

IN THE CIRCUIT COURT OF SAINT LOUIS COUNTY
STATE OF MISSOURI

PAUL BERRY III,

Contestant,

v.

SAM PAGE,

Contestee.

FILED

DEC 17 2020

JOAN M. GILMER
CIRCUIT CLERK, ST LOUIS COUNTY

Division: 2DSL-CC060910

Case Number: 9

**FIRST AMENDED PETITION FOR ELECTION CHALLENGE PURSUANT TO
SECTION 115.553 RSMO**

Contestant, Paul Berry III, and upon knowledge with respect to information, hereby allege for this petition for election challenge against the Contestee pursuant to section 115.553 of the Missouri Revised Statutes:

ELECTION CHALLENGED

1. Pursuant to subsection 1 of section 115.553 of the Missouri Revised Statutes, Contestant challenges the certification of the St. Louis County Executive General Election held on November 3, 2020, and certified by the Board of Election Commissioners of St. Louis County pursuant to 115.507 of the Missouri Revised Statutes on November 17, 2020.

INTRODUCTION

2. Contestant challenges the certification of the St. Louis County Executive General election held by the Board of Election Commissioners of St. Louis County on November 3, 2020 (hereon "2020 St. Louis County Executive General Election") pursuant to subsection 1 of section 115.553, specifically, Contestant charges the irregularities that occurred in the 2020 St. Louis County Executive General Election are of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and its results certified by the Board of

Election Commissioners of St. Louis County on November 17, 2020.

3. The 2020 St. Louis County Executive General Election and its results certified by the Board of Election Commissioners of St. Louis County on November 17, 2020, fails to provide vote canvass and categorization of results for absentee and regular votes cast during the 2020 St. Louis County Executive General Election, in violation of section 115.507 of the Revised Missouri Statutes.

4. The Board of Election Commissioners of St. Louis County disenfranchised St. Louis County registered voters by administering the 2020 St. Louis County Executive General Election pursuant to section 115.302 of the Revised Missouri Statutes, which is in constitutional conflict with Mo. Const. Art VIII, §7.

5. The Board of Election Commissioners of St. Louis County disenfranchised St. Louis County registered voters by purposely instituting and executing several voting procedures during the 2020 St. Louis County Executive General Election that violated subsection 2 of section 115.115 (illegal consolidation of voter precincts under multiple polling places), section 115.259 (illegally permitting any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted), section 115.411 (failing to provide each polling place with voting booths, equipped and supplied so voters can vote in secret), section 115.443 (failing to provide that the voter shall, before leaving the voting booth, fold paper ballot so that the distinguishing marks are concealed) and section 115.445 (failing to provide no one other than the voter shall be permitted to be in any position where any person other than the voter may see how a voter is voting) of the Missouri Revised Statutes.

6. The St. Louis County Counselor disenfranchised St. Louis County registered voters by purposely abandoning enforcement of sections 203.200, 203.210, 203.220 of the St. Louis County Code of Ordinances, or in the alternative, the St. Louis County Counselor and/or the Missouri Ethics Commission abandoned enforcement of sections 105.485 and/or 105.492 of

Missouri Revised Statutes, against candidates and nominees listed on the 2020 St. Louis County Executive election ballot.

7. The Board of Election Commissioners of St. Louis County disenfranchised 527,145 St. Louis County registered voters who casted a vote during the 2020 St. Louis County Executive General Election by certification of the 2020 St. Louis County Executive General Election and its results certified by the Board of Election Commissioners of St. Louis County fails to provide vote canvass and categorization of results for absentee and regular votes cast during the 2020 St. Louis County Executive General Election, in violation of section 115.507 of the Revised Missouri Statutes.

8. The Board of Election Commissioners of St. Louis County disenfranchised 527,145 St. Louis County registered voters who casted a vote during the 2020 St. Louis County Executive General Election by administering the 2020 St. Louis County Executive General Election pursuant to section 115.302 of the Revised Missouri Statutes, which is in constitutional conflict with Mo. Const. Art VIII, §7.

9. The Board of Election Commissioners of St. Louis County disenfranchised over 280,000 St. Louis County registered voters who casted a paper ballot vote in-person at a voting booth during the 2020 St. Louis County Executive General Election by failing to provide such voters their statutory right to cast a secret vote for St. Louis County Executive, in violation of the statutory voting rights established pursuant to sections 115.259, 115.411, 115.441 and 115.443 of the Missouri Revised Statutes.

10. The Board of Election Commissioners of St. Louis County disenfranchised 527,145 St. Louis County registered voters who casted a vote during the 2020 St. Louis County Executive General Election of the procedural safeguard established by the Missouri General Assembly pursuant to subsection 2 of 115.115 of the Missouri Revised Statutes that requires St. Louis County Executive voter precincts are only consolidated for voting purposes at a single polling

place.

11. St. Louis County Counselor, or in the alternative, the Missouri Ethics Commission, disenfranchised 527,145 St. Louis County registered voters who casted a vote during the 2020 St. Louis County Executive General Election by systematically failing to enforce sections 203.200, 203.210, 203,220 of the St. Louis County Code of Ordinances, or in the alternative, sections 105.485 and/or 105.492 of the Missouri Revised Statutes, which provides 2020 St. Louis County Executive General Election voters the statutory right to access personal financial disclosure information attached to 2020 St. Louis County Executive election candidates and nominees in a reasonable time prior to voting for such election commences, and the statutory right to removal of any 2020 St. Louis County Executive General Election nominee from such St. Louis County Executive election ballot who failed to comply with sections 203.200, 203.210, 203,220 of the St. Louis County Code of Ordinances, or in the alternative, sections 105.485 and/or 105.492 of the Missouri Revised Statutes.

12. The aforementioned number of 2020 St. Louis County Executive General Election votes cast in violation of sections 115.115 (for reasons explain more fully hereafter), 115.259, 115.411, 115.443 and 115.445 of the Missouri Revised Statutes, sections 203.200, 203.210, 203,220 of the St. Louis County Code of Ordinances (or in the alternative, sections 105.485 and/or 105.492 of the Missouri Revised Statutes) and/or Mo. Const. Art VIII, §7 are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results executed by the Board of Election Commissioners on November 17, 2020.

13. Contestant charges that the aforementioned statutory violations by the St. Louis County Counselor (or in the alternative, the Missouri Ethics Commission) and/or the Board of Election Commissioners of St. Louis County, both individually and jointly, caused irregularities in the 2020 St. Louis County Executive General Election that are of a sufficient magnitude to cast doubt

on the validity of the 2020 St. Louis County Executive General Election and its results.

14. After appropriate expedited discovery and prayer of this Court to plead further relevant facts, this Petition seeks a trial and judgment by this Honorable Court in support of Contestant's charges of irregularities that occurred during the 2020 St. Louis County Executive General Election of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and its results and an order of proper judicial relief pursuant to 115.583 and/or 115.593 of the Missouri Revised Statutes against the irregularities of sufficient magnitude that cast doubt on the validity of the 2020 St. Louis County Executive General Election and its results, both individually and in concert.

JURISDICTION AND VENUE

15. This Court maintains original subject-matter jurisdiction over any election challenge filed pursuant to subsection 1 of 115.553 of the Missouri Revised Statute involving an elected office for a political subdivision located within this Court's jurisdiction pursuant to subsection 2 of 115.575 of the Missouri Revised Statute and pursuant to Mo. Const. Art V, §14.

16. Venue is proper in this Court because the 2020 St. Louis County Executive General Election under election challenge pursuant to subsection 1 of 115.553 of the Missouri Revised Statute was wholly held in St. Louis County and this Court serves as the exclusive Circuit Court of St. Louis County in compliance with subsection 2 of 115.575 of the Missouri Revised Statutes.

PARTIES

A. Contestant

17. Contestant Paul Berry III is a 2020 General election nominee for St. Louis County Executive who purportedly received the second-most votes during the 2020 General election for

St. Louis County Executive held on November 3, 2020.

B. Contestee

18. Contestee Sam Page is a 2020 General election nominee for St. Louis County Executive who purportedly received the most votes during the 2020 General election for St. Louis County Executive held on November 3, 2020.

C. Election Authority

19. The Board of Election Commissioners of St. Louis County is the election authority for St. Louis County and created pursuant to chapter 115 of the Missouri Revised Statutes. The Board of Election Commissioners of St. Louis County is responsible for administering election laws on behalf of St. Louis County, including execution, supervision and certification of the 2020 St. Louis County Executive General Election held on November 3, 2020, and certified the 2020 St. Louis County Executive General Election on November 17, 2020, pursuant to 115.507 of the Missouri Revised Statutes.

FACTUAL ALLEGATIONS APPLICABLE TO ELECTION CHALLENGE

Irregular Results of 2020 St. Louis County General Election Certification

20. The Board of Election Commissioners of St. Louis County was required when administering the 2020 St. Louis County General Election to execute certification of 2020 St. Louis County General Election pursuant to section 115.507 of the Missouri Revised Statutes, which states:

Announcement of results by verification board, contents, when due — abstract of votes to be official returns. — 1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement

shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night. [bold and underline added]

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

21. On November 17, 2020, the Board of Election Commissioners of St. Louis County executed a document (“Exhibit A” and hereon “2020 St. Louis County General Election Certification”) pursuant to section 115.507 of the Missouri Revised Statutes certifying the election results of the 2020 St. Louis County General Election held on November 3, 2020.

