ruling, the trial court's decision to dismiss Counts I and II "with prejudice" was erroneous and must be modified. Pursuant to Rule 84.14, we enter such judgment as the trial court ought to have given and modify the judgment so that the dismissal below as to Counts I and II is "without prejudice." In all other respects, the judgment is affirmed.

Opinion by: Mark D. Pfeiffer, Judge September 28, 2021

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.