

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CLAY CHASTAIN AND VINCENT LEE

APPELLANTS,

**v.
SYLVESTER JAMES, ET AL.**

RESPONDENTS.

DOCKET NUMBER WD78633

DATE: June 8, 2015

Appeal From:

Jackson County Circuit Court
The Honorable Joel P. Fahnestock, Judge

Appellate Judges:

Special Division: Alok Ahuja, Chief Judge, Presiding, Thomas H. Newton, Judge and Cynthia L. Martin, Judge

Attorneys:

Elbert A. Walton, Jr., St. Louis, MO, for appellants.

Patrick A. McInerney, Kansas City, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

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APPELLANTS,

v.

SYLVESTER JAMES, ET AL.,

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No. WD78633

Jackson County

Before Special Division: Alok Ahuja, Chief Judge, Presiding, Thomas H. Newton, Judge and Cynthia L. Martin, Judge

This expedited appeal involves section 115.526 election contests filed by Clay Chastain and Vincent Lee challenging the qualifications of incumbent Mayor Sylvester James to appear as a candidate on the April 7, 2015 primary election ballot and on the June 23, 2015 general election ballot for Mayor of Kansas City, Missouri. Following expedited proceedings, the trial court relied on stipulated facts to conclude that the election contest claims asserted by Chastain and Lee should be dismissed as a matter of law for several alternative reasons. The judgment also denied pending procedural motions filed by Chastain and Lee.

Affirmed.

Special Division holds:

Section 115.526 represents the exclusive means by which one candidate can challenge the qualifications of another candidate for the same office to appear on a ballot. Its requirements must be strictly followed.

The trial court did not err in dismissing the election contest claims asserted by Chastain and Lee because the claims were filed after the time deadlines described in section 115.526.

Because the election contest claims were properly dismissed as time-barred, we need not address whether dismissal of the election contest claims is also supported for the alternative reasons described in the trial court's judgment; and we need not address whether the trial court's denial of pending procedural motions was in error, as any error would be harmless.

Opinion by Cynthia L. Martin, Judge

June 8, 2015

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