22. 2020 St. Louis County General Election Certification does not “include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast” in the manner required pursuant to section 115.507 of the Missouri Revised Statutes.

23. 2020 St. Louis County General Election Certification is illegal and void *ab initio* on its face because 2020 St. Louis County General Election Certification does not “include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast” in the manner required pursuant to section 115.507 of the Missouri Revised Statutes.

24. 2020 St. Louis County General Election Certification performed by the Board of Election Commissioners of St. Louis County stands as the final record of the vote results from the 2020 St. Louis County General Election, any other voter canvass records maintained by the Board of Election Commissioners of St. Louis County related to the 2020 St. Louis County General Election has no further legal effect (except as available to any contestant or constestee pursuant to chapter 115 of the Missouri Revised Statutes or in criminal

proceedings) upon the 2020 St. Louis County General Election Certification.

25. The Board of Election Commissioners of St. Louis County is without statutory authority to amend, reissue or vacate 2020 St. Louis County General Election Certification executed by the Board of Election Commissioners of St. Louis County on November 17, 2020.

26. The Board of Election Commissioners of St. Louis County is without statutory authority to petition this Court for a new 2020 St. Louis County General Election pursuant to 115.593 of the Missouri Revised Statutes.

27. The Board of Election Commissioners of St. Louis County not executing 2020 St. Louis County General Election Certification to include “a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast” in the manner required pursuant to section 115.507 of the Missouri Revised Statutes affected the election results of all 527,145 voters who participated in 2020 St. Louis County General Election.

28. The number of votes affected by the Board of Election Commissioners of St. Louis County not executing 2020 St. Louis County General Election Certification to include “a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast” in the manner required pursuant to section 115.507 of the Missouri Revised Statute, are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

29. The Board of Election Commissioners of St. Louis County not executing a vote canvas in its 2020 St. Louis County General Election Certification that includes “a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast” in the manner required pursuant to section 115.507 of the Missouri Revised

Statutes constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

Unconstitutionality of Section 115.302 of the Missouri Revised Statutes

30. The right to vote in the State of Missouri is guaranteed pursuant to Mo. Const. Art VI, §25, which states:

Elections and right of suffrage. — 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.

31. The State of Missouri provides for “free and open” elections pursuant to Mo. Const. Art VI, §25 by requiring the local election authority administer such election pursuant to general laws that generally require secret ballot voting *in propria persona* on election day, because voting in *absentia* eliminates the ability of such local election authority to self-enforce “free and open” constitutional requirement upon elections by executing statutory election procedural safeguards, such as, (a) in-person authentication of voter identification, (b) direct delivery of ballot to voter, (c) access to a ballot box to vote that provides voter both privacy and requires no other person may be in a position to see how any other person casts a vote and (d) delivery of such executed ballot to a ballot box in a manner where ballot secrecy may reasonably be expected.

32. The right to vote in the State of Missouri only extends to ballots cast *in propria persona* on election day, voting in *absentia* is a statutory privilege that may be extended by the Missouri General Assembly by general law when a voter is absent on election day pursuant to Mo. Const. Art VIII, §7, which states:

Absentee voting. — Qualified electors of the state who are absent, whether within or without the state, may be enabled by general law to vote at all elections by the people. [underline added]

33. The “general law” authorized by the Missouri General Assembly pursuant to Mo. Const. Art VIII, §7, which lawfully permits “qualified electors of the state who are absent (on election day), whether within or without the state, may be enabled by general law to vote all elections by the people”, consist of sections 115.275, 115.277, 115.279, 115.281, 115.283, 115.284, 115.285, 115.287, 115.289, 115.290, 115.291, 115.293, 115.293, 115.295, 115.297, 115.299, 115.300, 115.303 and 115.304 of the Missouri Revised Statutes (hereon “Missouri Absentee Voter Laws”).

34. The Missouri General Assembly set by “general law” the absentee voter qualifications to vote when “any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls” pursuant to 115.277 of the Missouri Revised Statutes, which states in relevant part:

115.277. Persons eligible to vote absentee — at-risk category defined. — 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

- (1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;
- (2) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;
- (3) Religious belief or practice;
- (4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;
- (5) Incarceration, provided all qualifications for voting are retained;
- (6) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns; or

*(7) For an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subdivision shall expire on December 31, 2020.

6. For purposes of this section, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:

- (1) Are sixty-five years of age or older;
- (2) Live in a long-term care facility licensed under chapter 198;
- (3) Have chronic lung disease or moderate to severe asthma;
- (4) Have serious heart conditions;
- (5) Are immunocompromised;
- (6) Have diabetes;
- (7) Have chronic kidney disease and are undergoing dialysis; or
- (8) Have liver disease.

35. Section 115.302 of the Missouri Revised Statutes provides, *inter alia*, St. Louis County Executive registered voters were permitted to cast a vote during the 2020 St. Louis County General Election by mail without being deemed absent, also known as “no-excuse mail-in voting”, which states:

Mail-in ballots — application — deadline, storage of ballots — ballot envelope requirements — statement form — delivery of ballots — procedures for voting, return of ballot, death of voter, and processing of ballots — termination date. — 1. Any registered voter of this state may cast a mail-in ballot as provided in this section. Nothing in this section shall prevent a voter from casting an absentee ballot, provided such person has not cast a ballot pursuant to this section. Application for a mail-in ballot may be made by the applicant in person, or by United States mail, or on behalf of the applicant by his or her guardian or relative within the second degree of consanguinity or affinity.

2. Each application for a mail-in ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is registered, the address to which the ballot is to be mailed.

3. All applications for mail-in ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed under section 115.281. No application for a mail-in ballot

received in the office of the election authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority.

4. Each application for a mail-in ballot shall be signed by the applicant or, if the application is made by a guardian or relative under this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian, or relative is blind, unable to read or write the English language, or physically incapable of signing the application, he or she shall sign by mark that is witnessed by the signature of an election official or person of his or her choice. Knowingly making, delivering, or mailing a fraudulent mail-in-ballot application is a class one election offense.

5. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

6. Each ballot envelope shall bear a statement in substantially the same form described in subsection 9 of this section. In addition, any person providing assistance to the mail-in voter shall include a signature on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

7. The statement for persons voting mail-in ballots who are registered voters shall be in substantially the following form:

8. Upon receipt of a signed application for a mail-in ballot and if satisfied that the applicant is entitled to vote by mail-in ballot, the election authority shall, within three working days after receiving the application, or, if mail-in ballots are not available at the time the application is received, within five working days after such ballots become available, deliver to the voter a mail-in ballot, ballot envelope and such instructions as are necessary for the applicant to vote. If the election authority is not satisfied that any applicant is entitled to vote by mail-in ballot, the authority shall not deliver a mail-in ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by mail-in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.

9. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp the words "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

10. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with a mail-in ballot.

11. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The statement required under subsection 7 of this section shall be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person who assists a voter and in any manner coerces or initiates a request or suggestion that the voter vote for or against, or refrain from voting on, any question or candidate, shall be guilty of a class one election offense. If, upon counting, challenge, or election contest, it is ascertained that any mail-in ballot was voted with unlawful assistance, the ballot shall be rejected.

12. Each mail-in ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter by United States mail.

13. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

14. All votes on each mail-in ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. No votes on any mail-in ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

15. If sufficient evidence is shown to an election authority that any mail-in voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if it is still sealed in the ballot envelope. Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of _____, a mail-in voter of _____ voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

16. As each mail-in ballot is received by the election authority, the election authority shall indicate its receipt on the list.

17. All mail-in ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided under this chapter.

18. Mail-in ballots shall be counted using the procedures set out in sections 115.297, 115.299, 115.300, and 115.303.

19. The false execution of a mail-in ballot is a class one election offense. The attorney general or any prosecuting or circuit attorney shall have the authority to prosecute such offense either in the county of residence of the person or in the circuit court of Cole County.

20. The provisions of this section shall apply only to an election that occurs during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2.

21. The provisions of this section terminate and shall be repealed on December 31, 2020, and shall not apply to any election conducted after that date.

36. Subsection 1 of section 115.302 of the Missouri Revised Statutes provides “(a)ny registered voter of this state may cast a mail-in ballot as provided in this section”, which eliminated the requirement upon all such registered voters who voted pursuant to subsection 1 of section 115.302 of the Missouri Revised Statutes to vote *in propria persona* on election day during the 2020 St. Louis County Executive General Election, unless an excuse is provided by the same registered voter to vote absentee by general law authorized pursuant to Mo. Const. Art VIII, §7.

37. Consistent with this plain meaning of the Constitution of the State of Missouri, Missouri appellate courts have repeatedly held that voting by mail is a “special privilege,” not a constitutional right. See, e.g., *Straughan v. Meyers*, 187 S.W. 1159, 1163 (Mo. 1916); *Barks v. Turnbeau*, 573 S.W.2d 677, 681 (Mo. App. E.D. 1978); *State ex rel. Hand v. Bilyeu*, 346 S.W.2d 221, 225 (Mo. App. 1961) (opinion vacated by transfer to Missouri Supreme Court, but decision upheld *State ex rel. Hand v. Bilyeu*, 351 S.W.2d 457 (Mo. 1961)); *Elliott v. Hogan*, 315 S.W.2d 840, 848 (Mo. App. 1958).

38. For example, in *Straughan*, this Court stated that absentee voting is a “special privilege” that “under the general laws, could not be exercised.” 187 S.W. at 1163, 1164. As *Straughan* held, casting a vote by mail is not a constitutional right under Missouri law; rather, the absentee ballot statutes merely “provide the means and machinery through which a certain class of citizens might enjoy a privilege which, under the general laws, could not be exercised.” *Id.* at 1163.

39. Likewise, *Barks* held that “the opportunity to vote by absentee ballot is clearly a

privilege and not a right. Compliance with the statutory requirements is mandatory.” Barks, 573 S.W.2d at 681 (emphasis added). The “special privilege” of casting an absentee ballot, Barks held, “is limited to ... statutory grounds.” Id.

40. Similarly, Bilyeu stated that “[t]he casting of vote by absentee ballot at any election is not a matter of inherent right. It is a special privilege conferred and available only under certain conditions.” Bilyeu, 346 S.W.2d at 225. And Elliott emphasized that “the absentee voting statutes with respect to such requirements are mandatory.” Elliott, 315 S.W.2d at 848.

41. In 2016, the Court of Appeals reaffirmed these principles in *Franks v. Hubbard*, 498 S.W.3d 862, 868 (Mo. App. E.D. 2016). Citing *Straughan*, *Elliott* and *Barks*, the Court of Appeals held that “the opportunity to vote by absentee ballot is clearly a privilege and not a right. Compliance with the statutory requirements is mandatory.” Id. Emphasizing that “the legislature has provided safeguards to prevent abuse of the privilege,” id. (quoting *Elliott*, 315 S.W.2d at 878), the Court of Appeals in *Franks* reaffirmed that “[t]o vote by absentee ballot is not a matter of inherent right but rather a special privilege available only under certain conditions.” Id. (quoting *State ex rel. Bushmeyer v. Cahill*, 575 S.W.2d 229, 234 (Mo. App. E.D. 1978)). The Court of Appeals held that “[t]his precedent is drawn directly from the Missouri Supreme Court which established that the casting of an absentee ballot is ‘a special privilege ... available only under certain conditions’ and ‘until these conditions are complied with, the privilege cannot be exercised.’” Id. (quoting *Straughan*, 187 S.W. at 1164).

42. The provisions of section 115.302 of the Missouri Revised Statutes do not establish by general law any “certain conditions” where St. Louis County registered voters may seek the privilege from the appropriate election authority to vote by mail, in lieu of, casting a vote *in propria persona* on election day during the 2020 St. Louis County Executive General Election.

43. The provisions of section 115.302 of the Missouri Revised Statutes (nor any other

county, state or federal law) did not disqualify or prohibit any 2020 St. Louis County Executive General Election registered voter from voting *in propria persona* on election day at a polling place administered by the Board of Elections of St. Louis County, for any cause connected to COVID-19 or otherwise.

44. No administrative, health or executive order issued from any government entity disqualified or prohibited any St. Louis County registered voter from voting *in propria persona* on election day during the 2020 St. Louis County Executive General Election at a polling place administered by the Board of Elections of St. Louis County, for any cause connected to COVID-19 or otherwise.

45. The Board of Elections of St. Louis County substantially decreased the number of polling locations available to St. Louis County registered voters during the 2020 St. Louis County Executive General Election, in comparison to, the 2018 St. Louis County Executive General Election held during a nonpresidential election cycle.

46. Ballot privacy violations and voter fraud associated with mail-in voting is hard to investigate and prosecute by election authorities and limiting the number of registered voters who vote in absentia to only registered voters who have circumstances authorized by general law is the constitutional procedural safeguard required pursuant to Mo. Const. Art VIII, §7, which restricts the percentage of 2020 St. Louis County General Election votes unnecessarily cast in *absentia*, which carried a substantially higher potential of ballot privacy violations and voter fraud.

47. Section 115.302 of the Missouri Revised Statutes does not contain any language referencing the word “absentee” anywhere in such statute, except such statute states “nothing in this section shall prevent a voter from casting an absentee ballot, provided such person has not cast a ballot pursuant to this section”, which specifically differentiates mail-in ballot

voting pursuant to section 115.302 of the Missouri Revised Statutes from absentee ballot voting pursuant to the Missouri Absentee Voter Laws.

48. Section 115.302 of the Missouri Revised Statutes is neither a “general law” established pursuant to Mo. Const. Art VIII, §7 or was the legislative purpose of the Missouri General Assembly for section 115.302 of the Missouri Revised Statutes to establish mail-in voting as absentee voting pursuant to Mo. Const. Art VIII, §7.

49. Section 115.302 of the Missouri Revised Statutes is illegal and void *ab initio* because it eliminates the constitutional requirement to only vote by ballot and *in propria persona*, unless a registered voter pleads to the appropriate election authority an absence circumstance exists that is authorized by general law authorized by Mo. Const. Art VIII, §7.

50. Section 115.302 of the Missouri Revised Statutes, in its entirety, is in conflict and in violation of Mo. Const. Art VIII, §7.

51. Section 115.302 of the Missouri Revised Statutes, in its entirety, is severable from chapter 115 of the Missouri Revised Statutes.

52. The constitutional application of absentee voting general laws established pursuant to Mo. Const. Art VIII, §7 during the 2020 St. Louis County General Election is mandatory (as opposed to directory), as stated in *Elliot v. Hogan* (315 S.W.2d 840, 848 (Mo. App.E.D.1958)), which states “(t)aking into account the purposes of the act, the nature of the safeguards provided, and the consequences which would result from non-compliance therewith, in our opinion the statutes are mandatory.”

53. The Board of Election Commissioners of St. Louis County registered 151,346 votes from the 2020 St. Louis County Executive General Election casted and returned to the Board of Election Commissioners of St. Louis County pursuant to section 115.302 of the Missouri Revised Statutes or the Missouri Absentee Voter Laws by utilizing the U.S. Mail during the

2020 St. Louis County General Election.

54. The Board of Election Commissioners of St. Louis County did not segregate ballots casted and returned by utilizing the U.S. Mail during the 2020 St. Louis County General Election into categories separating ballots cast pursuant to section 115.302 of the Missouri Revised Statutes or the Missouri Absentee Voter Laws in the certification record executed by the Board of Election Commissioners of St. Louis County on November 17, 2020.

55. Any votes cast during the 2020 St. Louis County General Election in *absentia* by utilizing the U.S. Mail service pursuant to the Missouri Absentee Voter Laws is tainted with legally fraudulent ballots cast pursuant to section 115.302 of the Missouri Revised Statutes.

56. The aforementioned number of votes cast in *absentia* by the U.S. Mail service during the 2020 St. Louis County Executive General Election in constitutional violation of Mo. Const. Art VIII, §7 is in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

57. The legal provisions authorized by Mo. Const. Art VIII, §7. "for casting absentee ballots are mandatory and urge that a failure to comply with these mandatory provisions renders the election a nullity". (Franks v. Hubbard, 498 S.W.3d 862, 868, citing Straughan v. Meyers, 268 Mo. 580, 187 S.W. 1159 and Elliott v. Hogan, Mo.App., 315 S.W.2d 840)

58. The Board of Election Commissioners of St. Louis County administration of the 2020 St. Louis County General Election pursuant to section 115.302 of the Missouri Revised Statutes constitutes such election results certified by the Board of Election Commissioners of St. Louis County are legally fraudulent, unconstitutional and void *ab initio*.

59. All 2020 St. Louis County Executive General Election voters are entitled pursuant to Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1 to have the election procedural safeguards

regarding voting in absentia established by general law pursuant to Mo. Const. Art VIII, §7 enforced upon the 2020 St. Louis County Executive General Election, to prevent dilution of lawful votes cast (“one man, one vote”) during the 2020 St. Louis County Executive General Election.

60. 2020 St. Louis County Executive General Election voters who casted lawful ballots are entitled pursuant to Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1 to not have such votes diluted with legally fraudulent and unconstitutional ballots cast pursuant to section 115.302 of the Missouri Revised Statutes and the Missouri Absentee Voter Laws.

61. Mo. Const. Art I, §2 states:

Promotion of general welfare — natural rights of persons — equality under the law — purpose of government. — That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are created equal and are entitled to equal rights and opportunity under the law; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails in its chief design.

62. Each voter who casted a vote during the 2020 St. Louis County Executive General Election, including any such voter who did not cast a vote during the 2020 St. Louis County Executive General Election in violation of Mo. Const. Art VIII, §7, are entitled by constitutional right pursuant to Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1 to participate in an election where the number of votes casted during the 2020 St. Louis County Executive General Election in violation of Mo. Const. Art VIII, §7 did not exceed the difference in the number of votes between Contestant and Contestee during the 2020 St. Louis County Executive General Election.

63. The certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners are legally fraudulent, unconstitutional and void *ab initio* because the 2020 St. Louis County Executive General Election results

include a substantial amount of votes casted in violation of Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1.

64. The number of votes cast in violation of the Missouri Revised Statutes and the Constitution of the State of Missouri during 2020 St. Louis County Executive General Election, including, although not limited to, the aforementioned number of votes cast in absentia by the U.S. Mail service during the 2020 St. Louis County Executive General Election in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25, Mo. Const. Art VIII, §7 and U.S. Const. Art XIV, §1, are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

65. The Board of Election Commissioners of St. Louis County administration of the 2020 St. Louis County General Election pursuant to section 115.302 of the Missouri Revised Statutes constitutes such election results certified by the Board of Election Commissioners of St. Louis County, in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25, Mo. Const. Art VIII, §7 and U.S. Const. Art XIV, §1, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

Failure to Provide Ballot Privacy

66. The Board of Election Commissioners of St. Louis County violated sections 115.259, 115.411, 115.443 and 115.445 of Missouri Revised Statutes (hereon “Missouri Voter Privacy Statutes”) by establishing voter procedures that eliminated ballot secrecy statutory rights when St. Louis County registered voters casted a vote in-person at a voting booth for St. Louis County Executive during the 2020 St. Louis County Executive General Election.

67. Each ballot, ballot box, and voting system (including the supporting voter procedures)

utilized by the Board of Election Commissioners of St. Louis County during the 2020 St. Louis County Executive General Election required each 2020 St. Louis County Executive General Election voter who voted in-person at a voting booth to place their paper ballot in the ballot box in an unfolded manner while exposing the distinguishing marks selecting a nominee for St. Louis County Executive, in violation of Missouri Voter Privacy Statutes.

68. When utilizing any voting machine pursuant to section 115.259 of the Missouri Revised Statutes, the Board of Election Commissioners of St. Louis County was required to provide each registered voter who casted a vote in-person at a voting booth during the 2020 St. Louis County Executive General Election with the prohibition of any other person to be in any position, or near any position, that enables them to see how any voter voted or has voted during the 2020 St. Louis County Executive General Election.

69. Section 115.259 of the Missouri Revised Statutes states:

Voting machines to be visible to election judges at polls. — At each polling place using voting machines, the exterior of the voting machines shall be in plain view of the election judges. The election judges shall not be nor permit any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted. The election judges may inspect any machine as necessary to make sure the ballot label is in its proper place and that the machine has not been damaged. [underline added]

70. The ballot box machine provided by the Board of Election Commissioners of St. Louis County at each in-person voting booth location during the 2020 St. Louis County Executive General Election constitutes a voting machine pursuant to section 115.259 of the Missouri Revised Statutes.

71. The Board of Election Commissioners of St. Louis County assigned election judges to stand in close proximity to ballot box machines located at 2020 St. Louis County Executive General Election polling locations while in use by voters.

72. The Board of Election Commissioners of St. Louis County placed ballot box machines at the entry/exit locations at 2020 St. Louis County Executive General Election

polling locations in a manner that permitted other voters and other people authorized to enter 2020 St. Louis County Executive General Election polling locations to stand in close proximity to ballot box machines located at 2020 St. Louis County Executive General Election polling locations while in use by voters.

73. The Board of Election Commissioners of St. Louis County failed to provide each registered voter who casted a vote in-person at a voting booth during the 2020 St. Louis County Executive General Election with privacy from any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted when utilizing each ballot box machine provided by the Board of Election Commissioners of St. Louis County at each in-person voting booth location during the 2020 St. Louis County Executive General Election, in violation of section 115.259 of the Missouri Revised Statutes.

74. The Board of Election Commissioners of St. Louis County violated section 115.259 of the Missouri Revised Statutes by failing to prohibit any person other than the voter casting a ballot when voting in-person during the 2020 St. Louis County Executive General Election at a polling location operated by the Board of Election Commissioners of St. Louis County to be in any position, or near any position, that enables them to see how any voter votes or has voted when utilizing any ballot box machine during the 2020 St. Louis County Executive General Election.

75. The Board of Election Commissioners of St. Louis County failed to supply each of the over 280,000 St. Louis County registered voters who casted a ballot when voting in-person at a voting booth during the 2020 St. Louis County Executive General Election with privacy access to a ballot box machine provided by the Board of Election Commissioners of St. Louis County, in a manner that allows privacy from any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted during the 2020 St. Louis County Executive General Election, in violation of section 115.259 of the Missouri

Revised Statutes.

76. The aforementioned number of votes cast in violation of ballot secrecy statutory rights established pursuant to section 115.259 of the Missouri Revised Statutes during the 2020 St. Louis County Executive General Election are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

77. The Board of Election Commissioners of St. Louis County violation of section 115.259 of the Missouri Revised Statutes by failing to prohibit any person other than the voter casting a paper ballot when voting in-person during the 2020 St. Louis County Executive General Election to be in any position, or near any position, that enables another person to see how any voter votes or has voted when utilizing any ballot box machine during the 2020 St. Louis County Executive General Election, which caused over 280,000 St. Louis County Executive General elected voters to be disenfranchised of the right to cast a vote in secret during the 2020 St. Louis County Executive General Election, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

78. The Board of Election Commissioners of St. Louis County was required pursuant to section 115.411 of the Missouri Revised Statutes to provide each registered voter who casted a vote in-person at a voting booth during the 2020 St. Louis County Executive General Election with a polling place provided with voting booths, equipped and supplied so voters could vote in secret during the 2020 St. Louis County Executive General Election.

79. Section 115.411 of the Missouri Revised Statutes states:

Election authority to provide polling booths. — For each polling place in its jurisdiction, the election authority shall provide a sufficient number of voting booths, equipped and supplied so voters can vote conveniently and in secret. [underline added]

80. The Board of Election Commissioners of St. Louis County failed to supply each registered voter who casted a vote in-person at a voting booth during the 2020 St. Louis County Executive General Election with an election ballot that could provide for any such voter to vote in secret, in violation of section 115.411 of the Missouri Revised Statutes.

81. The Board of Election Commissioners of St. Louis County failed to supply each registered voter who casted a vote in-person at a voting booth during the 2020 St. Louis County Executive General Election with privacy barriers at any ballot box that could provide for any such voter to vote in secret, in violation of section 115.411 of the Missouri Revised Statutes.

82. The Board of Election Commissioners of St. Louis County violated section 115.411 of the Missouri Revised Statutes by failing to provide “a sufficient number of voting booths, equipped and supplied so voters can vote conveniently and in secret” during the 2020 St. Louis County Executive General Election.

83. The Board of Election Commissioners of St. Louis County failed to supply each of the over 280,000 St. Louis County registered voters who casted a ballot when voting in-person during the 2020 St. Louis County Executive General Election with an election ballot and/or privacy barriers at any ballot box that could provide for any 2020 St. Louis County Executive General Election voter to vote in secret, in violation of section 115.411 of the Missouri Revised Statutes.

84. The aforementioned number of votes cast in violation of ballot secrecy statutory rights established pursuant to subsection 1 of section 115.411 of the Missouri Revised Statutes during the 2020 St. Louis County Executive General Election are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election

Commissioners.

85. The Board of Election Commissioners of St. Louis County violation of section 115.411 of the Missouri Revised Statutes by failing to supply each polling place with voting booths, equipped and supplied so each 2020 St. Louis County Executive General Election voter who casted a vote in-person at a voting booth for St. Louis County Executive during the 2020 St. Louis County Executive General, which caused over 280,000 St. Louis County Executive General elected voters to be disenfranchised of the right to cast a vote in secret during the 2020 St. Louis County Executive General Election, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

86. The Board of Election Commissioners of St. Louis County was required pursuant to subsection 1 of section 115.443 of the Missouri Revised Statutes to provide an election ballot and voter procedures that provided each registered voter who casted a vote in-person at a voting booth during the 2020 St. Louis County Executive General Election placement of such election ballot in the ballot box in a folded manner without being required to intentionally expose the distinguishing marks selecting a nominee for St. Louis County Executive during the 2020 St. Louis County Executive General Election.

87. Subsection 1 of section 115.443 of the Missouri Revised Statutes states:

Paper ballots, how marked — electronic voting machines, how voted. — 1. Where paper ballots are used, the voter shall, before leaving the voting booth, fold his ballot so that the distinguishing marks are concealed. The voter shall place his ballot in the ballot box and leave the polling place immediately. [underline added]

88. The Board of Election Commissioners of St. Louis County illegally required each of the over 280,000 St. Louis County registered voters who casted a ballot when voting in-person during the 2020 St. Louis County Executive General Election to expose such ballots after leaving the ballot booth with the distinguishing marks visible of such voter's 2020 St.

Louis County Executive General Election nominee selection prior to delivering the same ballot in the ballot box, in violation of subsection 1 of section 115.443 of the Missouri Revised Statutes.

89. The Board of Election Commissioners of St. Louis County violated subsection 1 of section 115.443 of the Missouri Revised Statutes by utilizing a ballot, ballot box, voting system and voting procedures during the 2020 St. Louis County Executive General Election that intentionally required each 2020 St. Louis County Executive General Election voter who casted a vote in-person at a voting booth for St. Louis County Executive during the 2020 St. Louis County Executive General Election to place their ballot in the ballot box in an unfolded manner while exposing the distinguishing marks selecting a nominee for St. Louis County Executive.

90. The aforementioned number of votes cast in violation of ballot secrecy statutory rights established pursuant to subsection 1 of section 115.443 of the Missouri Revised Statutes during the 2020 St. Louis County Executive General Election are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

91. The Board of Election Commissioners of St. Louis County violation of subsection 1 of section 115.443 of the Missouri Revised Statutes by utilizing a voting system and voting procedures during the 2020 St. Louis County Executive General Election that intentionally required each 2020 St. Louis County Executive General Election voter who casted a vote in-person at a voting booth for St. Louis County Executive before the Board of Election Commissioners of St. Louis County to place their ballot in the ballot box in an unfolded manner while exposing the distinguishing marks selecting a nominee for St. Louis County Executive, which caused over 280,000 St. Louis County Executive General Election voters to

be disenfranchised of the statutory right to cast a vote in a secret manner, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

92. The Board of Election Commissioners of St. Louis County was required pursuant to subsection 1 of section 115.445 of the Missouri Revised Statutes to provide an election ballot and voter procedures that provided each registered voter who casted a vote in-person at a voting booth during the 2020 St. Louis County Executive General Election placement of such election ballot in the ballot box in a folded manner without being required to intentionally expose the distinguishing marks selecting a nominee for St. Louis County Executive during the 2020 St. Louis County Executive General Election.

93. Subsection 1 of section 115.445 of the Missouri Revised Statutes states:

Paper ballots, how marked — electronic voting machines, how voted. — 1. Where paper ballots are used, the voter shall, before leaving the voting booth, fold his ballot so that the distinguishing marks are concealed. The voter shall place his ballot in the ballot box and leave the polling place immediately. [underline added]

94. The Board of Election Commissioners of St. Louis County illegally required each of the over 280,000 St. Louis County registered voters who casted a ballot when voting in-person during the 2020 St. Louis County Executive General Election to expose such ballots after leaving the ballot booth with the distinguishing marks visible of such voter's 2020 St. Louis County Executive General Election nominee selection prior to delivering the same ballot in the ballot box, in violation of subsection 1 of section 115.445 of the Missouri Revised Statutes.

95. The Board of Election Commissioners of St. Louis County violated subsection 1 of section 115.445 of the Missouri Revised Statutes by utilizing a ballot, ballot box, voting system and voting procedures during the 2020 St. Louis County Executive General Election that intentionally required each 2020 St. Louis County Executive General Election voter who

casted a vote in-person at a voting booth for St. Louis County Executive during the 2020 St. Louis County Executive General Election to place their ballot in the ballot box in an unfolded manner while exposing the distinguishing marks selecting a nominee for St. Louis County Executive.

96. The aforementioned number of votes cast in violation of ballot secrecy statutory rights established pursuant to subsection 1 of section 115.445 of the Missouri Revised Statutes during the 2020 St. Louis County Executive General Election are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

97. The Board of Election Commissioners of St. Louis County violation of subsection 1 of section 115.445 of the Missouri Revised Statutes by utilizing a voting system and voting procedures during the 2020 St. Louis County Executive General Election that intentionally required each 2020 St. Louis County Executive General Election voter who casted a vote in-person at a voting booth for St. Louis County Executive before the Board of Election Commissioners of St. Louis County to place their ballot in the ballot box in an unfolded manner while exposing the distinguishing marks selecting a nominee for St. Louis County Executive, which caused over 280,000 St. Louis County Executive General Election voters to be disenfranchised of the statutory right to cast a vote in a secret manner, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

98. Each voter who casted a vote during the 2020 St. Louis County Executive General Election are entitled by constitutional right pursuant to Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1 to participate in an election where the number of votes casted during the 2020 St. Louis County Executive General Election in violation of the Missouri Voter Privacy Statutes

did not exceed the difference in the number of votes between Contestant and Contestee during the 2020 St. Louis County Executive General Election.

99. The certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners are legally fraudulent, unconstitutional and void *ab initio* because the 2020 St. Louis County Executive General Election results are in violation of Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1.

100. The number of votes cast in violation of the Missouri Revised Statutes and the Constitution of the State of Missouri during 2020 St. Louis County Executive General Election, including, although not limited to, the aforementioned number of votes cast in violation of Missouri Voter Privacy Statutes and in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25 and U.S. Const. Art XIV, §1, are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

101. The Board of Election Commissioners of St. Louis County failure to administer the 2020 St. Louis County General Election pursuant to the Missouri Voter Privacy Statutes constitute such election results certified by the Board of Election Commissioners of St. Louis County, which are also in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25 and U.S. Const. Art XIV, §1, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

Illegal Establishment of Polling Place

102. The Board of Election Commissioners of St. Louis County was required pursuant to section 115.115 of Missouri Revised Statutes to organize polling places for St. Louis

County registered voters when casting their vote *in propria persona* on election day during the 2020 St. Louis County Executive General Election in a manner where “consolidating two or more adjoining precincts for voting” only occurred “at a single polling place” in the manner required pursuant to subsection 2 of section 115.115 of the Missouri Revised Statutes.

103. Subsection 2 of section 115.115 of the Missouri Revised Statutes states:

2. For any election, the election authority shall have the right to consolidate two or more adjoining precincts for voting at a single polling place and to designate one set of judges to conduct the election for such precincts. Voters shall be notified of the place for voting in the manner provided in section 115.127 or 115.129. [underline added]

104. The Board of Election Commissioners of St. Louis County intentionally authorized, organized and executed the consolidation of all 2020 St. Louis County Executive General Election voter precincts to permit St. Louis County registered voters to cast their vote *in propria persona* on election day during the 2020 St. Louis County Executive General Election at all 2020 St. Louis County Executive General Election polling place, instead of consolidation of each 2020 St. Louis County Executive General Election voter precinct in a manner to permit voting “at a single polling place” as required pursuant to subsection 2 of section 115.115 of the Missouri Revised Statutes.

105. The Board of Election Commissioners of St. Louis County permitted 88,907 St. Louis County registered voters who casted a ballot when voting *in propria persona* during the 2020 St. Louis County Executive General Election at a polling place unauthorized by Missouri election law, in violation of subsection 2 of section 115.115 of the Missouri Revised Statutes.

106. The statutory purpose of subsection 2 of section 115.115 of the Missouri Revised Statutes, in the instant, is to establish a procedural safeguard that limits the authority of the Board of Election Commissioners of St. Louis County to only consolidate voter precincts into polling places for the 2020 St. Louis County Executive General Election at a single polling

location.

107. The Board of Election Commissioners of St. Louis County violated subsection 2 of section 115.115 of the Missouri Revised Statutes by unlawful consolidation of all 2020 St. Louis County Executive General Election voter precincts, which permitted 88,907 St. Louis County registered voters to cast their vote *in propria persona* on election day at any 2020 St. Louis County Executive General Election polling place during the 2020 St. Louis County Executive General Election.

108. The class of voters who voted on election day at a 2020 St. Louis County Executive General Election polling place in violation of section 115.115 of the Missouri Revised Statutes are exclusive of the class of voters who voted by the U.S. Mail service during 2020 St. Louis County Executive General Election pursuant to section 115.302 of the Missouri Revised Statutes and the Missouri Absentee Voter Laws.

109. The class of voters who voted on election day at a 2020 St. Louis County Executive General Election polling place in violation of section 115.115 of the Missouri Revised Statutes, in combination with, the class of voters who voted by the U.S. Mail service during 2020 St. Louis County Executive General Election pursuant to section 115.302 of the Missouri Revised Statutes and the Missouri Absentee Voter Laws, are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results performed by the Board of Election Commissioners.

110. The Board of Election Commissioners of St. Louis County violation of subsection 2 of section 115.115 of the Missouri Revised Statutes by unlawful consolidation of all 2020 St. Louis County Executive General Election voter precincts to permit St. Louis County registered voters to cast their vote *in propria persona* on election day at any 2020 St. Louis County Executive General Election polling place during the 2020 St. Louis County Executive

General Election, which caused 88,907 St. Louis County registered voters who casted a ballot when voting *in propria persona* during the 2020 St. Louis County Executive General Election to violate statutory procedural safeguards established to prevent voting at a polling place unauthorized by law during the 2020 St. Louis County Executive General Election, in combination with the 151,346 votes casted by the U.S. Mail service tainted during 2020 St. Louis County Executive General Election due to the unconstitutionality of section 115.302 of the Missouri Revised Statutes, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

111. The aforementioned violations of the subsection 2 of section 115.115 of the Missouri Revised Statutes establish irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results, because the aforementioned unlawful consolidation of all St. Louis County voter precincts in a manner which permitted individual precinct voters to vote *in propria persona* at multiple polling places during the 2020 St. Louis County Executive General Election in violation of subsection 2 of section 115.115 of the Missouri Revised Statutes is deemed an error of commissions executed solely by the Board of Election Commissioners of St. Louis County.

112. The aforementioned violations of subsection 2 of section 115.115 of the Missouri Revised Statutes establish irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results, because the Board of Election Commissioners of St. Louis County had a statutory and legal duty to establish election procedures for the 2020 St. Louis County Executive General Election that “on its face” comply with the subsection 2 of section 115.115 of the Missouri Revised Statutes.

113. Each voter who casted a vote during the 2020 St. Louis County Executive General Election are entitled by constitutional right pursuant to Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1 to participate in an election where the number of votes casted during the 2020 St. Louis County Executive General Election in violation of Chapter 115 of the Missouri Revised Statutes and the Constitution of the State of Missouri did not exceed the difference in the number of votes between Contestant and Contestee during the 2020 St. Louis County Executive General Election.

114. The certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners including votes casted in violation of Chapter 115 of the Missouri Revised Statutes and the Constitution of the State of Missouri are legally fraudulent, unconstitutional and void *ab initio* because the 2020 St. Louis County Executive General Election results are in violation of Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1.

115. The number of votes cast in violation of the Missouri Revised Statutes and the Constitution of the State of Missouri during 2020 St. Louis County Executive General Election, including, although not limited to, the aforementioned number of votes casted in violation of Chapter 115 of the Missouri Revised Statutes and in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25 and U.S. Const. Art XIV, §1, are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

116. The Board of Election Commissioners of St. Louis County failure to administer the 2020 St. Louis County General Election pursuant to subsection 2 of section 115.115 of the Missouri Revised Statutes constitute such election results certified by the Board of Election

Commissioners of St. Louis County, which is also in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25 and U.S. Const. Art XIV, §1, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

Abandonment of Personal Financial Disclosure Laws

117. The statutory foundation of Missouri law that requires St. Louis County Executive candidates and nominees to file financial interest statements to remain a nominee for St. Louis County Executive on the November 2020 General election ballot are provided by subsection 11 of section 105.483 RSMO, which states in relevant part:

105.483. Financial interest statements — who shall file, exception. — Each of the following persons shall be required to file a financial interest statement:

(11) Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, and each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485;

118. St. Louis County is a political subdivision of the State of Missouri “with an annual operating budget in excess of one million dollars” and the St. Louis County Executive is an elected official of St. Louis County.

119. Pursuant to subsection 4 of section 105.485, St. Louis County may adopt and file before the Missouri Ethics Commission a certified copy of an ordinance, order or resolution, “which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section”, and subsection 4 of section 105.485 RSMO states:

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours. [underline added]

120. Pursuant to subdivision 2 of subsection 4 of section 105.485, any person required to file a financial interest statement pursuant to subdivisions (1) to (12), such as candidates and nominees for St. Louis County Executive, shall also disclose in writing the information

described in subdivisions 1, 2 and 6 of subsection 2 of section 105.485, which states in relevant part:

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself or herself, his or her spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he or she does not know and his or her spouse will not divulge any information required to be reported by this section concerning the financial interest of his or her spouse, shall state on his or her financial interest statement that he or she has disclosed that information known to him or her and that his or her spouse has refused or failed to provide other information upon his or her bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his or her spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

121. The legislative intent of section 105.485 is to require all political candidates of a political subdivision with an annual operating budget in excess of one million dollars, regardless of whether such candidate is required to file personal financial disclosure forms pursuant to subsection 2 of section 105.485 or subsection 4 of section 105.485, to file the required personal financial disclosure forms before the Missouri Ethics Commission, or when

required, also before the appropriate county clerk, in order for such required candidate filer to be deemed as a candidate and/or nominee for the same political office in question.

122. Pursuant to subsection 4 of section 105.485, St. Louis County adopted and filed before the Missouri Ethics Commission on August 3, 2018, a certified copy of a resolution sponsored by Sam Page (Contestee) as a St. Louis County Councilmember and passed by St. Louis County on July 24, 2018, (Exhibit 2 and hereon “St. Louis County Personal Financial Disclosure Resolution”) which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests pursuant to sections 203.200, 203.210 and 203.220 of the St. Louis County Code of Ordinances.

123. Sections 203.200, 203.210 and 203.220 of the St. Louis County Code of Ordinances each stand in concert to provide for St. Louis County’s statutory obligations required pursuant to subsection 4 of section 105.485 and subdivisions 1, 2 and 6 of subsection 2 of section 105.485.

124. Pursuant to sections 203.200, 203.210 and 203.220 of the St. Louis County Code of Ordinances, authorized pursuant to subsection 4 of section 105.485 RSMO, in order for Sam Page (or any St. Louis County Executive Candidate) to serve as a candidate, or be certified as being elected as a nominee for St. Louis County Executive during the 2020 election cycle, Sam Page is required to (a): file specific St. Louis County financial statements before the St. Louis County Clerk and (b): file the copy of specific St. Louis County financial statements previously-filed before the St. Louis County Clerk also before the Missouri Ethics Commission.

125. Subsection 2 of Section 105.492 provides the St. Louis County Counselor (pursuant to 203.230), or in the alternative, the Missouri Ethics Commission, the ministerial charge to remove political candidates who “does not file a financial interest statement by the close of business on the twenty-first day after the last day for filing for election for which the

person is a candidate”, and Subsection 2 of Section 105.492 states:

2. If a candidate for office does not file a financial interest statement by the close of business on the twenty-first day after the last day for filing for election for which the person is a candidate, the commission shall notify the official who accepted such candidate's declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate's name from the ballot.

126. To accomplish the legal requirements placed upon St. Louis County Executive candidates to file specific personal financial disclosure forms before the St. Louis County Clerk and the Missouri Ethics Commission pursuant to sections 203.200, 203.210 and 203.220 of the St. Louis County Code of Ordinances and subsection 4 of section 105.485 RSMO, or in the alternative, subsection 2 of section 105.492 RSMO, St. Louis County Board of Elections provides two forms to 2020 St. Louis County Executive candidates published by St. Louis County titled: “ST. LOUIS COUNTY FINANCIAL STATEMENT” (hereon “St. Louis County Financial Statement”) and “ST. LOUIS COUNTY TRANSACTIONAL FINANCIAL STATEMENT” (hereon “St. Louis County Transactional Financial Statement”), which provides 2020 St. Louis County Executive candidates the procedure and opportunity to provide the public financial disclosures required to be filed before the St. Louis County Clerk and the Missouri Ethics Commission sections 203.200, 203.210 and 203.220 of the St. Louis County Code of Ordinances and subsection 4 of section 105.485 RSMO, or in the alternative, subsection 2 of section 105.492 RSMO, in order to remain a candidate or nominee for St. Louis County Executive during the 2020 election cycle.

127. Both St. Louis County Financial Statement and St. Louis County Financial Transactional Statement states the following on each form:

“Filing Information:This form is to be filed with the Missouri Ethics Commission and with the County Clerk of St. Louis County, Missouri. The Missouri Ethics Commission’s copy should be mailed to the “Missouri Ethics Commission”, P.O. Box 1254, Jefferson City, Missouri, 65102.” The County Clerk's copy should be mailed or delivered to “County Clerk, County Government Center, First Floor, 41 South Central Avenue, Clayton, Missouri, 63105.” The County Clerk shall maintain this statement and make it available for public inspection and copying during normal business hours.

128. St. Louis County Financial Statement and St. Louis County Financial Transactional Statement forms were provided to each 2020 St. Louis County Executive candidate by the Board of Election Commissioners of St. Louis County upon each 2020 St. Louis County Executive candidate filing their candidacy for St. Louis County Executive before the Board of Election Commissioners of St. Louis County.

129. St. Louis County Financial Statement and St. Louis County Financial Transactional Statement forms are made available to the general public by request to the St. Louis County Clerk and/or the Board of Election Commissioners of St. Louis County without special written request and/or without fee due from the requestor.

130. The St. Louis County Clerk has a ministerial duty pursuant to section 203.220 of the St. Louis County Code of Ordinances, and/or subsection 4 of section 105.485 RSMO, to accept, file, preserve and provide for public viewing any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement filed with the St. Louis County Clerk on behalf of each 2020 St. Louis County Executive candidate during the 2020 election cycle.

131. The Missouri Ethics Commission has a ministerial duty pursuant to section 203.220 of the St. Louis County Code of Ordinances, and/or subsection 4 of section 105.485 RSMO, to accept, file, preserve and provide for public viewing any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement purportedly previously-filed with the St. Louis County Clerk by or on behalf of Sam Page during the 2020 election cycle and subsequently filed by Sam Page with the Missouri Ethics Commission.

132. The St. Louis County Clerk, in the same procedural manner as any county or court Clerk in the United States of America, maintains a procedure to identify both the acceptance and date of any document or filing that is in fact filed before such county or court clerk, an

official filing stamp placed upon such document identifying the date of acceptance and the county or court clerk accepting such document or filing.

133. Sam Page is listed upon the 2020 St. Louis County Executive General Election ballot authorized by the Board of Election Commissioners of St. Louis County as a nominee for St. Louis County Executive.

134. The St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement purportedly filed by Contestee (Sam Page) with the St. Louis County Clerk and the Missouri Ethics Commission by or on behalf of Sam Page during the 2020 election cycle (Exhibit 2, hereon “St. Louis County Sam Page Financial Statement” and Exhibit 3, hereon “St. Louis County Sam Page Transactional Financial Statement”) are each void of specific and required financial disclosure information, to which, neither St. Louis County Sam Page Financial Statement and/or St. Louis County Sam Page Transactional Financial Statement can lawfully be deemed as duly filed St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement documents required in order for Sam Page to satisfy the requirements of section 203.200, section 203.210 and section 203.220 of the St. Louis County Code of Ordinance, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, and in order to be lawfully listed on the 2020 St. Louis County Executive General ballot generated by the Board of Election Commissioners of St. Louis County.

135. St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Financial Transactional Statement, the most recent St. Louis County St. Louis County Financial Statement or St. Louis County Financial Transactional Statement Financial Statement purportedly filed by Sam Page before the St. Louis County Clerk, and subsequently, before the Missouri Ethics Commission, are both void of any official recording or St. Louis County Clerk stamp to verify the date Sam Page purportedly filed his St. Louis

County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement before the St. Louis County Clerk and the Missouri Ethics Commission in connection with Sam Page's 2020 candidacy for St. Louis County Executive and whether Sam Page in fact filed either St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement with the St. Louis County Clerk at any temporal period from the time Sam Page filed for St. Louis County Executive on February 26, 2020, and until 7:00pm on November 3, 2020, the date and time the 2020 General election for St. Louis County Executive expired.

136. The same official recording or St. Louis County Clerk stamp excluded from the most recent St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Financial Transactional Statement, specifically, a stamp from the St. Louis County Clerk memorializing purported acceptance and date of filing of the same St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement purportedly filed by Sam Page before the St. Louis County Circuit Clerk and/or the Missouri Ethics Commission pursuant to section 203.220 of the St. Louis County Code of Ordinances, are present on St. Louis County Financial Statements filed before the St. Louis County Clerk by other St. Louis County Executive candidates who filed St. Louis County Financial Interest Statement and/or St. Louis County Financial Transactional Statement to qualify as a candidate for St. Louis County Executive during the 2020 St. Louis County Executive General Election cycle in the manner required pursuant to section 203.200, section 203.210 and section 203.220 of the St. Louis County Code of Ordinance.

137. Sam Page failing to properly file his St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement with a stamp issued from the St. Louis County Clerk acknowledging and memorializing the St.

Louis County Clerk's acceptance and date of filing of the same St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement purportedly filed by Sam Page before the St. Louis County Circuit Clerk and/or the Missouri Ethics Commission pursuant to section 203.220 of the St. Louis County Code of Ordinances, constitutes a failure by Sam Page to duly-file his St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission anytime after February 26, 2020, the date Sam Page filed for St. Louis County Executive for the 2020 St. Louis County Executive election cycle, and until 7:00pm on November 3, 2020, the date and time the 2020 General election for St. Louis County Executive expired, in the manner required pursuant to section 203.200, section 203.210 and section 203.220 of the St. Louis County Code of Ordinance, in order to remain a nominee for St. Louis County Executive during the 2020 St. Louis County Executive General Election.

138. St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Financial Transactional Statement purportedly filed by Sam Page before the St. Louis County Clerk and/or the Missouri Ethics Commission are void of personal financial disclosure information for the temporal periods required pursuant to section 203.220 of the St. Louis County Code of Ordinance, specifically, St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement are both required pursuant to section 203.220 of the St. Louis County Code to "cover the twelve (12) month period ending with the closing date to file for candidacy", St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement covers a temporal period that expires on December 31, 2019, and neither St. Louis County Sam Page Financial Interest Statement and/or St. Louis County Sam Page Transactional Financial Interest Statement covers any temporal period that would "cover the

twelve (12) month period ending with the closing date to file for candidacy” in the manner required by section 203.200, section 203.210 and section 203.220 of the St. Louis County Code of Ordinance, in order to remain a nominee for St. Louis County Executive during the 2020 St. Louis County Executive General Election.

139. St. Louis County Financial Interest Statement and/or St. Louis County Sam Transactional Financial Interest Statement purportedly filed by Sam Page before the St. Louis County Clerk and/or the Missouri Ethics Commission are both void of personal financial disclosure information required pursuant to section 203.220 of the St. Louis County Code of Ordinance, specifically, St. Louis County Sam Page Financial Interest Statement are required pursuant to section 203.220 of the St. Louis County Code of Ordinances to disclose:

(1) If an official, candidate or employee enumerated in subsection 1 of this section or a person within the first degree of consanguinity or affinity of such person makes a transaction with the County during the preceding calendar year having a total value in excess of five hundred dollars (\$500.00), such official, employee or candidate shall file a financial interest statement setting forth the date and substance of such transaction and the identities of the parties to such transaction. For purposes of this subsection, compensation received as a County employee and taxes, fees, or penalties paid to the County and transfers to the County for no consideration shall not be included in the five hundred dollar (\$500.00) threshold amount.

(2) If an official, employee or candidate enumerated in subsection 1 of this section has a substantial interest in any business entity making a transaction with the County during the preceding calendar year having a total value in excess of five hundred dollars (\$500.00), such County official, employee or candidate shall file a financial interest statement setting forth the date and substance of such transaction and the identities of the parties to such transaction. For purposes of this subsection, taxes, fees or penalties paid to the County and amounts paid by the County for utility service and transfers to the County for no consideration shall not be included in the five hundred dollar (\$500.00) threshold amount. An official, employee or candidate has a substantial interest in an entity if he, his spouse, or his dependent children, individually or collectively, owns ten (10) percent or more of a business entity, or an interest having a value of ten thousand dollars (\$10,000.00) or more, or if he, his spouse, or dependent children, individually or collectively, receives a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more within any calendar year from any individual, partnership, or organization.

140. St. Louis County Sam Page Financial Interest Statement purportedly filed by Sam

Page before the St. Louis County Clerk and/or the Missouri Ethics Commission is void of personal financial disclosure information required pursuant to section 203.220 of the St. Louis County Code of Ordinance, specifically, St. Louis County Sam Page Financial Interest Statement is required pursuant to section 203.220 of the St. Louis County Code to provide the names and addresses of all partners or co-participants in which Sam Page is a partner or co-participant with in any general partnership or joint venture, unless such names and addresses of all partners or co-participants in which Sam Page is a partner or participant with in such general partnership or joint venture are filed with Secretary of State of the State of Missouri, specifically, St. Louis County Sam Page Financial Interest Statement is void of the names and addresses of all partners or co-participants of Western Anesthesiology Associates INC., to which, Sam Page is a partner and/or participant in the general partnership or joint venture created by Western Anesthesiology Associates INC., as declared by Sam Page on his St. Louis County Sam Page Financial Interest Statement.

141. St. Louis County Financial Interest Statement purportedly filed by Sam Page before the St. Louis County Clerk and/or the Missouri Ethics Commission is void of personal financial disclosure information required pursuant to section 203.220 of the St. Louis County Code of Ordinance, specifically, St. Louis County Sam Page Financial Interest Statement in question filed by Sam Page is required pursuant to section 203.220 of the St. Louis County Code to disclose the general nature of business of any general partnership or joint venture Sam Page is a partner or co-participant of, specifically, St. Louis County Sam Page Financial Interest Statement filed by Sam Page is void of the the general nature of business of Western Anesthesiology Associates INC., to which, Sam Page is a partner and/or participant in the general partnership or joint venture created by Western Anesthesiology Associates INC., as declared by Sam Page on his St. Louis County Financial Interest Statement.

142. St. Louis County Sam Page Transactional Financial Interest Statement purportedly

filed by Sam Page before the St. Louis County Clerk and/or the Missouri Ethics Commission is void of personal financial disclosure information required pursuant to section 203.220 of the St. Louis County Code of Ordinance, specifically, St. Louis County Sam Page Transactional Financial Interest Statement is required pursuant to section 203.220 of the St. Louis County Code to disclose the identity of Sam Page, Sam Page's spouse, Sam Page's dependent children who hold a substantial interest (ownership of 10% of the business entity, or interest valued at \$10,000.00 or more, or from a salary, gratuity or other compensation of \$5,000.00 or more is paid per calendar year) has with St. Louis County, Missouri valued at more than \$500.00, excluding payment of taxes, fees or penalties paid to St. Louis County or transactions from St. Louis County for utilities, providing utility services, or transfers for no consideration, specifically:

a. Under reasonable belief, Sam Page failed to disclose the identity of Jennifer Page, Wife of Sam Page, who is employed by Mercy, Mercy paid Jennifer Page more than ten thousand dollars (\$10,00.00) during any relevant reporting period and St. Louis County has business transactions with Mercy substantially more than five hundred dollars (\$500.00) per any relevant reporting period.

b. Under reasonable belief, Sam Page failed to disclose the identity of Logan Page, Son of Sam Page, who is employed by Washington University, Washington University paid Logan Page more than ten thousand dollars (\$10,00.00) during any relevant reporting period and St. Louis County has business transactions with Washington University substantially more than five hundred dollars (\$500.00) per any relevant reporting period.

143. St. Louis County Sam Page Transactional Financial Interest Statement purportedly filed by Sam Page before the St. Louis County Clerk and/or the Missouri Ethics Commission is void of personal financial disclosure information required pursuant to section 203.220 of the St. Louis County Code of Ordinance, specifically, St. Louis County Sam Page

Transactional Financial Interest Statement is required pursuant to section 203.220 of the St. Louis County Code to disclose the identity of Sam Page, Sam Page's spouse, Sam Page's dependent children who hold a substantial interest (ownership of 10% of the business entity, or interest valued at \$10,000.00 or more, or from a salary, gratuity or other compensation of \$5,000.00 or more is paid per calendar year) has with St. Louis County, Missouri valued at more than \$500.00, excluding payment of taxes, fees or penalties paid to St. Louis County or transactions from St. Louis County for utilities, providing utility services, or transfers for no consideration."

144. At no relevant temporal period, from the time Sam Page filed for St. Louis County Executive on February 26, 2020, and until 7:00pm on November 3, 2020, the date and time the 2020 General election for St. Louis County Executive expired, did Sam Page in fact duly-file any St. Louis County Financial Statement or St. Louis County Financial Transactional Statement endorsed by or filed on behalf of Sam Page before the St. Louis County Clerk and/or the Missouri Ethics Commission.

145. St. Louis County Counselor Beth Orwick has the ministerial duty pursuant to sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, specifically, to order and/or seek removal of Sam Page as a 2020 General election nominee for St. Louis County Executive due to Sam Page's failure to duly-file any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page during the 2020 St. Louis County Executive General Election cycle.

146. St. Louis County Counselor Beth Orwick has failed at all relevant temporal periods to perform the ministerial duty sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485

RSMO and/or subsection 2 of section 105.492 RSMO, specifically, to order and/or seek removal of Sam Page as a 2020 General election nominee for St. Louis County Executive because Sam Page failed to duly-file any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page.

147. While the Plaintiff states the St. Louis County Counselor maintains an explicit ministerial duty pursuant to 203.230 of the St. Louis County Code of Ordinances to enforce the provisions of sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO against Sam Page, specifically, to issue an order and/or seek the removal of Sam Page as a 2020 General election nominee for St. Louis County Executive due to Sam Page's failure to duly-file St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page, in the alternative, the St. Louis County Counselor has an "implied power" pursuant to sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, to issue an order and/or seek the removal of Sam Page as a 2020 General election nominee for St. Louis County Executive due to Sam Page's failure to duly-file St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page.

148. In the alternative, the Missouri Ethic Commission has the ministerial duty pursuant to sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, specifically, to order and/or seek removal of Sam Page as a 2020 General election

nominee for St. Louis County Executive due to Sam Page's failure to duly-file any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page.

149. In the alternative, the Missouri Ethic Commission has failed at all relevant temporal periods to perform the ministerial duty sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, specifically, to order and/or seek removal of Sam Page as a 2020 General election nominee for St. Louis County Executive because Sam Page failed to duly-file any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page.

150. In the alternative, the Missouri Ethic Commission has the ministerial duty pursuant to subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO to enforce St. Louis County's compliance of sections 203.200, 203.210, 203.220 of the St. Louis County Code of Ordinances, specifically, to compel the St. Louis County Counselor by legal action to order and/or seek removal of Sam Page as a 2020 General election nominee for St. Louis County Executive due to Sam Page's failure to duly-file any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page.

151. In the alternative, the Missouri Ethic Commission has failed at all relevant temporal periods to perform the ministerial duty pursuant to subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO to enforce St. Louis County's compliance of sections 203.200, 203.210, 203.220 of the St. Louis County Code of Ordinances, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492

RSMO, specifically, to compel the St. Louis County Counselor by legal action to order and/or seek removal of Sam Page as a 2020 General election nominee for St. Louis County Executive due to Sam Page's failure to duly-file any St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page.

152. In the alternative, while the Plaintiff states the Missouri Ethics Commission maintains an explicit ministerial duty pursuant to 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, to enforce the provisions of sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO against Sam Page, specifically, to issue an order and/or seek the removal of Sam Page as a 2020 General election nominee for St. Louis County Executive due to Sam Page's failure to duly-file St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page, in the alternative, the Missouri Ethics Commission has an "implied power" pursuant to sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, to issue an order and/or seek the removal of Sam Page as a 2020 General election nominee for St. Louis County Executive due to Sam Page's failure to duly-file St. Louis County Financial Statement and/or St. Louis County Financial Transactional Statement with the St. Louis County Clerk and/or the Missouri Ethics Commission by and on behalf of Sam Page.

153. The certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners including votes casted in violation of

sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO, are legally fraudulent, unconstitutional and void *ab initio* because the 2020 St. Louis County Executive General Election results are in violation of Mo. Const. Art I, §2 and U.S. Const. Art XIV, §1.

154. The number of votes cast in violation of the Missouri Revised Statutes and the Constitution of the State of Missouri during 2020 St. Louis County Executive General Election, including, although not limited to, the aforementioned number of votes casted in violation of sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO and in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25 and U.S. Const. Art XIV, §1, are in excess of the vote difference between the Contestant and Contestee presented by the certification of the 2020 St. Louis County Executive General Election results computed by the Board of Election Commissioners.

155. The Board of Election Commissioners of St. Louis County failure to administer the 2020 St. Louis County General Election pursuant to sections 203.200, 203.210, 203.220 and 203.230 of the St. Louis County Code of Ordinances, or in the alternative, subsection 4 of section 105.485 RSMO and/or subsection 2 of section 105.492 RSMO constitute such election results certified by the Board of Election Commissioners of St. Louis County, which is also in constitutional violation of Mo. Const. Art I, §2, Mo. Const. Art VI, §25 and U.S. Const. Art XIV, §1, constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

156. By execution of appropriate discovery, Contestant seeks leave of this Court to plead further facts and evidence in support of this election contest petition.

POINT I.

ELECTION CHALLENGE

157. The Relator hereby incorporates paragraphs 1 through 156 as though fully set forth herein.

158. This Court has a constitutional duty to protect both the right to suffrage in concert with the right to free and fair elections.

159. This Election Challenge is the proper legal remedy to determine the rights of the Contestant and Contestee, such as, whether the conduct of the St. Louis County Counselor, who is employed by St. Louis County at the pleasure of the Contestee, and Board of Election Commissioners of St. Louis County constitutes irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

160. Due to the plethora of violations of election law committed by the St. Louis County Counselor and Board of Election Commissioners of St. Louis County, which exceeds millions of individual constitutional and statutory violations, this Honorable Court must balance the rights and harms of dueling constitutional obligations and determine whether a reelection authorized by 115.553 of the Missouri Revised Statutes should serve as a shield to 2020 St. Louis County Executive General Election voters who were disenfranchised the unlawful conduct by the St. Louis County Counselor and Board of Election Commissioners of St. Louis County

161. The 2020 St. Louis County Executive General Election and 2020 St. Louis County Executive General Election Certification executed by the Board of Election Commissioners of St. Louis produced irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results.

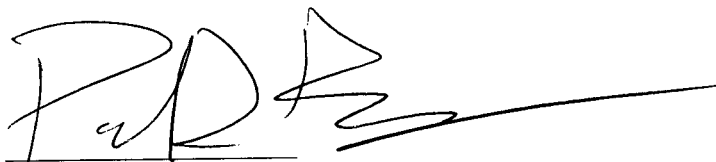
162. Contestant declares that Missouri appellate law (*Franks v. Hubbard*, 498

S.W.3d 862, 868 (Mo. App. E.D. 2016)) and a plain reading of constitutional and statutory law presents a new 2020 General election for St. Louis County Executive should be set by this Honorable Court pursuant to 115.593 of the Missouri Revised Statutes.


WHEREFORE Plaintiff pray this Court:

- A. Enter a finding of fact and conclusion of law declaring irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results;
- B. Issue an order setting a new 2020 General election for St. Louis County Executive election for pursuant to 115.593 of the Missouri Revised Statutes due to irregularities of sufficient magnitude to cast doubt on the validity of the 2020 St. Louis County Executive General Election and certification of its election results; and
- C. Order such other and further relief as is proper under the circumstances.

Verified by:


Paul Berry III

Respectfully submitted,

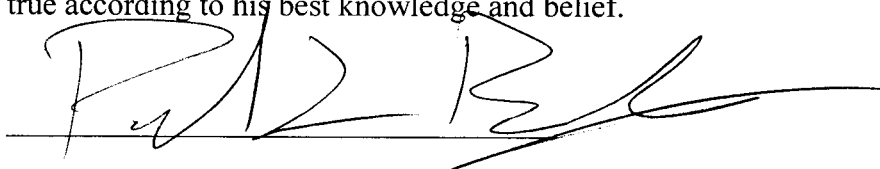

Paul Berry III
Petitioner Pro Se
11932 Barbara
Maryland Heights, Missouri 63043
Phone: (314) 755-9252

VERIFICATION OF PETITION

THE STATE OF MISSOURI

COUNTY OF SAINT LOUIS

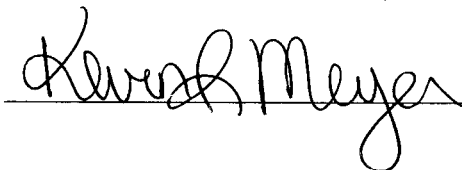
Paul Berry III, of lawful age, being duly sworn on his oath, states that he is the Plaintiff named in the attached petition and that the facts stated in the attached PETITION FOR ELECTION CHALLENGE PURSUANT TO SECTION 115.553 RSMO are true according to his best knowledge and belief.



Plaintiff

Subscribed and sworn to before me this 16th day of December, 2020.

My commission expires: 05/08/2022



Notary Public

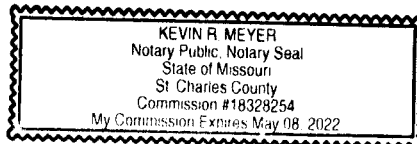


EXHIBIT LIST